



Durley Parish Council

Clerk: Mrs. Anne Collins
Telephone/Fax: 01489 860236

e-mail address: clerk@durleyparishcouncil.gov.uk

"Homefield"
Kytes Lane
Durley
Southampton
SO32 2AE

18th May, 2026

Dear Planning Inspector,

Attached is an Objection from Durley Parish Council relating to Planning Appeal: 6005642

Yours faithfully,

Anne Collins (Mrs)
Clerk to Durley Parish Council



The Planning Inspectorate,
c/o QUADIENT,
69 Buckingham Avenue,
Slough.
SL1 4PN

Durley Parish Council — Representation in objection (Appeal 6005642)

Durley Parish Council

DURLEY PARISH COUNCIL

Representation in objection to the planning appeal

To: The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol BS1 6PN

Appeal reference: 6005642

Appeal against: the refusal of outline planning permission by Eastleigh Borough Council on 24 December 2025

LPA reference: O/25/99534

Appellants: Southern Strategic Land Two LLP; Mr J Denham; Ms S George & Ms H Baston
(agent: *Twenty5 Planning Ltd*)

Site: Land at Denham's Corner, Snakemoor Lane, Eastleigh SO32 2BW

Description: outline application for up to 150 dwellings (with 40% affordable), vehicle and cycle access from Snakemoor Lane, pedestrian and cycle access from Botley Road, a sustainable transport hub, public open space and a play area; with all matters reserved except access

Procedure requested by the appellant: Public Inquiry

1. INTRODUCTION

1.1 Durley Parish Council ("the Parish Council") is the parish authority for the village of Durley, which lies immediately to the east of the appeal site along Snakemoor Lane. Snakemoor Lane is the principal approach into Durley village from the west and the appeal site adjoins it. The appeal site itself lies just outside the Durley parish boundary, but the proposed development would have direct and material effects on Durley and its residents: on the lanes Durley residents use (in particular Snakemoor Lane itself and the public footpath FP719, which becomes Durley FP15 within the parish), on the landscape setting of the western approach into Durley, and on the everyday character and amenity of the village and its outlying properties. The Parish Council objected to the application at the application stage and now objects to the appeal.

1.2 This representation is made in response to the appeal lodged by Southern Strategic Land Two LLP and others against the refusal of application O/25/99534 by Eastleigh Borough Council on 24 December 2025. The Parish Council requests that the Inspector dismiss the appeal.

2. SUMMARY OF THE PARISH COUNCIL'S POSITION

2.1 The appeal should be dismissed for the following reasons.

2.2 First, in 2022 an Inspector dismissed an appeal for housing on the land directly opposite this site, on the same Snakemoor Lane, at the same Denham's Corner roundabout, on essentially the grounds the Borough Council has used here. That appeal (EBC ref F/20/87925; APP/W1715/W/21/3283337) was for only 5 wheelchair-accessible dwellings and carried a specialist-housing benefit to which the Inspector gave "significant" weight; it was decided when the Borough had a five-year housing land supply; and the Highway Authority had no objection. The Inspector still dismissed it. The present scheme is the same location writ thirty times larger, with a weaker benefit case, with an unresolved Natural England objection under the Habitats Regulations, and with a Highway Authority that twice declined to recommend the application and was preparing reasons for refusal. The 2022 Inspector's reasoning applies with greater, not lesser, force to the present proposal.

2.3 Second, the Borough Council's Officer found that the breach of Policy S1(e) (car-dependency) was "alone... sufficient as a justified reason for refusal" (Delegated Report ¶131). The appellant has no answer to the routes problem; it admits in its Statement of Case (¶9.1.3) that it cannot widen the Botley Road footway towards Horton Heath beyond Blind Lane "due to third party landownership," so its "improved route" stops short of the very services it relies on. The Borough Council's pre-application response (Q/24/98539, 7 March 2025, produced as Appendix A by the appellant itself) put the same point in terms: residents "would be highly reliant on the private car, which would be contrary to Local Plan and national policy objectives for sustainable travel."

2.4 Third, the proposal would harm the intrinsic character and appearance of a transitional, semi-rural landscape that contributes to the setting of both Horton Heath and Durley village. The Officer accepted the LVIA as "a fair assessment" but rejected its conclusion of "limited" impact, finding that *"no level of additional tree or landscape planting will be sufficient to hide the built form of dwellings sitting at the top of the slope, even with the backdrop of the neighbouring woodland"* (¶143). The Council's Landscape Consultant and Urban Design Officer each lodged an in-principle objection.

2.5 Fourth, the Highway Authority is not in a position to support the scheme. Hampshire County Council, as Highway Authority, twice declined to recommend the application (25 July 2025 ref 057055; 30 October 2025 ref 058060) and was preparing reasons for refusal; its 30 October 2025 letter expressly invited the LPA to come to the Highway Authority for reasons for refusal if it was minded to determine the application. The junction modelling was, in the Highway Authority's own words, "not optimised", and the mitigation case depends on the uncommitted One Horton Heath strategic site.

2.6 Fifth, Natural England has objected that the proposal will have an adverse effect on the integrity of the New Forest SAC / SPA / Ramsar site from increased recreational disturbance, that on the available evidence "no adverse effects on the integrity of the New

Forest designated sites" cannot currently be concluded through an appropriate assessment, and that the Borough Council's interim mitigation strategy is "an unproven mitigation approach... with a significant level of uncertainty regarding its effectiveness." That objection engages the Conservation of Habitats and Species Regulations 2017 (Regulations 63 and 64) and NPPF footnote 7 / ¶11(d)(i). As competent authority, the Inspector may grant permission only if able to conclude, beyond reasonable scientific doubt, that there would be no adverse effect on the integrity of those European sites; in reaching that conclusion the Inspector must have regard to Natural England's advice. On the present evidence, the Parish Council submits, that test is not met and a clear reason for refusing arises within footnote 7. This is therefore a free-standing reason to dismiss the appeal, operating regardless of the "tilted balance" debate.

2.7 Sixth, the appellant's benefits case is significantly overstated and, critically, not site-specific. The Borough Council's Officer found expressly that the economic and housing benefits "would equally arise from a similar development in a different and more acceptable location" (Delegated Report ¶190, ¶116, ¶192); the pre-application response said the same. There is no benefit that is achievable here that could not be achieved elsewhere, in accordance with the plan-led system.

2.8 Seventh, the appellant relies on the tilted balance under NPPF ¶11(d), but the tilted balance does not rescue the appeal. Policy S5 (Countryside) is consistent with the National Planning Policy Framework and retains full weight even where supply policies are out of date (Officer ¶105; F/20/87925 Inspector ¶46). The shortfall in housing land supply, while real, is material rather than acute: 4.2 years on the Borough Council's own January 2026 calculation (against the buffered annual requirement of 765 dwellings, with an absolute deficit of 646 dwellings over the five-year period). It is retrievable through the Local Plan's allocated strategic sites and through the early plan review that the Local Plan itself anticipates (¶4.12). On a full assessment of harms against benefits, the harm significantly and demonstrably outweighs the benefits; and in the most recent comparable Eastleigh appeal (*Cobbett Way*, APP/W1715/W/24/3350858, Inspector Benjamin Webb, dismissed 20 December 2024) the supply position was contested (the Council at 4.42 years, the appellant at 2.67 years) and the Inspector did not need to choose, because the habitats objection alone defeated the appeal (¶15, ¶31).

2.9 The Parish Council accordingly invites the Inspector to dismiss the appeal.

3. THE DECISION-MAKING FRAMEWORK

3.1 The appeal must be determined in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004; that is, in accordance with the development plan unless material considerations indicate otherwise. The development plan is the Eastleigh Borough Local Plan 2016–2036, adopted on 25 April 2022. The site lies outside the urban edge, in designated Countryside under Policy S5, is not allocated for housing, is not in a Settlement Gap and is not within or contiguous with any settlement boundary identified in the Plan. The proposal is in clear and substantial conflict with the development plan.

3.2 The appellant relies on the presumption in favour of sustainable development at NPPF ¶11(d), the "tilted balance", on the footing that the Borough Council cannot demonstrate a five-year supply of deliverable housing sites and the most important policies for determining the application are therefore out of date. The Borough Council itself accepts, in its January 2026 housing land supply statement (Executive Summary (iv) and §5.3), that it cannot currently demonstrate a five-year supply, the figure being 4.2 years against the buffered annual requirement of 765 dwellings (an absolute deficit of 646 dwellings over the five-year period). The Parish Council accordingly proceeds on the basis that ¶11(d) is in play, and makes three points on the application of the tilted balance.

3.3 *First*, even where ¶11(d) is engaged, the policies whose weight is reduced by a supply shortfall are the *supply* policies, not the *countryside* policy. Policy S5 is, on the Officer's express finding (Delegated Report ¶105) and on the express finding of the Inspector in F/20/87925 (¶46), consistent with the NPPF. A policy that is consistent with the Framework retains full weight on a tilted-balance assessment. The Inspector in *Cobbett Way* (December 2024) recently applied the same principle on materially the same Local Plan. Notwithstanding the lack of a five-year supply, the Inspector held that the policies he had identified as conflicting (which included Policies S1, S5 and DM1, all also engaged here) "remain consistent with the Framework," and the conflicts therefore "attract substantial weight" (Inspector Webb, ¶30). The same conclusion follows in respect of Policies S1, S5 and DM1 in the present case. The appellant cannot, by reference to a housing-supply shortfall, discount the policy that protects the very interest its scheme harms.

3.4 *Second*, the present scheme engages NPPF footnote 7 / ¶11(d)(i), "the application of policies in this Framework that protect areas or assets of particular importance", in three respects:

(a) the site adjoins ancient woodland on three sides (Scorey's Copse to the north/west and Lower Eversley Copse to the east/south, both ancient and semi-natural woodland), and the proposed pedestrian/cycle access traverses Scorey's Copse, an irreplaceable habitat for the purposes of NPPF ¶193(c);

(b) the site lies within the catchments and recreational disturbance zones of habitats sites of European importance (Solent & Southampton Water SAC/SPA, River Itchen SAC, New Forest SAC/SPA/Ramsar) and Natural England's objection records that no adverse effect on the integrity of the New Forest sites cannot currently be ruled out (see Section 8 below); and

(c) recreational impacts are "likely to affect" the underpinning Sites of Special Scientific Interest.

3.5 *Third*, even on a full ¶11(d)(ii) assessment, the harms significantly and demonstrably outweigh the benefits (see Section 12 below). The Inspector who dismissed F/20/87925 in July 2022 performed exactly that exercise (he treated the housing benefit as a benefit, and the policy conflict and character harm as weighing "significantly" against, ¶46, ¶51) and dismissed an appeal for only 5 dwellings that carried a specialist-housing benefit to which

he gave "significant weight." A similar assessment of the present scheme, with its much larger harm and a non-site-specific benefit case, must produce the same result *a fortiori*.

3.6 As to the extent and retrievability of the shortfall (the test in *Hallam Land Management Ltd v Secretary of State* [2018] EWCA Civ 1808, applied in *Rectory Farm, Yatton* APP/D0121/W/21/3286677 at ¶37): the Borough Council's own January 2026 calculation gives 4.2 years' supply against the buffered requirement; at *Cobbett Way* (December 2024) the parties differed (the Council 4.42 years, the appellant 2.67 years) and the Inspector did not need to choose. The shortfall is material rather than acute. The Local Plan itself anticipates the shortfall and provides for early review (¶4.12); the Local Plan Review reached "Issues & Options" between 4 December 2024 and 29 January 2025, with the new plan expected around 2029. The Local Plan's strategic allocations (One Horton Heath at up to ~2,500 dwellings; Land West of Horton Heath / Woodhouse Lane at ~605; Land South of Mortimers Lane at up to 245; and others) continue to deliver across the plan period to 2036, with further phases coming forward beyond the present five-year window; windfall delivery continues. The proper response to a material but retrievable shortfall in a plan-led system is the plan review and the orderly delivery of the strategic allocations, not ad-hoc countryside release. The Inspector in F/20/87925 specifically warned (¶47) that allowing this kind of development "would make it more difficult to resist further planning applications for similar developments. The cumulative effect of such ad-hoc developments would exacerbate the harm I have identified and further undermine the spatial strategy."

3.7 The appellant's reliance on the new (December 2024) standard-method Local Housing Need figure (Statement of Case ¶6.4.2) does not change this. The standard method is a starting point for plan-making, not a metric against which individual planning applications are determined.

4. THE CRUCIAL PRECEDENT: APPEAL F/20/87925 ON THE LAND OPPOSITE

4.1 In 2022 the Planning Inspectorate dismissed an appeal for housing on the parcel of land directly opposite the present appeal site. The decision is by Mr R Walker BA(Hons) DipTP MRTPI (APP/W1715/W/21/3283337, dated 6 July 2022). It is a recent decision of an Inspector having heard the matter at a hearing on 9 June 2022. It is the most material single precedent for the determination of this appeal. The Officer's Delegated Report on the present application expressly relied on it (¶12). The Parish Council respectfully invites the Inspector to read that decision in full.

4.2 The appeal was for 5 wheelchair-accessible / inter-generational dwellings on the south side of Snakemoor Lane immediately by the Denham's Corner roundabout, opposite the present site. Three features of the 2022 case are critical to the comparison with the present:

(a) the Highway Authority did not object to the 5-dwelling scheme (HCC response 23 June 2020, ref 028825);

(b) the Borough Council dropped its Solent / habitats reason for refusal at the appeal because mitigation had been agreed by Unilateral Undertaking (Natural England had not objected to the 2022 scheme); and

(c) the scheme carried a specialist-housing benefit (Part M4(3) wheelchair-accessible dwellings) to which the Inspector gave "significant" weight as a material consideration (¶132). Notwithstanding, the Inspector dismissed the appeal. The Borough Council also then had a five-year housing land supply.

4.3 The Inspector's reasoning was that the proposal conflicted with the Borough's spatial strategy and with Policy S1(e), and that it harmed the character and appearance of the area. The passages on which the Parish Council relies are these:

"even as a windfall site, allowing five houses, irrespective of its occupiers, in this particular location would run counter to the overarching strategy established by the LP. Furthermore, the site is not well placed to encourage the use of transport modes other than by private vehicle. I therefore find that the proposal would not be in a suitable location having regard to the spatial strategy for the Borough. The proposal would therefore conflict with the requirements of Policies S1, S2, S3 and S5 of the LP when read as a whole." (¶17)

"The relationship between other houses elsewhere within settlement boundaries to services and facilities does not alter this conflict." (¶14)

"the appeal site is detached from Horton Heath and thus it would not be a smaller greenfield extension to an existing settlement." (¶16)

"The loss of the gap with the proposed housing would incrementally erode the open qualities of this transitional landscape... the proposed buildings are not small houses and even taking into account the existing planting and proposed supplementary planting they would, in my judgement, be visible to varying degrees through the year from the roads near the roundabout and from the footway to Horton Heath." (¶21)

"the proposal would have a harmful effect on the character and appearance of the surrounding area. As such, the proposal would conflict with the requirements of Policy DM1 of the LP and paragraphs 130 and 174 of the Framework. These stipulate, amongst other things, that all new development should not have an unacceptable impact on, and where possible, should enhance the character and appearance of the countryside." (¶26)

"The LP has only recently been adopted and is consistent with the Framework and the conflict with relevant policies is a matter that weighs significantly against the proposal. Indeed, the spatial strategy of the Borough would be undermined if it was allowed, bearing in mind that Paragraph 15 of the Framework reminds decision-makers that the planning system should be genuinely plan-led... To

allow development contrary to their provisions would therefore undermine and dilute the plan-led system and the future pattern of development in the Borough."
(¶146)

"situations such as that proposed could be repeated across the countryside, in locations divorced from settlements, where there would be a high dependency on the use of private motor vehicles to access services and facilities... Allowing this appeal would make it more difficult to resist further planning applications for similar developments. The cumulative effect of such ad-hoc developments would exacerbate the harm I have identified and further undermine the spatial strategy."
(¶147)

4.4 The Parish Council anticipates that the appellant will seek to distinguish F/20/87925. The Parish Council respectfully suggests that any such attempt should fail, for the reasons set out in the table below.

The appellant may say...	The answer is...
The schemes are of different scale (150 dwellings v 5).	The Inspector's reasoning is about the location, not the scale. A 150-dwelling estate would do far more damage to the "transitional landscape" and "open break" than 5 houses, and would conflict with Policies S1, S2, S3 and S5 to a vastly greater degree. The cumulative-precedent point at ¶147 applies <i>a fortiori</i> . The Officer's Delegated Report (¶12) cited F/20/87925 precisely because the same issues arose.
The sites are different: south side of Snakemoor Lane against the B354, against north side behind woodland.	Same Snakemoor Lane, same Denham's Corner roundabout, same B354 corridor, same transitional landscape, same "detached from Horton Heath" relationship. If anything the present site is <i>more</i> divorced, being "shielded from Horton Heath... by woodland" so it "does not feel part of Horton Heath" (Officer ¶118); the 2022 site at least fronted the B354.
F/20/87925 was decided when the Borough had a five-year housing land supply; the tilted balance now applies.	(i) Policy S5 is consistent with the NPPF and retains full weight under the tilted balance (Officer ¶105; F/20/87925 ¶146). (ii) The footnote 7 / ¶11(d)(i) point engaged by the present scheme (ancient woodland; Natural England objection on the New Forest habitats site) can disapply the tilted balance (see Sections 3 and 8 below). (iii) Even on a full ¶11(d)(ii) assessment the 2022 Inspector treated the same conflict and character harm as weighing "significantly" against, and a "significant"-weight specialist-housing benefit as inadequate to outweigh it. (iv) Paragraph 46's emphasis on the plan-led system (NPPF ¶15) and on

The appellant may say...	The answer is...
	the Plan's consistency with the Framework is the present Borough Council's case.
The present scheme has a different pedestrian/cycle access (the woodland route to a signalised crossing on Botley Road), which avoids the F/20/87925 problem of crossing at the roundabout.	The Officer found the woodland PROW is "often flooded or too wet to use" with "no footway, no lighting and relatively poor sightlines" at its Botley Road end (¶119); the new route "only provides improvements in and around the proposed Botley Road crossing point... does not address the generally poor quality pedestrian and cycle provision in the wider locality" (¶123); pedestrians and cyclists heading east towards Durley would still use unsuitable Snakemoor Lane (¶120–121); a cycleway through the Ancient Woodland is not supported by the Council's Tree and Ecology Officers; and the Inspector's own point at ¶11 ("no firm evidence when, or if, the strategic footpath/cycleway/bridleway... will be delivered") is unchanged.
40% affordable housing is a stronger benefit than the F/20/87925 scheme carried.	The 2022 scheme had a benefit (Part M4(3) specialist wheelchair housing) to which the Inspector gave "significant" weight, and it still did not outweigh the harm. The Officer here treats the housing/affordable-housing benefit as one that "would equally arise from a similar development in a different and more acceptable location" (¶190, ¶116). The benefit is not site-specific.

4.5 The Parish Council accordingly submits that F/20/87925 stands as direct, very recent authority (from a hearing-tested Inspector) for the proposition that housing development at this exact location is unacceptable for the same spatial-strategy and character reasons that underpin the present refusal. The present scheme is the harder case for the appellant.

5. REASON FOR REFUSAL 1: COUNTRYSIDE, LANDSCAPE AND CHARACTER (POLICIES S1, S5, DM1)

5.1 The site is in designated Countryside under Policy S5. It is outside the urban edge. It is not allocated. It is not in a Settlement Gap. The proposal accordingly conflicts head-on with the plan-led spatial strategy. The Borough Council's Officer treated this as "the main reason for refusal" (Delegated Report ¶144) and the Parish Council agrees.

5.2 The appellant's case is, in essence, that the site and the surrounding landscape are "ordinary countryside," that the surrounding woodland forms "an effective, instant screen," that effects would be "localised, limited and not significant," and that landscape mitigation

is a matter that can be left to reserved matters. The Parish Council respectfully disagrees and adopts the Officer's reasoning in full.

5.3 The Officer accepted the LVIA as "a fair assessment" but rejected its conclusion of "limited" impact (Delegated Report ¶142). The Officer found:

"simply because it is not easily visible from more distance vantage points does not mean that development of the site in the manner proposed will not result in harm." (¶143)

"Developing a currently open agricultural field into a housing estate laid out in a typical fashion will introduce an urbanised form of development which will sit in stark contrast to the site's current character... This dramatic change in character will be clearly experienced from Snakemoor Lane, particularly when travelling west where the upward slope of the application site is clearly presented in front of you. No level of additional tree or landscape planting will be sufficient to hide the built form of dwellings sitting at the top of the slope, even with the backdrop of the neighbouring woodland. Views into the development will be clearer still at the position of the site access which would not benefit from the current boundary hedge." (¶143)

"visually divorced from existing development in Horton Heath due to the intervening woodland... not obviously connected to Durley either physically or visually... a separate standalone development of a form and scale which is entirely out of context with the prevailing character of the immediate surrounding area." (¶144)

5.4 The Council's Landscape Consultant (Tim Griffin, 30 June 2025) lodged a "full in-principle Policy objection," recording (among other points) that the LVIA omitted significant viewpoints from Durley Road and Stapleford Lane, that the 5 m Snakemoor Lane buffer "will not allow sufficient boundary planting," and that the proposed pedestrian/cycle path "runs very close/under existing trees which is not acceptable." The Council's Urban Design Officer (27 June 2025) likewise lodged an in-principle objection, finding that "the proposal fails to respect the landscape character of the surrounding area" and identifying gaps in the application's information (no cross-sections with existing and proposed contours extending beyond the site boundary).

5.5 The Parish Council adds two points from its own knowledge of the local landscape. These are offered as local-knowledge observations an Inspector will value on a site visit, not as expert landscape evidence:

(a) The view westwards and uphill along Snakemoor Lane, towards and across the site, is the single most important view affected. It is on this view that the Officer's point about the slope is most acute.

(b) The "transitional landscape" identified by the F/20/87925 Inspector at ¶18–21 is a real feature of this stretch of the B354 corridor. The semi-rural character is created and

sustained by the open break at the roundabout itself, by the field on the north side of Snakemoor Lane (the appeal site) and by the field on the south side (the F/20/87925 site). Developing this field would change the character of the corridor as a whole, and is the kind of incremental erosion the 2022 Inspector identified.

5.6 Landscape planting is not a fix that can be left to reserved matters. The Officer's express finding is that "no level of additional tree or landscape planting will be sufficient" (¶143). The appellant cannot meet this finding by promising more planting at a later stage; the finding is that more planting will not work.

5.7 The Parish Council accordingly invites the Inspector to uphold Reason for Refusal 1.

6. REASON FOR REFUSAL 2: UNSUSTAINABLE LOCATION AND CAR-DEPENDENCY (POLICIES S1, S11, DM1, DM13)

6.1 This is, in the Parish Council's submission, the central reason for refusal. The Officer found that the breach of Policy S1(e) was "alone... sufficient as a justified reason for refusal" (Delegated Report ¶131). The F/20/87925 Inspector reached the same conclusion on the same routes (¶17–17). It is the issue on which the appeal is most vulnerable, because the appellant cannot fix the underlying problem with the routes.

6.2 The Officer's findings (Delegated Report ¶118–131) include:

(a) the site is "shielded from Horton Heath and the main Botley Road by woodland... it does not feel part of Horton Heath to the north, but more part of the approach into the village of Durley to the east" (¶118);

(b) the public footpath through Scorey's Copse (FP719) "is often flooded or too wet to use... would not at present be a suitable alternative route for everyday use"; access to it from Botley Road has "no footway, no lighting and relatively poor sightlines" (¶119);

(c) Snakemoor Lane "is not considered in anyway suitable for pedestrians and there are equally strong concerns as to its suitability for cyclists, particularly during the hours of darkness... narrow, undulating, sinuous, unlit, [with] steep banks [and] high hedging, no footway/verge"; there is no room to provide one; and there is no footway east to Durley (Stapleford Lane junction) or west to Denham's Corner roundabout (¶120);

(d) the Botley Road woodland route and signalised crossing "only provides improvements in and around the proposed Botley Road crossing point, it does not address the generally poor quality pedestrian and cycle provision in the wider locality" (¶123);

(e) the everyday destinations are too far or unsuitably routed: the nearest shop is a petrol-station convenience store ~800 m away "primarily designed for vehicles"; Fair Oak centre 2.4 km north (limited choice); Botley village centre ~4.0 km south (not suitable for pedestrians); Bishop's Waltham ~6.5 km east (not suitable); the "more realistic destination... for general and convenience shopping would be Hedge End approximately 4.0 km away... along busy main roads"; the secondary school catchment (Wyvern College)

is at Fair Oak ~1.6 km via Botley Road (the route is unsuitable for unaccompanied children); Hedge End rail station 1.6–1.8 km via narrow unlit Shamblehurst Lane or via Bubb Lane / an unlit footpath (¶124–128);

(f) bus provision is one hourly service (Bluestar Route 3) between Eastleigh and Southampton City Centre, plus a students-only service to Swanmore College; the time to either bus station "is unlikely to be a convenient alternative transport option" (¶127);

(g) the proposed cycle/scooter-hire scheme has "no details of the operator, how the scheme would be funded and managed, or whether such a scheme would be viable given there are no such schemes locally"; it is "unlikely that there would be sufficient population... to allow such a scheme to be successful in the long term" (¶129);

(h) accordingly, "future residents of the development would be left with little option but to use their car for reasons of safety as well as convenience", contrary to Policy S1(e) (¶131).

6.3 The Officer also identified an equality dimension (¶194): the poor accessibility "would be of detriment to future residents of the development, particularly those within affordable housing who are less likely to have access to a private vehicle." The Housing Enabling Officer (15 October 2025) makes the same point: affordable applicants under Hampshire Home Choice are "more likely to be living on lower incomes with local access to facilities and public transport links therefore a key consideration." This point bears on the Inspector's PSED duty.

6.4 The appellant's response to all this is contained in its Statement of Case at §8 and in the walking/cycling distances table at ¶8.1.2. The Parish Council respectfully submits that the table is misleading in three ways:

(a) it is measured from the site access point, not from the dwellings, and uses generous assumptions (walking 1.4 m/s; cycling 4.2 m/s);

(b) it lists isolated destinations selectively: Horton Heath Community Centre, the Londis at the petrol station, the Asda Express at Boorley Green, and Fair Oak Infant and Junior Schools, but it omits any secondary school, omits any full supermarket, omits any employment destination, and lists Stokewood Surgery at 3.4 km / a 40-minute walk as if that were a viable everyday journey;

(c) it presents distances in the abstract, but it is the routes, not the crow-flies distances, that fail (see paragraph 6.2 above).

6.5 The appellant relies heavily on One Horton Heath, on a proposed new primary school at Boorley Garden "within a 10 min walk," and on a recent (Spring 2025) upgrade and lighting of National Cycle Route 23 between Bubb Lane and Hedge End station. The Parish Council respectfully observes:

(a) One Horton Heath is an allocated, Council-led strategic site chosen through plan-making. Its existence is the product of the plan-led system, not a justification for

unallocated countryside release elsewhere. The F/20/87925 Inspector expressly rejected the "the area is changing so this site will become sustainable" argument (¶9, ¶11);

(b) the "10 min walk" Boorley Garden school appears to be Boorley Garden SEND School, a special school, and would not in any event meet the everyday accessibility needs of general housing; any route crosses the busy B354;

(c) the NCR23 upgrade is relevant to a route the Borough Council's Officer found to be along "busy main roads... not suitable" for everyday non-motorised travel (¶124); lighting on a still-fast and still-busy carriageway corridor does not turn it into a route suitable for pedestrians on the school run or for older residents.

6.6 The decisive admission. The appellant's Statement of Case (¶9.1.3) concedes that:

"widening the footway beyond the extent of the highway limits beyond Blind Lane is not feasible due to third party landownership and the Appellants do not consider this is necessary."

The Botley Road footway towards Horton Heath therefore stops at Blind Lane, and beyond Blind Lane the route reverts to the same narrow, unlit, uneven footway that was central to the Officer's findings (¶119–124) and to the 2022 Inspector's findings (¶11). The appellant has elected not to fix the problem because it cannot. That is dispositive of Reason for Refusal 2.

6.7 The Borough Council's own pre-application response (Q/24/98539, 7 March 2025; Appendix A to the appellant's Statement of Case) tells the appellant the same thing:

"residents of a development in the proposed location would be highly reliant on the private car, which would be contrary to Local Plan and national policy objectives for sustainable travel."

The appellant has produced the pre-application response in its own appeal bundle. It is entitled to be taken at its word.

6.8 The Parish Council accordingly invites the Inspector to uphold Reason for Refusal 2.

7. REASON FOR REFUSAL 3: HIGHWAYS AND ACCESS DESIGN (POLICIES S11, DM13)

7.1 At outline, access is the one detailed matter for determination. The proposed access on Snakemoor Lane, the associated alterations to local highway infrastructure (including the works at the Denham's Corner roundabout for the signalised crossing and Bubb Lane cycle provision), and the trip-generation modelling were materially incomplete on the application as determined by the Borough Council, and Hampshire County Council as Highway Authority was unable to recommend the application.

7.2 The Highway Authority declined to give a recommendation twice:

(a) consultation response of 25 July 2025 (reference 057055); and

(b) consultation response of 30 October 2025 (reference 058060), which stated expressly: *"If the LPA are minded determining the application, then please contact the Highway Authority for reasons for refusal."*

7.3 The 30 October 2025 letter identified a non-trivial number of unresolved technical points, including: the refuse-vehicle "right-in" overhanging the southern verge/bank; tracking for a 4.6T van passing a large car not demonstrated; missing Snakemoor Lane carriageway widths; Puffin-to-Toucan crossing recommended in lieu of the Puffin proposed; a Departure from Standard required for the missing 1.5 m footway separation margin; the proposed design abutting a low-level ditch; refuge-island layout under TG3 unclear; uncertainties on the bus-stop kink; the Travel Plan modal-shift target not evidenced ("does not equate to a 10% reduction"); over-stated travel plan coordinator costs; missing TRICS SAM Surveys; an under-valued bus voucher (£80–86 indicated against the proposal's lower figure); and significant modelling deficiencies on the Bubb Lane / Tollbar Way junction analysis, including the observation that "none of the scenarios have been optimised."

7.4 The Officer's Delegated Report (¶132–135, ¶160) accordingly found that "the Highway Authority is unwilling to support the highway works associated with the development" (¶133), that compliance with Policy DM13 had not been demonstrated (¶134), and that this would form a further reason for refusal (¶135; further reason at ¶160).

7.5 The Parish Council notes that the appellant has, with the appeal, submitted a "Transport Note" (Statement of Case ¶9.1.1) that purports to respond to the Highway Authority's 30 October 2025 letter, providing an updated Site Access drawing (Revision G), further topographical information, a scheme to widen the southern footway to a footway/cycleway and to upgrade the signalised crossing to a Toucan, a Stage 1 Road Safety Audit, an updated Travel Plan and updated junction-modelling outputs. The Transport Note has not yet been published on the appeal portal at the date of this representation. The Parish Council reserves the right to comment further once the Transport Note is available and the Highway Authority's response to it is known; but at present the position remains that the Highway Authority has not endorsed the scheme and was preparing reasons for refusal.

7.6 The appellant's case at Statement of Case ¶9.1.2–9.1.4 is, in summary, that there is "no unacceptable impact on highway safety," that any cumulative impact is not "severe" for the purposes of NPPF ¶116, that the access can be addressed through the section 278 process, and that the "five-year personal injury collision data... does not indicate any existing highway safety issues." Highway safety and capacity are matters for the Highway Authority, which twice declined to recommend the application and was preparing reasons for refusal. The Parish Council respectfully invites the Inspector to test those issues at the inquiry by reference to the Highway Authority's evidence rather than the appellant's selective summary.

7.7 The Parish Council emphasises two points of principle:

(a) At outline with access for determination, the access design and the works needed to make it safe and capacity-compliant must be demonstrated now. They cannot be left to "section 278 stage" (Statement of Case ¶9.1.3). The Highway Authority has said exactly that: "the level of detail requested is for the S278 stage" is an inadequate answer where access is reserved for determination at this stage.

(b) NPPF ¶116 is a free-standing refusal gateway: development should be refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

7.8 The Parish Council also notes that elements of the appellant's mitigation case depend on the One Horton Heath scheme, which is uncommitted. The Officer's Delegated Report and the Highway Authority's consultation response are correct to treat reliance on uncommitted off-site infrastructure as inadequate.

7.9 The Parish Council accordingly invites the Inspector to uphold Reason for Refusal 3, subject to a further opportunity to comment on the Transport Note once available.

8. THE HABITATS REGULATIONS AND NATURAL ENGLAND'S OBJECTION: A FREE-STANDING REASON TO DISMISS

8.1 The site lies within the catchments and recreational disturbance zones of habitats sites of European importance, including the Solent & Southampton Water SPA, the River Itchen SAC and, at 13.8 km, the New Forest SAC / SPA / Ramsar. Recreational impacts on the latter are "likely to affect" the underpinning Sites of Special Scientific Interest.

8.2 By letter of 7 October 2025 (reference 528949, Ellen Satchwell) Natural England objected to the application. The objection records that the proposal would have an adverse effect on the integrity of the New Forest SAC / SPA / Ramsar from increased recreational disturbance; that the Borough Council's interim New Forest Recreation Mitigation Strategy is *"an unproven mitigation approach that has a significant level of uncertainty regarding its effectiveness"*; that it is *"not currently... possible to conclude no adverse effects on the integrity of the New Forest designated sites through an appropriate assessment"*; that the proposal would not pass the derogation tests under Regulation 64; that Natural England has "serious concerns" with the Borough's interim strategy (reduced SANG, capacity at the Itchen Valley Country Park option, no monitoring, the risk that the proposed SANG site east of Allington Lane would itself harm ancient woodland); that the local authorities in the catchment "are not currently in agreement on the greenspace requirements for mitigation in this area"; and that an alternative option at Stoke Park has not been resolved. Natural England states the legal test in plain terms: *"even interim mitigation should be demonstrated to be reliable, deliverable and effective before it can be relied upon for planning applications."* On the present evidence, the Borough Council's Interim Mitigation Strategy has not been so demonstrated.

8.3 The Inspector, on determining this appeal, will be the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017. Under Regulation 63 the Inspector may grant planning permission only if he or she can conclude, having regard to Natural England's advice, that there will be no adverse effect on the integrity of the European sites. Where, as here, Natural England's advice is that no adverse effect cannot currently be ruled out, that conclusion is not presently available to the Inspector. Mitigation has not been secured, and the mitigation proposed remains unproven and contested by the statutory advisor.

8.4 This is, the Parish Council submits, a free-standing reason to dismiss the appeal that operates regardless of any "tilted balance" analysis. Footnote 7 to NPPF ¶11(d)(i) lists "habitats sites" expressly. Where the application of the relevant Framework policies provides a clear reason for refusing the development, the tilted balance does not operate. The Parish Council submits that, on the present evidence, Natural England's objection on the New Forest sites provides exactly such a clear reason.

8.5 The Parish Council is aware that, in its Delegated Report at ¶158, the Borough Council, as the competent authority for the application stage, took a different view from Natural England on the adequacy of its interim mitigation strategy. The Inspector, as competent authority for the appeal, is required to have regard to Natural England's advice (Habitats Regulations 2017, regulation 63(3)); the final judgment on adverse effect on integrity remains the Inspector's. The Parish Council respectfully submits that, in the light of all the evidence presently available and Natural England's express objection, the regulation 63 test is not met. The point is directly addressed in *Cobbett Way* (December 2024), in which the Inspector encountered materially the same Council–Natural England dispute about the Interim Mitigation Strategy and held (¶15): *"NE's objection carries significant weight, and though the Council states that it is currently working with NE to address its concerns, they remain unresolved. The Council's faith in the IMS does not in itself provide a cogent reason for me to depart from NE's advice. Based on the evidence before me it is not therefore possible to conclude beyond all reasonable scientific doubt that adverse effects on the integrity of the New Forest sites can be ruled out."* The Parish Council respectfully submits that the same conclusion follows here.

8.6 The Parish Council notes, without conceding, that the appellant proposes to attempt to resolve the SANG question by relying on credits at Itchen Valley Country Park or Stoke Park (Statement of Case ¶11). Natural England has raised concerns about both. The Borough Council prepared a "shadow HRA" the conclusions of which Natural England disagreed with (Statement of Case ¶11.1.10). The Parish Council respectfully submits that, on the evidence as it stands, the Regulation 63 test is not met.

9. ANCIENT WOODLAND AND IRREPLACEABLE HABITATS (NPPF ¶193(c))

9.1 The site is bounded on three sides by ancient woodland:

(a) Scorey's Copse (Ancient and Semi-Natural Woodland) to the north and west, with the adjacent Scorey's Copse Rush Pasture Site of Importance for Nature Conservation (SINC), the Scorey's Copse Meadow SINC and the Snakemoor Farm Meadow SINC in the vicinity;

(b) Lower Eversley Copse (Ancient and Semi-Natural Woodland and Priority Habitat) to the east and south, subject to woodland Tree Preservation Order 839_E and containing Category A oaks (T1 and T4) per the Winchester City Council Tree Officer's response of 1 October 2025;

(c) woodland TPO 782_E.

9.2 The proposed pedestrian and cycle access from Botley Road to the development would run through Scorey's Copse, an ancient and semi-natural woodland. Although the appellant proposes a boardwalk and a dark-corridor regime, the route would still cause loss and deterioration of an irreplaceable habitat. The Borough Council's Trees and Development SPD (April 2022) records at Key Point 4 (§24) that:

"Proposals which would have adverse impacts or result in the loss of ancient or veteran trees, or trees within other ecological designated areas, will not be permitted. The Council consider that tree replacement planting to mitigate for proposed tree loss in this instance is not acceptable."

The proposed cycle link "appears to terminate in the root protection area of a Category A tree, which would not be acceptable": that is the Borough Council's Tree Officer's own conclusion, recorded in the pre-application response of 7 March 2025 (Appendix A to the Statement of Case).

9.3 Under NPPF ¶193(c), development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient or veteran trees "should be refused unless there are wholly exceptional reasons." There are no wholly exceptional reasons here. There is nothing about the housing benefit of this scheme that could not be delivered, in accordance with the plan-led system, elsewhere; the Borough Council's pre-application letter and Delegated Report both make that point expressly.

9.4 Ancient woodland is a footnote 7 / ¶11(d)(i) interest. For the same reason as in Section 8, this provides an independent, free-standing reason to refuse that is unaffected by the tilted balance.

9.5 The Parish Council also notes (a) that the tree plan applies a 15 m buffer to the ancient woodland edge where the Borough's Trees and Development SPD (citing the relevant Standing Advice) expects justification for using minimum buffers, and (b) that the proposed surface-water drainage discharges via a swale into a ditch within the Scorey's Copse Rush Pasture SINC, contrary to the advice of the Council's Ecology Officer (22 July 2025) that "pipe-to-pond SuDS is to be avoided" in this setting. These are further indications that the scheme as designed cannot comply with the ancient-woodland-protection regime.

10. THE APPELLANT'S BENEFITS CASE: DEFLATED, AND NOT UNIQUE TO THIS SITE

10.1 The appellant's claimed benefits (Statement of Case §12) are, in summary: up to 150 homes ("very substantial weight"); up to 60 affordable homes ("very substantial weight"); public open space ("significant"); the sustainable transport hub ("moderate"); biodiversity net gain ("moderate"); "additional convenience and comparison goods spend" benefiting Horton Heath ("significant"); "temporary local employment" together with "ongoing employment benefits to local companies through future property maintenance and enhancement work" ("significant"); and off-site infrastructure upgrades ("limited").

10.2 Two general points apply to all of these benefits.

10.3 *First*, on the Borough Council's own express finding, none of the headline benefits is unique to this site. The Officer's Delegated Report records that the relevant benefits "would equally arise from a similar development in a different and more acceptable location" (¶190; see also ¶116, ¶192). The pre-application response said the same in 2025 (Appendix A to the Statement of Case). The appellant's case for the *location* therefore rests not on the benefits but on the absence of a five-year supply. As explained in Section 3, that does not get the appellant home.

10.4 *Second*, the Borough Council's Officer gave the localised infrastructure improvements *and* biodiversity net gain only neutral weight (¶191): the infrastructure is "primarily required to serve the development itself, so will be of little benefit to the wider community"; biodiversity net gain is "a necessary requirement" of the statutory regime, not a planning benefit. The Parish Council adopts those conclusions.

10.5 The Parish Council adds three particular points.

(a) The "convenience and comparison goods spend" benefit (Statement of Case ¶12.2.1) is highly speculative. The Officer found, and the routes confirm, that the nearest convenience shop is the small store at the Horton Heath petrol filling station, "primarily designed for vehicles," and that the more realistic destination for general shopping is Hedge End (4 km via busy main roads). Residents of the proposed development will principally spend in Hedge End, not (without the car) in Horton Heath.

(b) The "temporary local employment" and "ongoing employment... through future property maintenance" line is a construction-phase employment claim plus the routine maintenance any housing scheme generates. It is properly given limited weight, and is not different in kind from the employment effects of any housing scheme.

(c) The 40% affordable-housing offer (60 homes) is welcome in principle, but it is not site-specific and the Officer expressly noted that affordable-housing applicants are *less* likely to have access to a private vehicle and therefore *more* affected by the location's unsustainability (¶194; Housing Enabling 15 October 2025). The benefit is real, but it is real *in principle*, not real *at this location*.

10.6 In any event, even if the benefits are taken at the appellant's higher figures, the Inspector at F/20/87925 in 2022 found that the housing benefits did not outweigh "the harm and policy conflicts in relation to the first two main issues" (¶151). That was a case in which the Inspector had given the specialist-wheelchair-housing benefit "significant" weight (¶132) in addition to general housing-delivery weight (¶139–40), and the harm was much smaller than would arise here. The same conclusion is *a fortiori* on the present facts.

11. REASONS FOR REFUSAL 4 AND 5: THE PARISH COUNCIL'S POSITION

11.1 The Parish Council recognises that Reasons for Refusal 4 (developer contributions / planning obligations) and 5 (mitigation of impacts on the River Itchen SAC from nutrient loading) are likely to be addressed at the appeal by the appellant's submission of a section 106 agreement (or unilateral undertaking) and the reservation of nitrate/phosphate credits from the Borough Council's strategic mitigation scheme. The Parish Council does not advance independent submissions on Reasons 4 and 5 and is prepared to accept that, properly resolved by completed and binding agreements, they may be capable of being cured before the inquiry.

11.2 The Parish Council emphasises, however, that the New Forest recreational-disturbance issue (Section 8 above) is a *different* matter. It is not the subject of Reason for Refusal 5 (which is confined to the River Itchen SAC nutrient question) but is the live and unresolved habitats issue on the file. It must be addressed irrespective of Reasons 4 and 5.

11.3 The Parish Council also emphasises that the cure of Reasons 4 and 5 does not strengthen the appellant's planning case on Reasons 1, 2 and 3. The required developer contributions are mitigation for impacts the development would cause; their securing does not provide a positive benefit weighing in favour of the proposal. Likewise the nutrient credits are mitigation, not a benefit.

12. THE PLANNING BALANCE AND THE RELIEF SOUGHT

12.1 The Parish Council's case may be summarised as follows:

(a) Section 38(6) requires the appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal conflicts with Policies S1, S5, S11, DM1 and DM13 of the Local Plan and is not in accordance with the development plan.

(b) The tilted balance under NPPF ¶11(d) is engaged on the Borough Council's own January 2026 housing land supply position. The Parish Council submits that footnote 7 to ¶11(d)(i) is then engaged: Natural England's habitats objection (Section 8) and the loss and deterioration of ancient woodland (Section 9) each provide a clear reason for refusing the development. The Inspector in *Cobbett Way* reached precisely that conclusion on materially the same Council–Natural England dispute, holding that "*the so-called tilted balance is not applicable*" (APP/W1715/W/24/3350858, Inspector Benjamin Webb, ¶130).

(c) In any event, on a full ¶11(d)(ii) assessment the harm significantly and demonstrably outweighs the benefits. Policy S5, consistent with the NPPF, retains full weight; the Officer's "S1(e) alone is sufficient" finding stands; the F/20/87925 reasoning applies *a fortiori*; the benefits are not unique to this site; and *Cobbett Way* (December 2024) confirms that, on the same Council–Natural England dispute and against a contested supply position, the habitats objection alone defeated a comparable scheme and the policy conflicts attracted substantial weight (Inspector Webb, ¶15, ¶30, ¶31).

(d) Reasons for Refusal 4 and 5 may be capable of being cured by a completed section 106 and credit-reservation, but their being cured does not assist the appellant on Reasons 1 to 3 or on the habitats issue.

12.2 The Parish Council respectfully invites the Inspector to dismiss the appeal.

Anne Collins

Signed: Anne Collins (Mrs)

Clerk to Durley Parish Council

Date: 18th May, 2026