



**Holybourne Village Association**  
**Response to EHDC's Policy Team December 2025 Clarification Note**  
**Planning Application EHDC-25-0748-OUT**  
**January 2026**

This submission is made in response to East Hampshire District Council's (EHDC) Policy Team's Clarification Note dated 17<sup>th</sup> December 2025. The December Clarification Note followed an earlier advice note provided by EHDC Policy Team dated 4<sup>th</sup> September 2025 - to which HVA raised significant concerns.

Before responding to the EHDC Policy comments, it is important to note EHDC's own published evidence based position with respect to the development site:

***"There appears to be limited scope for avoiding adverse impacts on heritage concerns... Groundwater flood risks are very extensive.... It appears unreasonable to put this site forward... [for] large-scale development".***

**EHDC 2019 – Site Assessments Background Paper**

***Option 7 (Holybourne) was assessed as having potential for multi-faceted adverse effects in relation to heritage, including the Scheduled Monument at Cuckoo's Corner, the Holybourne Conservation Area and around 30 Grade II and two Grade II\* listed buildings. The site forms part of a sensitive rural edge with medium/low landscape capacity, and development would likely urbanise areas of countryside important to landscape and townscape character. Groundwater flooding at surface could significantly affect large parts of the option, while surface water risks also affect access routes. Site rejected for large scale development.***

**EHDC Interim Sustainability Appraisal (Strategic Site Options), February 2021**

In this first instance, HVA appreciates that the December clarifications do now identify several of the key policies relevant to assessing whether the principle of development is acceptable. It is unfortunate however that the December Clarification Note has not sought to engage with the full range of the HVA's submissions. Had it done so, the advice is likely to have been more accurately aligned with relevant policies and EHDC's own published evidential position.

Unfortunately, in attempting to defend the omissions and shortcomings in the September note, the December clarifications contrive a narrative that is inconsistent with local policy,



national policy, EHDC's own evidence base, and EHDC's own previous interpretation of its policy - an interpretation subsequently endorsed at appeal. Moreover, the December clarifications do not remedy the misdirection contained in the earlier note; they repeat and, in some areas, deepen those misapplications. As a consequence, the weight that can reasonably be afforded to both of the EHDC Policy Notes is necessarily limited. To attribute material weight to them in decision-making would place EHDC in direct conflict with the Development Plan and the NPPF; which, as a consequence, would expose the Council to procedural and legal risk.

It is welcomed, however, that the December Clarification Note does now pass full responsibility back to the decision-maker and explicitly defers to the professional judgement and expertise of the case officer. In doing so, EHDC Policy are not presenting a barrier to robust refusal. Moreover, this allows the determination of the application to proceed on the basis of the Development Plan, the NPPF, and EHDC's own evidence - free from the ambiguity, inconsistency and policy misdirection contained within both policy notes.

### **1) EHDC's own evidence rejected the site for large-scale growth**

EHDC's Site Assessments Background Paper (Reg.18, Sept 2019) undertook Stage-1/Stage-2 testing of "Land to the North of Holybourne" and concluded the site fails Stage Two due to extensive groundwater flood risk and limited scope to avoid heritage harm (Conservation Area, listed buildings and the Scheduled Monument at Cuckoo's Corner). EHDC's conclusion was explicit: it was "unreasonable to put this site forward" for large-scale development.

EHDC's Interim Sustainability Appraisal (Strategic Site Options) (2021) revisited Holybourne at the request of site promoters seeking to demonstrate capacity for up to 1,000 homes. The SA again concluded that the option would result in significant negative effects on heritage, landscape, and groundwater flood risk, and that these constraints would 'significantly constrain the development potential of the site'. The site was therefore excluded from the subsequent Regulation 18 'Large Development Sites' consultation.

This is EHDC's published evidence based policy position on the site. Nothing material has changed since 2019/2021 to remove or reverse those significant constraints to development.

Implications: This evidence alone renders both of the Policy responses fundamentally untenable. The omission of any reference to - or acknowledgement of - EHDC's published evidence position, including EHDC's Policy Team's explicit conclusions in the 2019 Site



Assessment Background Paper and 2021 Strategic Site Options Paper, is indefensible and represents a procedural inconsistency that significantly limits the weight that can reasonably be attached to the original or updated policy advice.

## **2) Settlement hierarchy vs. parish geography: a fundamental misapplication of policy**

### **NPPF context (paras 13 & 14) and the role of neighbourhood plans**

The Framework is clear: neighbourhood plans support strategic policies and shape and direct development outside those strategic policies (para 13). Where para 11(d) is engaged, para 14 protects up-to-date neighbourhood plans with allocations, such that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits when the conditions are met. The Alton Neighbourhood Plan was made in November 2021 and contains allocations; the conditions are therefore met and para 14 applies.

### **Holybourne is not “Alton for housing distribution” purposes**

The December Policy Clarifications seek to recast Holybourne via the Alton Neighbourhood Area/parish and imports “Neighbourhood Plans – Indicative Housing Figures” (Jan 2025) to justify major growth. That is conceptually and procedurally wrong:

- Planning policy in EHDC is not constructed around parish boundaries; it is constructed around strategic spatial policy, embedded via the settlement hierarchy in the adopted plan. Re-labelling Holybourne as “Alton” for apportionment seeks to misdirect the decision maker away from the hierarchy that governs scale and location of new development.
- Holybourne is a Level 4 (“other”) settlement – small-scale local development only - whereas Alton is Tier 1. Dismissing CP2/CP10 as “out-of-date” is disingenuous; the hierarchy approach is consistent with the NPPF approach to directing growth to the most sustainable locations and continues to be applied, including in recent appeals (see Bentley, below).
- CP23 protects the Alton/Holybourne strategic gap to prevent coalescence and retain separate identity. While the application site does not impact the strategic gap itself, the Alton/Holybourne Strategic Gap designation is nonetheless important. It confirms that the Development Plan treats Holybourne and Alton as separate settlements with distinct identities, consistent with CP2 and Holybourne’s Level 4 settlement classification.

**Indicative Neighbourhood Area figures are plan-making tools, not application-stage evidence**



The Jan 2025 “Indicative Housing Figures” exist to assist neighbourhood plan-making under NPPF para 70. The December Policy Clarifications acknowledge they are material only in that context. They are non-statutory and cannot re-allocate Level-4 growth or override adopted strategic policies at application stage. It is a fact that an update to the Alton Neighbourhood Plan, at this time, could not allocate anything other than ‘small scale’ development to Holybourne without conflicting with strategic policies contained within the JCS; precisely what NPPF para 13 says neighbourhood plans must not do.

**Implications (hierarchy section):** The attempt to recast Holybourne’s growth via parish-level indicative figures - rather than the adopted settlement hierarchy - is therefore a failure to have due regard to the Development Plan and a procedural misapplication of the NPPF. Again, it is indefensible and approaches a level of procedural inconsistency wholly inappropriate for evidence-based policy advice on a planning application.

**“Out-of-date” claim does not cure the defect:** Even if district-wide needs have increased, that does not convert a Level-4 village into a strategic growth location, nor does it disapply para 14 where an up-to-date Alton Neighbourhood Plan exists with allocations. The increased demand is EHDC-wide, not Alton-specific, and para 14 requires the neighbourhood plan to be protected in application decisions. NPPF para 14 does not invite officers to bypass the adopted spatial strategy with advisory figures meant for plan-making.

### **3) Local decision-making consistency: the Bentley appeal (APP/M1710/W/23/3332327)**

It is essential that planning policy is applied consistently, particularly where the policy team are providing advice on analogous schemes within the same administrative area and under the same strategic policy framework.

In December 2022, the Policy Team’s consultation advice for the Bentley proposal (a Level 4 settlement, directly comparable to Holybourne), correctly applied the Development Plan as follows:

- CP2 / CP10: settlement hierarchy and distribution of development;
- CP19: countryside protection;
- CP20: landscape;
- CP29 / CP31: character and design.

This advice was subsequently reflected and reinforced in the Inspector’s May 2024 appeal decision (APP/M1710/W/23/3332327), which found that:



- The scale exceeded the role of a Level 4 settlement;
- Character and identity harms were significant;
- Travel-related environmental impacts persisted;
- Even under the tilted balance, harms significantly and demonstrably outweighed benefits; and
- These policies retained substantial weight, notwithstanding the 5YHLS position.

This demonstrates a clear and logical chain of reasoning on the correct use of the settlement hierarchy in decision-making - a chain of reasoning the Inspector endorsed.

The position taken in the Holybourne Policy Notes represents a material departure from that established chain of reasoning. Whereas Bentley received:

- Full application of CP2, CP10, CP19, CP20, CP29, CP31;
- Recognition of Level 4 settlement constraints;
- Acknowledgment of the strategic intent of the hierarchy;

...the Policy Notes in response to the Holybourne application:

- Omits CP2 and CP10 entirely;
- Recasts Holybourne as part of Alton for housing purposes;
- Treats the parish boundary as a proxy for spatial planning geography;
- Relies on Indicative Housing Figures (a plan-making tool) to frame application-stage decision-making; and
- Downplays environmental constraints – constraints well known to EHDC in its evidential base.

The inconsistency between the two positions is therefore not a matter of interpretation, but of principle:

- Two proposals,
- The same settlement tier,
- The same Development Plan,
- The same policy officer,
- Two wholly different approaches to CP2, CP10, CP19, CP20, CP29 and 11(d).

This inconsistency is particularly stark given that the Holybourne site carries more constraints than the Bentley appeal site:

- Local Green Space → triggers Green Belt-equivalent protection under NPPF 11(d)(i), 106 and 108;



- Scheduled Monument and multiple listed buildings → footnote 7 constraints engaging NPPF 11(d)(i);
- Very extensive groundwater flood risk → Sequential Test required, also footnote 7 constraints engaging NPPF 11(d)(i).

Put simply: If the Development Plan policies attracted substantial weight in Bentley even under the tilted balance, they attract at least the same - if not greater - weight in Holybourne where footnote 7 constraints engage NPPF 11(d)(i) and thus disapply the tilted balance.

The result is unavoidable: The updated Holybourne note stands in marked and unexplained contrast to the Bentley advice and decision. Without a clear, policy-based rationale for this divergence, the Holybourne Policy Notes cannot be treated as reliable or consistent planning policy advice.

This is not a question of disagreement - it is a question of policy consistency and proper regard to precedent.

The Development Plan has not changed since the 2022 Bentley appeal decision.

National policy has not altered in any way material to the issues engaged here.

The settlement hierarchy has not changed.

Only the analysis in the Policy Advice Notes has changed.

The inconsistency is a material consideration that significantly reduces the weight both of the EHDC Policy Notes can command.

#### **4) Local Green Space (LGS CH5): Fundamental misapplication of national policy**

The December Clarification Note finally concedes that the Holybourne Play Area is a designated Local Green Space, and that policy for managing development within an LGS must be consistent with Green Belt policy under NPPF para 108.

Inexplicably however, the updated policy note does not mention NPPF para 106 at all, which is the *core* national policy governing not just management, but the designation,



permanence, and plan-led status of LGS. That omission is extraordinary. It is the fundamental governing provision for LGS designation and effect. The failure to reference it renders the Policy Clarification advice incomplete, misdirected, and unsound.

For ease of reference:

- Para 106: designation occurs only through plan-making, must be consistent with sustainable development and capable of enduring beyond the plan period.
- Para 108: management of development within an LGS is consistent with Green Belt policy.

Together these establish an unequivocal position; an LGS is a permanent, plan-led, Green-Belt-equivalent designation, which cannot be undermined, reconfigured or rendered meaningless through an ad-hoc planning application.

Instead of applying the NPPF, the December Clarification Note reframes LGS harm as a subjective matter of “connection” rather than applying the Green Belt policy tests, which are strict and prescriptive (inappropriate development; very special circumstances; openness and setting). None of this analysis appears in the updated policy note.

**Implications:** The omission of any consideration of NPPF para 106 and the failure to apply the correct Green Belt policy tests under para 108 represent a serious misapplication of national policy. No lawful or defensible assessment of LGS harm can be reached while ignoring the governing national policy framework.

### **Mischaracterisation of “increased physical connection to the countryside”**

Suggestion is made in the December Clarification Note that the development offers “increased physical connection to the countryside”. This however is factually incorrect and policy-inaccurate, directly contradicted by:

1. The proposal, which removes the LGS and would replace it with a space that is enclosed and urbanised on multiple sides;
2. EHDC's own Landscape Capacity Study (2018), which identifies this land as part of a sensitive landscape with low capacity for change;
3. The actual behaviour of the applicant, who has been systematically closing permissive paths and removing longstanding informal public access routes across their wider estate;



4. The basic fact that any “new routes” created would be through a housing estate, not open countryside.

A footpath through a housing estate is not “access to the countryside”. It is simply a footpath through a housing estate.

**LGS Function: landscape, setting, openness and community benefit**

The Play Area's LGS designation was predicated on its community value, recreational function, relationship with the open countryside, and role as a rural green gateway. The updated note does not assess any of these functions against:

- NPPF 106 (plan-making permanence of designation);
- NPPF 108 (Green Belt tests for managing development);
- NPPF 11(d)(i) (footnote-7 protected asset → tilted balance disappplied);
- CP20 (landscape); CP29 (character and context);
- ANP Policy CH5 (LGS safeguarding).

EHDC's Landscape Capacity Study (2018) identifies the Holybourne northern fringe as a sensitive rural edge with low capacity for change. The updated policy note does not address this study at all, despite EHDC relying on the same document to resist development in Bentley and other Level 4 settlements.

**5) Heritage (CP30; NPPF 213–215)**

EHDC's 2019 and 2021 assessments found limited scope to avoid heritage harm at Holybourne when constraints are taken together.

The Council's 2019 Site Assessments Background Paper states that:

“The rural character of the site is of particular importance with regard to the listed building, conservation area and scheduled ancient monument constraints. Whilst the proposals recognise and seek to respond to these constraints, it remains difficult to see how a meaningful visual connection to agricultural land and activities would be maintained, given the proximity of substantial areas of new development to the conservation area and its listed buildings”.

The cumulative harm to the Conservation Area, Grade II\* and Grade II buildings, and the Scheduled Monument is precisely the kind of footnote-7 constraint that engages 11(d)(i).





The December Clarification Note however defers to other consultees rather than addressing the policy test.

## **6) Groundwater flood risk (CP25; SFRA): Sequential Test is required and has not been met**

### **Flood Risk – Groundwater and the Sequential Test (CP25; SFRA): A Critical Misapplication of National Policy**

EHDC's own evidence base identifies very extensive groundwater flood risk across the Holybourne site. The Council's 2019 Site Assessments Background Paper recorded 78% of the site was effected and that this formed part of the reason the site failed Stage Two and was considered "unreasonable to put forward" for large-scale development.

Despite this, the December Clarification Note attempts to downplay groundwater flood risk by arguing that the mapping "does not quantify probability" and therefore cannot inform the Sequential Test. This position is technically incorrect, inconsistent with national policy, and directly at odds with recent appeal decisions, as well as EHDC's own published conclusions.

#### **The Sequential Test considers *all* sources of flood risk - not only quantified ones**

The NPPF and Planning Practice Guidance are explicit that the Sequential Test must consider all sources of flooding - including groundwater. Nowhere does the NPPF require probabilistic quantification as a prerequisite for applying the Test. EHDC's SFRA identifies this area as subject to high groundwater emergence potential, and therefore the Test must be applied.

#### **EHDC's 2019 evidence already assessed this constraint - and the site failed**

In 2019, EHDC's own Policy Team concluded that:

- The extent of groundwater flooding was significant;
- The impacts are severe, with groundwater flooding capable of lasting months;
- There was limited or no scope for mitigation;
- This contributed to the site's Stage Two failure and its exclusion from the Regulation 18 consultation.

Neither of the EHDC Policy Notes acknowledge or reference any of this.

Had the EHDC Policy Team had regard to their own evidence - or indeed to HVA's original flood-risk paper, which synthesised this evidence in detail - the conclusions would



necessarily have been more robust, more accurate, and actually aligned with established national practice.

**Appeal decisions confirm groundwater flood risk *must* be treated as a Sequential Test trigger**

HVA provided, in its original submission, several relevant appeal decisions (e.g. Fairlight, Bailrigg) where Inspectors held that:

- Groundwater flood risk alone is sufficient to require a Sequential Test;
- Absence of a Sequential Test is a standalone reason for refusal;
- Tilted balance does not rescue schemes where risks from groundwater have not been sequentially avoided (NPPF 11(d)(i)).

These decisions show that the interpretation contained within the December Clarification Note - that groundwater risk is somehow “less relevant” because its mapping is not probabilistic - is contrary to established policy application and appeal practice.

**The updated note misdirects the legal test for 11(d)(i)**

Once a footnote-7 constraint (such as significant flood risk) is identified, the correct approach is to consider whether this provides a clear reason for refusing the development under NPPF 11(d)(i).

Neither of the EHDC Policy Notes:

- Apply NPPF 11(d)(i);
- Address the consequences of failing the Sequential Test;
- Acknowledge that the Sequential Test is not optional when required by CP25 and the SFRA.

This is a fundamental omission.

**The December Clarification Note's treatment of groundwater risk is inconsistent with CP25, the SFRA, national guidance and EHDC's own 2019 position**

CP25 requires that flood risk be avoided through site selection - not mitigated later.

The December Clarification Note instead implies that because the FRA looks at site-specific measures, the Sequential Test is unnecessary. This is backwards:

- The Sequential Test precedes site-specific FRA work; and



- A site that fails the Sequential Test cannot move on to the exceptions-based stages.

### **The failure to acknowledge HVA's original drainage and flooding objection is significant**

HVA's previous submissions with respect to this application included:

- Extracts from the EHDC SFRA;
- Mapped distribution of groundwater emergence zones;
- Historical groundwater flood events;
- Appeal precedent;
- A demonstration of why the Sequential Test is mandatory.

The December Clarifications Note does not have regard to any of this material. Nor does it have any regard to EHDC's own evidential base and previous site assessment findings - despite the fact they are published evidence from their own Team/Authority.

Had the December Clarification Note done so, it would have been forced to acknowledge:

- A Sequential Test is required;
- NPPF 11(d)(i) is engaged; and
- That the development should therefore be considered in conflict with the Development Plan and national policy.

### **Implications**

The December Clarification Note's treatment of groundwater flooding is technically incorrect, inconsistent with national policy, contrary to recent appeal decisions, and wholly at odds with EHDC's own published evidence base.

Groundwater flood risk at this site is extensive, severe, and well-documented. A Sequential Test is unquestionably required under CP25 and the NPPF. It has not been undertaken. That failure alone engages NPPF 11(d)(i), disapplies the tilted balance, and provides a clear and independent reason for refusal.

The fact that neither of the Policy Notes reference HVA's original technical paper, or EHDC's own previous conclusions (based on EHDC's own evidence base), has resulted in a Clarification Note that is materially incomplete and cannot safely be relied upon in the determination of this application.

### **7) The updated note retreats into process, not policy**



HVA note that the December Clarifications now repeatedly default to “it is for the decision-maker...”, “you will be aware...”, and “let me know if you consider otherwise...”, instead of applying the Development Plan, the 2019/2021 evidence, and the NPPF. That does not provide a reliable policy basis for determination.

This approach is however welcomed in as much as the EHDC Policy Team is no longer presenting a barrier to a robust refusal. Moreover, this allows the determination of the application to proceed on the basis of the Development Plan, the NPPF, and EHDC's own evidence - free from the ambiguity, inconsistency and policy misdirection contained within both policy notes.

## **8) Conclusion and requested approach**

Given:

- EHDC's 2019/2021 evidence rejected the site for large-scale growth (fail – Stage Two) on heritage, landscape and groundwater grounds;
- The settlement hierarchy (CP2/CP10) policy constraints relating to anything other than small-scale development in Holybourne;
- NPPF para 14 protects the Alton NP (made Nov 2021) which contains allocations;
- Indicative Neighbourhood Area figures are plan-making tools (para 70) and cannot be used to justify application-stage departures from strategic policy;
- Footnote-7 constraints (LGS, SAM/heritage, groundwater) engage 11(d)(i) and switch off the tilted balance;
- The Bentley appeal demonstrates that Level-4 principles persist under tilted balance - harms decisively outweigh benefits;
- And all of the other harm identified in the HVA submissions – including landscape character and visual impact, failure to support sustainable transport objectives, highways impact, impact upon village infrastructure, loss of Best and Most Versatile Agricultural Land, etc.

### **HVA strongly suggests that EHDC:**

1. Does not place material weight on either of the EHDC Policy Notes;
2. Relies on the adopted Development Plan and treats EHDC's own published conclusions/assessment of the site (2019 and 2022) as material;
3. Applies NPPF 11(d)(i) correctly and disapplies the tilted balance; and
4. Refuses the application on policy grounds consistent with EHDC's own evidence and recent appeal practice.



In light of the Development Plan, national policy and EHDC's own published evidence, refusal is the only conclusion that appears consistent with a plan-led and procedurally robust determination. Any departure from that position would raise significant concerns about procedural robustness and expose the Council to avoidable legal risk.

HVA will continue to monitor the determination of this application closely.