

**IN THE MATTER OF AN APPEAL OF AN APPEAL UNDER s. 78 TCPA 1990**

**BY DUDSBURY HOMES (SOUTHERN) LTD**

**MIXED USE DEVELOPMENT OF UP TO 1,700 DWELLINGS INCLUDING AFFORDABLE HOUSING AND CARE PROVISION; 10,000SQM OF EMPLOYMENT SPACE IN THE FORM OF A BUSINESS PARK; VILLAGE CENTRE WITH ASSOCIATED RETAIL, COMMERCIAL, COMMUNITY AND HEALTH FACILITIES; OPEN SPACE INCLUDING THE PROVISION OF SUITABLE ALTERNATIVE NATURAL GREEN SPACE (SANG); BIODIVERSITY ENHANCEMENTS; SOLAR ARRAY, AND NEW ROADS, ACCESS ARRANGEMENTS AND ASSOCIATED INFRASTRUCTURE (OUTLINE APPLICATION WITH ALL MATTERS RESERVED APART FROM ACCESS OFF HILLBURY ROAD)**

**APPEAL REF: APP/D1265/W/23/3336518**

**LPA REF: P/OUT/2023/01166**

---

**CLOSING SUBMISSIONS OF  
ON BEHALF OF ALDERHOLT PARISH COUNCIL  
A RULE 6 PARTY**

---

**Introduction**

1. In its role as a Rule 6 Party to this Appeal, Alderholt Parish Council (“APC”) has engaged with the Inquiry in support of Dorset Council’s (“the LPA”) refusal to grant permission to the Appeal Proposal. It’s case, together with that advanced by the other Rule 6 Party - Action for Alderholt (“A4A”) has been one of making the Inquiry aware of the significant local concerns raised by residents about the prospect of a development of this size and scale being granted permission at Alderholt. Further, APC’s case has centred on the impacts that the allowance of this Appeal would have on the emerging

Alderholt Neighbourhood Plan (“the ANP”) and the local community’s vision and objectives for the future development of their settlement.

2. The Inspector is now tasked with an extensive exercise in determining this Appeal. Many of the concerns raised by the local community are concerns that were clearly shared by the LPA and A4A and addressed in their responses to the Appeal, and through their evidence and their testing of evidence, during the Inquiry sessions held over the past four weeks. APC does not wish to add to the Inspector’s task through voluminous and potentially repetitive closing submissions and so only seeks addresses the key points raised by APC during the Appeal, where it is considered that these points were not fully addressed by either the LPA or A4A. Having considered the LPA’s closing submissions provided to the Inquiry this morning, APC supports, and adopts, the points raised by the LPA, particularly in respect of spatial planning, highways and transportation, the harm to the National Character Landscape, Education and the issues identified with the proposed Local Centre.
3. In respect of A4A, APC seeks to support the points they have raised in their closing submission, where they reflect the concerns of local residents, who now have to face the risk that the village they call home will be irreversibly changed by this proposal and not, in both their and APC’s view, for the better as claimed by the Appellant.
4. These closing submissions therefore seek to address the following, key points, raised by APC in its case statement and evidence and in response to the 2 main issues identified at the outset of this Appeal by the Inspector:
  - a. The Appeal Proposal and Meeting Housing Need (Main Issue 1)
  - b. The Emerging Alderholt Neighbourhood Plan (Main Issue 2)

- c. Appropriateness of the Location of the Appeal Proposal (Dealt with under Main Issue 2).

### **The Appeal Proposal and Meeting Housing Need (Main Issue 1)**

5. Throughout this Appeal it has been agreed that there is a shortfall in the five-year housing land supply in East Dorset. There is a dispute between the Appellant and LPA as to the extent of the shortfall and the Inspector can expect to be addressed by those parties in respect of that. Regardless of this, the Appeal has to be considered in the context that a shortfall exists.
6. Accepting that the shortfall and its extent is a key consideration of this appeal, APC, through the evidence of Jo Witherden<sup>1</sup>, has sought to draw the Inspector's attention to the steps being undertaken by the LPA to address the shortfall and the guidance provided by the Court of Appeal in *Hallam Land Management Ltd v SSCLG et Anor* [2018] EWCA Civ 1808<sup>2</sup> at [51] in respect of how the Inspector should assess the weight to be given to the benefits of the Appeal Proposal in the light of the LPA's efforts to address that shortfall.
7. Further to the steps identified by Ms. Witherden in her evidence, the Inspector will also be aware that the LPA is working towards confirming its Annual Position Statement in respect of housing supply.<sup>3</sup>
8. Para [51] of *Hallam Land Management* provides that:

---

<sup>1</sup> CDG.026 Ms. Witherden PoE at [3.14]- [3.22]

<sup>2</sup> <https://www.bailii.org/ew/cases/EWCA/Civ/2018/1808.html>

<sup>3</sup> CDG.002 PoE of Claire Lynch at [5.10]-[5.12]

*“...the policies in paragraphs 14<sup>4</sup> and 49 of the NPPF do not specify the weight to be given to the benefit, in a particular proposal, of reducing or overcoming a shortfall against the requirement for a five-year supply of housing land. This is a matter for the decision-maker's planning judgment, and the court will not interfere with that planning judgment except on public law grounds. But the weight given to the benefits of new housing development in an area where a shortfall in housing land supply has arisen is likely to depend on factors such as the broad magnitude of the shortfall, how long it is likely to persist, what the local planning authority is doing to reduce it, and how much of it the development will meet” (*emphasis added*)*

9. It is clear, therefore, that in the determination of this appeal, the Inspector is entitled to take into account a range of factors and is invited by APC to do so. This may include the steps taken by the LPA in looking to reduce the shortfall, the potential that this shortfall is short-lived when considered at a Dorset-wide level (given the draft Annual Position Statement), the local housing need and evidence of supply in relation to Alderholt, and the extent to which this appeal would deliver homes in the short-term when land could be released from the Green Belt or elsewhere in Dorset by 2027. APC does, of course, acknowledge that housing need is only one factor that the Inspector has to assess when looking to balance the claimed benefits of the Appeal Proposal.

---

<sup>4</sup> Now para 11 of the NPPF

## **The Emerging Alderholt Neighbourhood Plan (Dealt with Under Main Issue 2)**

### *Weight to be Applied to the Emerging ANP<sup>5</sup>*

10. Whilst policies in emerging plans do not have the same force as those found within adopted development plans, they are material considerations. Para 48 of the NPPF provides advice in circumstances where a Decision Maker has to decide as to how much weight to apply to relevant policies within an emerging development plan.
11. The Inquiry has received evidence from APC in respect of the emerging ANP<sup>6</sup>. A Topic Paper<sup>7</sup> and Supplemental Paper<sup>8</sup> have also been provided to the Inquiry by APC, prepared on its behalf by Ms. Witherden.
12. The ANP has been progressing towards examination throughout this appeal. As of the date of these submissions, it has been through its Regulation 16 Consultation and has now been submitted to the Examiner. APC does, of course, undertake to update the Inquiry as the examination of the ANP progresses.
13. APC and the LPA considered from the outset of the Appeal that the ANP had reached an advanced stage<sup>9</sup>. Initially this was not accepted by the Appellant<sup>10</sup>, however at the

---

<sup>5</sup> CDD.032 Reg 16 Draft ANP

<sup>6</sup> CDG.026 Ms. Witherden PoE at [4.59]- [4.73] and [6.41]-[6.42]; and CDG.024 Cllr Logan PoE at [22]-[28]

<sup>7</sup> CDG.037 NP Topic Paper updated July 2024

<sup>8</sup> Reference not available at time of drafting, but submitted to PINS

<sup>9</sup> CDG.037 NP Topic Paper updated July 2024 at [1.5]

<sup>10</sup> Ibid

point at which he gave oral evidence, Mr. Jacobs accepted on behalf of the Appellant that it was correct to describe the ANP as having reached an advanced stage.

14. To assist the Inspector in considering para 48, Ms. Witherden, in her evidence (oral and written) set out her approach to the considerations involved in assessing the weight to be applied to the ANP<sup>11</sup>. To further assist, she summarised her views in a table to her PoE<sup>12</sup> which was updated following the close of the Regulation 16 consultation and the publication, and analysis, of the consultation responses. That updated table, together with the analysis of consultation responses, can be found in the Supplemental Paper<sup>13</sup>.

15. In fairness to Mr. Jacobs, he did, in evidence, confirm that he had not had an opportunity to consider this updated material however, the initial assessment was provided by Ms. Witherden within her original PoE<sup>14</sup> and it is disappointing that he appeared to have not considered this and was unable to, and did not, express a view on Ms. Witherden's original assessment. That is now a matter for the Inspector, but it is clear that at this stage some weight should be applied to the emerging ANP and the policies within it. Ms. Witherden's updated assessment can be found at [4.1] of the Supplemental Paper<sup>15</sup>.

16. Mr. Jacobs did accept in his oral evidence that the policies listed at [2.1] of the Supplemental Paper<sup>16</sup> were potentially relevant in respect of this Appeal and identified

---

<sup>11</sup> CDG.026 [4.65]- [4.70]

<sup>12</sup> CDG.026 Figure 5

<sup>13</sup> Reference not available at time of drafting, but submitted to PINS

<sup>14</sup> CDG.026 Figure 5

<sup>15</sup> Reference not available at time of drafting, but submitted to PINS

<sup>16</sup> Ibid

limited conflicts arising in respect of Policy 7 (on the basis the development was outside of the village envelope) and Policy 16 (if expansion was needed at the School Playing Field, this could potentially be a conflict with that field's Local Green Space designation).

17. In respect of the ANP, Mr. Jacobs through his PoE<sup>17</sup> and oral evidence sought to persuade the Inquiry that the emerging ANP did not seek to restrict development of the Appeal site, save through the maintenance of limited changes to the settlement boundary or that it did not attach any particular value to the Appeal site in its undeveloped form. APC's position (as expressed to Mr. Jacobs in cross-examination) is that this is incorrect. Whilst it is true that the ANP does not specifically reference the Appeal Site, it does contain a policy that seeks to resist the release of unallocated greenfield sites outside of the village envelope in circumstances where the ANP's identified housing target should be met over the plan period and where the identified supply exceeded that need (Policy 7). Furthermore, there are key landscape features - the character of the lanes approaching the village, the sense of tranquillity of the countryside, and the dark night skies as appreciated outside of the village - that this development would harm and which the ANP seeks to protect (under Policy 17).

18. Further, in his criticisms of the approach to housing need that the emerging ANP takes, Mr. Jacob's sought to criticise it on the basis it had been prepared in a "*...strategic planning vacuum*" and that the "*very limited provision for new housing*" did not address the scale of unmet need in Dorset.

---

<sup>17</sup> CDG.009 at [

19. The ANP was prepared at a time when the Draft Dorset Council Local Plan (“DDCLP”) was being progressed. Development at Alderholt had been considered as part of the work towards the DDCLP and the Inquiry was taken to CDD.016 Parts 1 and 2. Part 2 sets out, at s.18<sup>18</sup> two visions or options for Alderholt – the first being for small scale development, primarily meeting local need, and the second for significant expansion, resulting in Alderholt becoming a “self-contained town” – in effect, transformation growth at a RSC.
20. The DDCLP set out its vision for the Spatial Strategy for Dorset<sup>19</sup>. DEV2 sets out the proposed policy for Growth in the South East Dorset Functional Area<sup>20</sup>. That draft policy placed no reliance on growth at Alderholt, which is why the third option, referenced in Ms. Witherden’s oral evidence and evidenced the ANP at its Appendix 2 [A1.19], refers to a figure for Alderholt of 192 dwellings.
21. Ms. Witherden, in her PoE<sup>21</sup> and oral evidence, sought to explain how the indicative housing figure of 192 for the ANP<sup>22</sup> had been calculated and agreed with Dorset Council. The indicative figure of 192 found within the emerging ANP happened to equate to the Reg 18 target found in the DDCLP (albeit covering a shorter period), but in effect was based on a much wider range of evidence, including the affordable housing register, past build rates, and the latest housing needs assessment pro-rata’d to reflect the settlement size, and had taken the upper end of the resulting range as a basis for its

---

<sup>18</sup> CDD.016 Part 2 at Page 107

<sup>19</sup> CDD.016 Part 1 at Page 29 [2.6]

<sup>20</sup> CDD.016 Part 1 at Page 31

<sup>21</sup> CDG.026 at [3.5] and Appendix A13

<sup>22</sup> CDD.032 at [4.1.3]



target, an approach endorsed by Dorset Council at that time, and continued to be supported at Regulation 16.

22. Further, even without the DDCLP progressing, the existing Core Strategy is still relevant, if out of date, when considering the emerging ANP. APC simply do not accept the criticism made by Mr. Jacob's that the ANP has been prepared in a strategic planning vacuum.

23. Returning to the conflicts identified with the policies found within the emerging ANP, Mr. Jacobs did not concede (not unsurprisingly) any other conflicts in respect of those policies listed in Figure 4 of Ms. Witherden's PoE<sup>23</sup>, largely favouring the claimed benefits of the Appeal Proposal and its "landscape led design" as reasons as to why conflicts did not exist.

24. However, those main conflicts identified by Ms. Witherden in Figure 4 are maintained by APC and it is for the Inspector to assess those conflicts, whether they exist and the weight to apply to them. APC's position is that the Inspector should accept that those conflicts exist and then apply the same weight to them as Ms. Witherden has in her Figure 5, as updated at [4.1] of the Supplemental Paper.<sup>24</sup>

### *Prematurity*

25. A further issue in respect of the emerging ANP has been prevalent throughout this appeal and that is in respect of the impact on the emerging ANP that allowing this appeal would have upon it.

---

<sup>23</sup> CDG.026 at [4.64].

<sup>24</sup> Reference not available at time of drafting, but submitted to PINS

26. The NPPF at paras 49-50 sets out the limited circumstances in which a refusal of a planning permission can be justified. Para 49 provides that such circumstances may arise where both:

*a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*

*b. the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

27. Para 50 sets out that a refusal on the grounds of prematurity will seldom be justified where a local plan has not been submitted for examination, or, in the case of a NP before the end of the LPA's publicity period on the draft plan. The Inquiry has heard that the ANP has now been submitted for examination. Further, the ANP's publicity period on the draft plan has also now ended – it did so on the first day of the Inquiry.

28. In respect of the two limbs of para 49 – Mr. Jacob's acceptance in his oral evidence that the emerging ANP is now at an advanced stage, means that the Appellant, LPA and APC are all in agreement – and limb b) is therefore satisfied (if the Inspector agrees).

29. In respect of 49(a) – Ms. Witherden in her PoE<sup>25</sup> explains her view as to why the Appeal Proposal, if granted permission, would undermine the emerging ANP – setting out that:

*“...a development of this scale, which exceeds the Neighbourhood Plan housing target nearly ninefold, introduces a local centre away from the area identified in the*

---

<sup>25</sup> CDG.026 at [4.72]

*Neighbourhood Plan, and allocates completely different sites to those being promoted in the Plan, would undermine the plan-making process by predetermining the amount, type and distribution of development in the area”.*

30. Mr. Jacobs, in his PoE<sup>26</sup> and oral evidence rejected the notion that the Appeal proposal could be said to undermine the plan making process, simply claiming that the change of circumstances that would arise from the Appeal would still achieve the vision set out in the ANP and would not turn it into a town. However, the Appellant’s response to the Regulation 16 consultation<sup>27</sup> demonstrates that it must accept that should its Appeal Proposal be granted permission, then it will have fundamentally undermined the ANP making process.

31. At [2.10] of its response, drafted on behalf of Dudsbury Homes by Mr. Jacobs’ colleague at Intelligent Land, Mr.Trueick, the Appellant’s position is clear when it confirms:

*“...should the upcoming appeal be allowed, it will effectively create the need to entirely redraft much of the Neighbourhood plan...”*

32. To assist the Inspector, Ms. Witherden has identified in her evidence<sup>28</sup> a single, comparable, Appeal Decision (APP/Q3630/W/20/3253944) and the Inspector is invited to consider the approach taken by Inspector Baird in that Appeal when considering the Appeal that is the subject of this Inquiry.

---

<sup>26</sup> CDG.009 at [8.52]

<sup>27</sup> Appendices to the Supplemental Paper. Reference not available at time of drafting, but submitted to PINS

<sup>28</sup> CDG.026 at [4.73] and Appendix A16. Paragraphs 5 - 8 and 26

33. In her PoE<sup>29</sup>, Cllr Logan explains the reasons for the desire within Alderholt for the ANP. She explains (at [26]) her understanding of the aspirations of the ANP and how it seeks to address the concerns and wishes of the residents of Alderholt to influence the future development of Alderholt in a measured and structured way and looking to retain the valued village and rural ambience. Ms. Witherden, at [4.22]-[4.24] of her PoE<sup>30</sup> sets out the results of the engagement with the residents of the village and confirms (at [4.24]) that the factors identified by the residents influenced the vision and objectives for the ANP, set out at [1.5] of the ANP<sup>31</sup>.

34. Inspector Baird identified, at [5] of the Appeal Decision found at A16 of Ms. Witherden's PoE that:

*“...The objective of neighbourhood planning is to give communities the power to develop a vision for and shape the development of their area. Amongst other things, Neighbourhood Plans enable a community to choose where it wants new homes to be built, what they should look like and what infrastructure should be provided. Neighbourhood Planning is a key part of the development plan process and it is important that the community retains confidence in the process and the ability to shape their neighbourhood.”*

35. In response to questions put in cross-examination, Mr. Jacobs (rightly, in APC's view) agreed with Inspector Baird's succinct encapsulation of the objective of neighbourhood planning.

---

<sup>29</sup> CDG.024 at [22]- [28]

<sup>30</sup> CDG.026

<sup>31</sup> CDG.032

36. It is clear to APC, that not only would the grant of permission to the Appeal Proposal undermine the plan making process in respect of the ANP, and shape the future of the village in an entirely different mould to that put forward by the community, it would also remove any confidence that the community at Alderholt could have in the plan making process and, in particular, the ability they have to shape their own neighbourhood. Whilst the main concerns are with the scale and location of the proposed development, and its impact on the character and functioning of the village, the prospect of the ANP ‘development management’ style policies on matters such as design will not necessarily be considered through the Design Code that would be dealt with through the discharge of conditions, as noted at the RTS on S106 and conditions.

#### **Appropriateness of the Location of the Appeal Proposal (Dealt with under Main Issue 2)**

37. Main Issue 2 identifies a number of sub-issues that the Inspector has now received evidence. Having considered the issues that still remain in dispute, APC considers that the objections to the Appeal proposal still held by the LPA remain valid. As set out earlier in these closing submissions, it does not seek to repeat (where possible) the points made by the LPA.

38. However, it does wish to draw to the Inquiry’s attention to its position in respect of a number of sub-issues.

39. From the outset, APC has always viewed the Appeal Proposal as being significant over development at Alderholt – over development that has had scant regard to the infrastructure and mitigation needed to bring it forward successfully and without introducing significant adverse impacts at Alderholt, that will only serve to make the lives of those who currently reside and work in Alderholt a misery and will do so for those who may eventually live in the new development if this Appeal is allowed. APC

agrees with the LPA's assessment, set out in its opening<sup>32</sup>, that the Appeal proposal is  
*"...the wrong size, in the wrong place"*

40. The Appellant has, throughout its application and appeal, claimed that a number of benefits arise through the design of its proposal as a whole. However, there are difficulties with this claim. This proposal is being advanced by way of an outline application. As such much of the design from which the claimed benefits are derived rely on the delivery of Mr. Worsfield's design through reserved matters applications - seemingly to be made by multiple developers during different phases. Mr Worsfield was clear, in his oral evidence that to move an element of the design risks "unplugging" the other elements. APC understands this, "unplugging" an element will undermine the benefits said to arise from the design as a whole. It is clear that potential for some "unplugging" will arise – both within the appeal site and across the existing village – for example the potential relocation of the school or how the loss of the existing Co-Op or public house will impact on the character of Station Road and the way the village functions – something which is of concern to the local residents.

41. There is simply no guarantee that the design as a whole will be delivered or in a way that it could be said that all of the envisaged benefits will come forward as seemingly intended.

42. All three opposing parties to this Appeal have raised concerns about the location, and sustainability of what is proposed, in their responses to this Appeal. APC's concerns in respect of the location were predominantly set out in evidence from Ms. Witherden in (Section 4 of her PoE) and Cllr. Logan. Of key concern to APC are the impacts on

---

<sup>32</sup> CDK.005 at [3].

transport, impacts of the development on the character of the area and village, education and employment provision and the loss of BMV.

43. Alderholt is categorised as an RSC for the purposes of the Core Strategy<sup>33</sup> in Policy KS2<sup>34</sup>. The Appeal Proposal clearly seeks to “impose” a greater level of development than envisaged under KS2 – and in oral evidence Mr. Jacobs agreed that it would be important to identify the most important policies, and that a policy conflict with Policy KS2 would be significant. In Ms Witherden’s PoE she also draws the Inspector’s attention to conflicts with the associated policies that relate to the settlement hierarchy, including KS4 and KS9<sup>35</sup>.

44. During his, Mr Jacobs accepted that the proposals were not intended to change the status of the village to a higher tier settlement. Yet the resulting population size would clearly align with the higher tier settlements as referenced in Ms Witherden’s PoE<sup>36</sup>

45. Whilst ordinarily additional facilities in a proposal would be considered to be beneficial, for a proposal of this scale, APC does not consider those additional facilities, claimed as benefits, add much, if anything, to those facilities that already exists within Alderholt and, rather, could serve to undermine those that already exist – see Cllr Logan’s PoE at [4.3] and by way of further example A4A have given evidence about, and questioned witnesses, concerning the loss of the Co-Op (and associated Post Office and cash point) should another convenience store be introduced. In essence, the Appellant offers the bare minimum in an attempt to “sell” its quantum of residential

---

<sup>33</sup> CDD.001

<sup>34</sup> CDD.001 at [4.8] (PDF page 27)

<sup>35</sup> CDD.026 paragraphs 4.3-4.4, 4.29 and 6.1

<sup>36</sup> CDD.026 paragraph 4.8 and Figure 1

property as a sustainable proposition. It is notable that the Appellant has advanced an argument throughout this Inquiry that there is a need to make Alderholt “more” sustainable. APC does not consider that it has heard any evidence that supports the idea that this is necessary (in the way proposed) nor that it will happen. Mr. Jacobs accepted in oral evidence that there would be duplication of existing facilities as a consequence of larger population. Yet some facilities, such as nursery provision outside of term time, do not appear to have been considered in the Appellant’s proposals and would not necessarily be provided<sup>37</sup>. The position, as set out in Cllr. Logan’s PoE at [48] remains true in APC’s view – “...*what is being proposed by the Developer doesn’t add substantially to the services already provided in the village by the existing facilities (with the exception of healthcare) and may well negatively impact on existing provision of services and facilities*”.

46. The Appellant’s proposed Local Centre, aside from detracting from the emerging ANPs aspiration of focusing such uses along Station Road where the level of passing trade would be greatest (Policy 8), does not, in APC’s view, provide the step change that would create the number and range of facilities similar to those found in Fordingbridge, Verwood and Ringwood. People and businesses will remain attracted to higher tier settlements and Alderholt residents will largely use private transport to access the greater range of facilities in those settlements<sup>38</sup>

---

<sup>37</sup> CDD.026 paragraphs 4.46

<sup>38</sup> See CDG.024 PoE of Cllr Logan at [48] and CDD.026 paragraphs 4.38 – 4.42



## *Transport*

47. Given APC's concerns that the Appeal Proposal would result in more people travelling by private car out of Alderholt, as evidenced by the overall increase in local road traffic despite the Appellant's claims of greater self-containment, and the impacts of traffic on the local road network, the constraints on the local road network have been a key concern for APC and, indeed, the locals as explained further by A4A. Mr Rand's oral evidence confirmed his view that the existing settlement is not sustainable or well-located because of the limited services and facilities, reliance on the car, and that post development it would still have a limited range of facilities -no supermarket, no cultural facilities, no secondary school. Both the LPA and APC called expert evidence from highly experienced Transport Consultants to explain to the Inquiry the difficulties with imposing a development of up to 1700 homes and associated development at this location. Both transport experts considered Alderholt not to be sustainable and, contrary to the claims by the Appellant, would introduce a large settlement that would place a significant reliance on private vehicular transport. Mr. Baker, for APC, was clear that nothing he had seen during the Inquiry had caused him to change his mind in respect of the conclusions he had reached as set out at Section 5 of his PoE<sup>39</sup>

48. Claimed improvements to sustainable modes of transport, APC considers not to be improvements at all or, if they are, to be marginally improved, but not to an extent that would make them appealing to encourage the modal shift that the Appellant contends will happen.

---

<sup>39</sup> CDG.027 PoE of Mark Baker

49. The improvements needed to the road network to enable it to cope safely with the increased population have not been presented with any certainty that they can be delivered. This is particularly true in respect of the areas of road that require widening and where the Appellant (through oral evidence given by Mr. Rand in response to questions from the Inspector) accepted that some areas of the road could not be widened – a point of concern to Mr. Fitter<sup>40</sup> or, where the RSAs<sup>41</sup>, submitted during the Inquiry, served to confirm to the HA that elements of what is proposed are not considered to be safe or acceptable – particularly in respect of where the “alternative cycle route” would meet Hillbury Road<sup>42</sup>.

50. Further, in respect of the “alternative” cycle route from Alderholt to Fordingbridge, utilising the E34/6<sup>43</sup> it is disheartening to have heard Mr. Rand accept, in oral evidence, that “parts” of the route would be substandard – i.e.: not in conformance with the minimum widths found in LTN1/20<sup>44</sup>, but that this did not really appear to matter as it would be of a better standard to that which already existed or would be better/more appealing to the route along the carriage. APC considers, and Mr. Rand accepted, that a substandard route was likely to be less attractive to users. The LPA’s position is that the substandard route identified in the TAA is totally unacceptable – see in particular the email dated 21<sup>st</sup> May 2024 from Christopher Peck, Principal Transport Planner at

---

<sup>40</sup> CDG.039 Rebuttal PoE of Richard Fitter at [2.5]

<sup>41</sup> CDK.018-020 – Stage 1 RSAs

<sup>42</sup> CDK.019 Stage 1 RSA – Appendix C, Page 26 at 4.4.1

<sup>43</sup> CDA.098 TAA at [3.25]-[3.28]

<sup>44</sup> CDF.019 at [5.5]

the LPA, found at Appendix RF-C of Mr. Fitter's PoE<sup>45</sup> and, indeed, Mr. Fitter's conclusions in his Rebuttal Proof at [2.6]<sup>46</sup>.

51. Whilst the Appellant claims to have taken the opportunities it can through the Appeal Proposal to maximise sustainable transport solutions, such opportunities are clearly few and far between due to the location, environmental constraints and the nature of the local road network and travel patterns. Just because the Appellant claims to have met that which is required under NPPF 109 does not in and of itself render the Appeal Proposal acceptable.

52. APC considers that, in line with Mr. Baker's conclusion at [5.6] of his PoE, the Appeal Proposal "*...simply and manifestly fails all of the three tests contained within the [NPPF] at paragraph 114, and in addition paragraphs 115 and 116*". This, alone, provides a justified reason to dismiss this Appeal – on the basis of RfR 7.

### *Character*

53. What is proposed in this Appeal will fundamentally alter the character of Alderholt, something that the emerging ANP has sought to guard against. Ms. Witherden's evidence on this point can be found at [4.26] of her PoE. Her conclusion on the impact that the Appeal Proposal will have on the character of the village can be found at [4.74] of her proof, and is as follows:

*"The scale of this development will have a notable impact on the character of the village and its surrounds, which in my opinion will be harmful; with the built-up area*

---

<sup>45</sup> CDG.004 PoE of Richard Fitter – see also Mr. Fitter's Rebuttal PoE at [2.6]

<sup>46</sup> CDG.039

*increasing by approximately 60%, areas of comparably high density development, a change to the character of Ringwood and Hillbury Roads and their relationship with the countryside (as experienced by users of those roads), more traffic on the wider rural roads, more activity in the remaining countryside immediately adjoining the village, and a shift in the functional centre of the village away from its historic focus along the B3078 Daggons Road / Station Road, which is and always has been the historic focus of these activities”*

### *Education*

54. Adequate education provision is critical in respect of this level of proposed development at Alderholt. Surprisingly, therefore, this has been something of a moving target throughout this Inquiry. As it stands, there are two options, it seems, for the Education provision to be delivered by the Appellant. Neither seem to APC to be acceptable and concerns remain as to whether they will be deliverable, when they will be delivered, and if they will serve to meet the need introduced by the Appeal Proposal, together with the existing need. There will be a need, in APC’s view, for large numbers of children to be schooled outside of Alderholt, and this is clearly not adequately addressed in this proposal.

55. In so far as APC understands what is being proposed, and how it will impact on the way in which an expanded Alderholt would function, APC’s position remains as per Ms. Witherden’s PoE at [6.17] and, indeed, the position taken by the Inspector in the Chilcompton Appeal Decision<sup>47</sup> at [62]. The sustainability credentials of this Appeal

---

<sup>47</sup> CDG.026 at Appendix 17

Proposals are a critical issue in this Appeal and should have been resolved at an earlier stage.

56. Increasing the school provision on site would result in a substandard provision in APC's view, with a potential need to provide playing fields for the expanded school off site. Relocating the school elsewhere risks "unplugging" an element of the design, a concern accepted by Mr. Worsfeld in his oral evidence.

### *Employment*

57. With reference to Ms. Witherden's PoE at [4.48], it is clear that the employment provision proposed is significantly less than it really should be. To make it sufficient, it would need to be increased by a factor of 2.5 to meet the needs of the expanded village<sup>48</sup>. Mr. Jacobs, suggested in response to questions posed in cross-examination, that the amount could be increased through the RMA stages – or even reduced. It is claimed to be an appropriately level of employment for the scale of the development, but APC cannot see how it can be considered to be sufficient.

### *BMV*

58. Ms. Witherden gave evidence in respect of the loss of BMV and whether that had been assessed by the Appellant (see her PoE at [6.35]-[6.38]). Her concern, and that of APC, is that no detailed appraisal has been carried out in respect of the grade of farmland to be lost to this proposal. Mr. Mound, in his PoE<sup>49</sup> exhibits a letter from Symonds and Sampson dated 19<sup>th</sup> April 2024 to the Appellant. As far as APC can see,

---

<sup>48</sup> See CDG.026 at [4.48]

<sup>49</sup> CDG.015

this is the only appraisal of the grade of farmland to be lost. It is accepted that Symonds and Sampson had only undertaken a “*brief visual inspection*” but in doing so have concluded that the area was predominantly Grade 3a land. That “brief visual inspection” is all APC have seen in this Appeal of any assessment of the land. This will be a matter for the Inspector to consider when undertaking the planning balancing exercise.

## **Conclusion**

59. This is an ill-thought-out proposal for development at Alderholt. It appears to derive from a mix of “Option 1” and “Option 2” considered in the DDCLP, which far exceeds the scale envisaged under Option 1 which was proposed to deliver some employment and improved community facilities, and falls far short of Option 2 which proposed significant growth to provide the facilities would also be necessary to enable everyday needs to be met, including the provision of new schools across all tiers and a new ‘town centre’. The appeal has been brought forward as a planning application due to the “less favourable” view that the LPA started to take in respect of the idea of including Alderholt as a strategic growth location in the DDCLP – which, as by Mr. Jacobs in response to questions posed by the Inspector, was part of the reason for not seeking formal pre-application advice from the LPA’s Development Management Team. It is a proposal that would be more appropriately considered and tested by way of a site allocation in a Local Plan, with timely input from the local community and service providers, as it appears to have originally been envisaged.

60. The claimed improved sustainability and benefits have been overstated by the Appellant. In any event, they are too dependent on a design being delivered as a whole,

something which cannot be guaranteed through an outline application and a series of reserved matters applications.

61. This risk, at this stage, in granting permission to this outline application is that Alderholt will be left with an uncertain future, potentially culminating in a development that looks very little like the eye catching and romanticised images produced by Mr. Worsfeld, which were so prominently displayed throughout the duration of these Inquiry sessions. The vision for Alderholt that local residents wish to have would also be lost.
62. In applying NPPF 11(d) it is clear that the benefits, overstated as they are, that would arise from this Appeal Proposal, are significantly and demonstrably outweighed by the adverse impacts identified by the LPA, APC and A4A, when assessed against the NPPF.
63. There are sufficient reasons to justify refusing permission, based on the planning balance, notwithstanding the quantum of housing need that the proposal could address:
  - a. In respect of the impacts on the local road network, the Appellant has been unable to demonstrate that the improvements needed to the road network can be delivered or delivered safely and to an acceptable standard. Opportunities to maximise sustainable transport solutions are far and few because of the site's location, environmental constraints, the nature of the road network and travel patterns. The Appellant has failed to demonstrate that the Appeal Proposal will reduce the need to travel and/or offer a genuine choice of sustainable modes of transport. The Appeal could justifiably be dismissed on the basis of non-compliance with NPPF 109 and 114-115

- b. The Appeal Proposal is far in excess of the appropriate level of development for an RSC as envisaged in policy KS2 and supported by KS4 and KS9. The Appeal Proposal does not seek to reinforce Alderholt's role as an RSC, but rather attempts to transform it into, or put it onto an equal footing with, a higher tier settlement – without bringing forward the level of infrastructure to support such a change, such as a sufficient amount of employment land use. This is contrary to the settlement strategy of the Local Plan which remains relevant and is supported by NPPF 74. In doing so, it would completely transform the character of the settlement, in a way that APC considers would not be sympathetic with its local character, history or landscape setting (NPPF 135).
- c. Sufficient education provision is not provided to support this level of growth at Alderholt. In respect of education, what is proposed is unclear, given the state of “flux” of this issue. This is contrary to NPPF 99(b).
- d. Allowing this appeal would fundamentally undermine the plan making process in respect of the emerging ANP, for the reasons given by Ms. Witherden in her evidence, and indeed a grant of permission would fundamentally impact on the local community's faith in the neighbourhood plan making process. The appeal could justifiably be refused on grounds of prematurity, as per the circumstances envisaged in NPPF 49.
- e. Adequate regard has not been paid to the loss of BMV land in the appeal proposal. The Inspector cannot be satisfied that such loss would be justified taking into account footnote 62 of the NPPF that requires such loss to be both necessary and not deliverable within areas of poorer quality land.



64. The Inspector is invited to dismiss this appeal

Simon Bell

Counsel

19<sup>th</sup> July 2024