



## **Holybourne Village Association – Rebuttal to EHDC Policy Officer Consultation Response (EHDC-25-0748-OUT)**

The Holybourne Village Association (HVA) has significant concerns with the EHDC Policy Officer's consultation response to planning application EHDC-25-0748-OUT. The response is factually flawed, strategically inconsistent, and demonstrably misaligned with EHDC's own adopted policies and evidence base. It fails to recognise Holybourne's distinct identity, misrepresents the planning balance under the NPPF, and omits critical policy and environmental considerations.

### **1. Misrepresentation of Settlement Hierarchy**

The response treats the site as a urban extension to Alton (a tier 1 settlement), despite EHDC's own adopted Joint Core Strategy (JCS) identifying Holybourne as a tier 4 settlement - an "Other Settlement with a Settlement Policy Boundary." This is a fundamental mischaracterisation with serious implications for the scale and appropriateness of development.

Policy CP2 (Spatial Strategy) and CP10 (Spatial Strategy for New Housing) explicitly direct large-scale development away from Tier 4 settlements; whilst the Alton/Holybourne Strategic Gap (Policy CP23) further reinforces Holybourne's separate identity and the need to protect its character.

The failure to recognise Holybourne's distinct character and identity is a serious policy error. The failure to acknowledge EHDC's settlement hierarchy (and Holybourne's position therein) undermines the credibility of the response and suggests either a lack of understanding or a deliberate attempt to reframe policy to suit the application.

### **2. Omission of Key Development Plan Policies**

The response fails to reference several fundamental policies of the adopted Development Plan:

- CP1 – Presumption in favour of sustainable development
- CP2 – Spatial Strategy
- CP10 – Spatial Strategy for New Housing
- CP16 – Protection and provision of social infrastructure
- CP17 – Protection of open space
- CP25 – Flood Risk
- CH5 – Alton Neighbourhood Plan: Protection of Local Green Spaces



These omissions are not minor - they are central to assessing the principle of development and its compliance with the Development Plan. Their exclusion renders the response incomplete and misleading from a planning policy perspective.

### **3. Misapplication of the Tilted Balance**

The response incorrectly asserts that the tilted balance under NPPF paragraph 11(d)(ii) is engaged. This is factually incorrect.

The misapplication of Paragraph 11(d) not only undermines the integrity of the planning process but risks setting a precedent whereby protected assets are treated as expendable in the face of speculative development. Support for the application in the absence of a lawful sequential test and in disregard of designated heritage and green space assets would expose the Council to significant risk of judicial review.

Paragraph 11(d)(i) provides clear reasons for refusal due to:

- Designated heritage assets (Scheduled Monument, listed buildings, Conservation Area)
- Designated Local Green Space (Holybourne Play Area)
- Groundwater flood risk (as identified in EHDC's own Strategic Flood Risk Assessment and Policy CP25)

These are protected assets under footnote 7 of the NPPF, and their presence precludes the application of the tilted balance.

NPPF Paragraph 11(d):

“Permission should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed...”

The response's failure to apply this correctly is a serious procedural error.

### **4. Flood Risk and Sequential Test**

The complete omission of any reference to Policy CP25 (Flood Risk) is indefensible. This policy is central to EHDC's adopted strategy and is supported by its own evidence base, which identifies the site as being at serious risk of groundwater flooding. The failure to apply CP25 and undertake a sequential test is a clear procedural error on the part of the applicant and a material reason for refusal.

EHDC is well aware that the site is subject to “very extensive groundwater flood risks”. EHDC's own 2019 Large Development Sites Background Paper discounted the site due



to those “very extensive groundwater flood risks”, in addition to “limited scope for avoiding adverse impacts on heritage concerns”. EHDC’s Strategic Flood Risk Assessment identifies the risk; whilst EHDC’s JCS Policy CP25 explicitly directs that development should be avoided in this area. Yet the Policy Officer fails to even acknowledge flooding and drainage as a relevant issue, let alone reference the policy. This is a fundamental omission that again indicates either a lack of understanding or a deliberate attempt to reframe policy to suit the application.

This is not a matter of detail - it is a clear reason for refusal under national and local policy. Support of the application in the absence of a robust sequential test would expose the Council to significant legal risk, undermine the credibility of its decision-making process, and set a dangerous precedent for development in flood-prone areas.

## **5. Heritage and Landscape Harm**

The response downplays the significance of the Scheduled Monument and its setting, whilst ignoring completely the impact on other heritage assets in the vicinity of the site, despite:

- Policy CP30 requiring conservation and enhancement of the historic environment.
- NPPF Paragraph 213 requiring wholly exceptional justification for harm to Scheduled Monuments.
- EHDC’s own evidence (2019) acknowledging “limited scope for avoiding adverse impacts on heritage concerns”.

The relocation of play areas onto the Scheduled Monument is not mitigation - it is trivialisation.

## **6. Local Green Space Designation**

The Holybourne Play Area is a designated Local Green Space under Policy CH5 of the Alton Neighbourhood Plan. The NPPF is explicit that boundaries of designated Local Green Spaces should only be altered where exceptional circumstances are fully evidenced and justified through the preparation or updating of plans — not through speculative planning applications.

The response fails to acknowledge this designation, the relevant policies of the adopted development plan, or its implications; again, a serious omission given the importance attributed to such under NPPF Paragraph 11d(i).



## 7. Misrepresentation of NPPF Paragraph 14

The EHDC Policy Officer acknowledges that Paragraph 14 of the National Planning Policy Framework (NPPF) is engaged, but then attempts to downplay its significance by referencing a background paper containing indicative housing figures that carry no statutory weight.

NPPF (December 2024) – Paragraph 14:

“In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:  
a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and  
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69–70)”.

Both conditions are clearly met in the case of the Alton Neighbourhood Plan:

- It was adopted in November 2021, well within the five-year window.
- It allocates 877 dwellings, exceeding the minimum requirement of 700, and thus satisfies the requirement to contain policies and allocations to meet its housing need.

The Policy Officer’s attempt to override this protection by citing a non-statutory background paper is misleading and contrary to national policy:

- The figures referenced are indicative only, are not part of the development plan and are only meant to guide neighbourhood plan making – not be applied to justify ad hoc development proposals being brought forward outside of the local plan update process.
- Paragraph 14 does not require neighbourhood plans to meet speculative or aspirational housing figures - only the identified housing requirement as defined in the plan-making process.
- The Officer’s own note acknowledges that only two tests apply under Paragraph 14 - and both are met.

NPPF Paragraph 14 is national planning policy. The Officer’s attempt to override the Alton Neighbourhood Plan by citing non-statutory background papers is procedurally flawed and undermines the Government’s stated objective of empowering communities through neighbourhood planning.



## **8. Procedural Concerns and Pre-Application Engagement**

Redbrown (the applicant) has repeatedly and publicly made reference to extensive pre-application engagement with EHDC in an attempt to legitimise the acceptability of the planning submissions. If the Policy Officer's response reflects the basis of that engagement, it raises serious concerns as follows:

- Key policies and constraints appear to have been ignored or downplayed.
- Rather than identifying and considering fundamental planning policy constraints relating to the principle of bringing forward development on the site, the officers in question are rather more focused on considering detailed matters of layout and design.
- The tone and content suggest a predisposition toward supporting the principle of a development on this site contrary to EHDC's own adopted development plan and evidence base.

This all raises serious questions regarding the confidence that the public should have in the impartiality of the planning process.

## **Conclusion**

The EHDC Policy Officer's response is fundamentally flawed. It misrepresents settlement hierarchy, omits key policies, misapplies national policy, and fails to acknowledge critical constraints. If relied upon, it would expose the Council to significant risk of legal challenge and reputational damage.

It is incredibly frustrating that HVA is once more having to highlight these types of issues to EHDC officers. As a local community, Holybourne residents deserve better. The repeated failure to apply policy correctly and transparently just acts to undermine public confidence in the planning process.

Recent appeal decisions (e.g. Tibberton, Southminster, Fairlight Cove, Lancaster) confirm that even in the context of housing shortfall, development must be refused where it conflicts with policies protecting heritage, landscape, and flood risk. These precedents reinforce the legal and planning basis for refusal.

HVA urges EHDC to have full and appropriate regard to your own adopted policies, your own evidence base and to the NPPF. In doing so the HVA fails to see how EHDC could act otherwise than to refuse the application accordingly.