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Dear Sirs

## **SDNP Local Plan Consultation: Summary Comments on the Introduction**

Hawkley Parish Council welcomes the overall scope of the Local Plan and in particular its 'landscape led' approach which we believe is in full agreement with the overriding aims and responsibilities of the South Downs National Park.

The plan has been diligently and thoroughly prepared and has evidently involved a great deal of effort and in many places has required a sensitive balance between competing interests. Generally, we believe the balance of interests has been struck appropriately but in respect of two specific policies, SD33 and SD75, the balance is wrong and the evidence available has been ignored or misrepresented. It is our view that policies SD33 and SD75 are "Unsound" because the basis of allocation in SD75 is "Not Justified".

We expand on these points in our comments on the policies concerned but in summary we believe that the allocation of the Half Acre site as a permanent site for Gypsies and Travellers pursuant to SD 75 should be revoked, rescinded or cancelled. Further, if the plan is submitted for examination without reversal of these policies we want to be heard.

In conclusion, we congratulate you on what we believe overall to be an excellent plan appropriately reflecting the aims of the SDNP.

Yours faithfully,

David Caukill

## **Comments on Specific Policies**

### **Strategic Policy SD8: Dark Skies**

While this is a laudable objective which has our wholehearted support, experience shows that the Authority is reluctant to take action to enforce it. If this is going to be policy resources need to be available for enforcement.

### **Strategic Policy SD27: Mix of homes**

Hawkley Parish Council supports the thrust of those of the Local Plans policies which contribute to the objective of maintaining or increasing the stock of housing in the area whose price is 'attainable', i.e. priced within reach of 'normal' people, hopefully allowing children who have grown up locally to aspire to settle locally with their families. Similarly, we support policies which seek to maintain or increase the proportion of "affordable" homes (as defined in the Local Plan) as necessary to maintain the economy of the SDNP. Therefore we support the mix of homes policy in SD27.

However, it will not always be desirable or economically viable to combine market and affordable housing on a single site in these strict proportions and implementation may need pragmatic approach, maintaining the policy objective through selective use of Rural Exception Sites.

### **Strategic Policy SD28: Affordable housing**

Hawkley Parish Council supports the thrust of those of the Local Plans policies which contribute to the objective of maintaining or increasing the stock of housing in the area whose price is 'attainable', i.e. priced within reach of 'normal' people, hopefully allowing children who have grown up locally to aspire to settle locally with their families. Similarly, we support policies which seek to maintain or increase the proportion of "affordable" homes (as defined in the Local Plan) as necessary to maintain the economy of the SDNP. Therefore we support the affordable housing policy in SD28.

However, it will not always be desirable or economically viable to combine market and affordable housing on a single site in these strict proportions and implementation may need pragmatic approach, maintaining the policy objective through selective use of Rural Exception Sites.

## **Development Management Policy SD30: Replacement Dwellings and SD 31 Extensions to existing dwellings, and provision of annexes and outbuildings**

Hawkey Parish Council supports the thrust of those of the Local Plans policies which contribute to the objective of maintaining or increasing the stock of housing in the area whose price is 'attainable', i.e. priced within reach of 'normal' people, hopefully allowing children who have grown up locally to aspire to settle locally with their families. This must also be a tacit objective of policy SD31 relating to extensions because the first thing many buyers do is to extend a newly acquired property – increasing its amenity and value but decreasing its attainability. We can do nothing about the market price of the housing stock but if the potential for development of extensions were limited, relative 'attainability' can be maintained.

However, we have two concerns about the presumptive limitation of all house extensions to 30% in SD31:

1 If a property is already 'unattainable' then it doesn't seem to further the objectives of the SDNP to arbitrarily prevent an owner from enlarging it – it will still be 'unattainable'. Therefore, by way of example, if the owner of a house within substantial private grounds and which is not overlooked wants to extend it by say 60%, a presumption against that development doesn't seem to be relevant to the SDNP's agenda – normal planning policies can control excess, as they do today. However, if this 30% rule were to be strictly applied to those dwellings which are presently 'attainable', it would maintain the stock of houses that 'normal' people can aspire to live in, rather than that stock being eroded over time. This would be welcome and would be particularly so if (as is proposed) a permission would also remove future permitted development rights.

2 The restrictions proposed are retrospective - meaning that they would preclude existing owners, including those who owned their property before SDNP was established, from extending their properties by more than 30% in future.

That might not matter so much if the cost of acquiring a 50% larger house locally was broadly the same as extending their existing residence by 50%. Consumer choice could be maintained simply by selling and buying somewhere larger. However, with stamp duty at 5% (10% above £925k) many owners would be better off extending their properties rather than trading up. (The stamp duty cost of trading up could alone likely fund a sizeable extension). Thus, such a person living just inside the boundary of the SDNP will have different choices compared with someone just outside the SDNP. Thus, this proposal is discriminatory and distorts the housing market.

Therefore, much as we support it in principle, we believe that Policy SD31 should be 'grandfathered' so as to apply only to houses which change hands in future. Owners of homes which they acquired prior to implementation should be allowed to develop their properties with under the existing rules. At the very least there should be some transitional enabling provisions.

### **Strategic Policy SD33: Gypsies and Travellers and Travelling Showpeople**

While we recognise the special needs of the communities of Gypsies and Travellers and Travelling Showpeople, this policy is structured as a presumptive approval of any development proposal which meets the criteria in paragraph 3 of SD33.

We had understood these criteria (in paragraph 3) were originally intended as explanatory, subsidiary to and limited by the commitment in paragraph 2 of SD33 to approve a specified number of as yet unidentified sites. However, it is not conditioned in that way as a matter of English language.

This presumptive approval is without consideration of the objective of protecting the landscape or any of the other other interests and objectives of the SDNP e.g. to settlement boundaries nor the affordable housing quotas etc. These objectives are required to be considered in any development within the settled community but paragraph 3 simply undertakes to approve any proposals which meet the criteria set out therein. Therefore, this policy is discriminatory - it expressly prefers the interests of the Travelling community over those of the settled community.

Paragraph 3 should be redrafted to make it clearly subsidiary to paragraph 2, as a clarification of the basis on which the sites referred to in paragraph 2 will be selected.

Finally, we understand that a number of issues have been raised by other commentators about the completeness of information made available to the third party consultants who developed the recommendations for specific travellers' site allocations. These issues underline that the whole site assessment and allocation process is fundamentally flawed.

## **Allocation Policy SD75 – Half Acre Hawkley**

The lengthy Local Plan process has concluded with a recommended allocation of this site for permanent permission for occupation by Gypsies and Travellers (Para 9.115 et seq.) This is despite the large amount of local opposition in and around the Parish of Hawkley – and is being pushed through without any of the normal public scrutiny and consultation that would ensue were this proposal considered as a stand-alone planning application.

Your endorsement of the Allocation Policy 75 would perpetuate the, at best, lukewarm conclusion in the Gypsy, Travellers and Travelling Showpeople Background Paper (2016) which considered 14 proposed traveller sites in the East Hampshire segment of SDNP which do not have permanent permission. Only one of those 14 sites, Half Acre, was recommended for allocation .... and then only in the following tentative terms:

*Given .... “the lack of available and suitable sites .... It is suggested that .... [its allocation] ...may be appropriate.”*

That recommendation seemed then, as now, grounded more in the exhaustion of alternatives than in the principled application of planning policy. The sacrosanct beauty of the SDNP landscape should not be sacrificed on the basis, self-evidently, that to do otherwise is just ‘too difficult’.

In any case, the Basis of Allocation as stated in the South Downs Local Plan is “**Not Justified**”. Further, we understand that a number of issues have been raised by other commentators about the completeness of information made available to the third party consultants who developed the recommendations for specific travellers' site allocations. Were these to be substantiated, these issues underline that the whole site assessment and allocation process is fundamentally flawed.

### **Basis of allocation**

#### Limited, localised effect - Not overlooked?

The site is described (9.116) as having “*a limited, localised effect on the landscape character with views being well contained and it is not subject to overlooking*”. This statement is repeated verbatim in the Sustainability Assessment (at A98), but it is contradicted by all the evidence, namely:

- The considered and clearly articulated conclusions of the Planning Inspector at the Planning Enquiry which gathered evidence over a number of days in 2007
- The statements made in repeated Decision Notices refusing planning applications in connection with the site since the SDNP was formed. These Decision Notices were signed by Tim Slaney, the SDNP Director of Planning.
- The views of the local population and the Parish Council and
- Common Sense

## *The 2007 Planning Enquiry*

The Inspector's 2007 assessment clearly is not consistent with the proposition that the site has "*a limited, localised effect on the landscape character with views being well contained and it is not subject to overlooking*". He said:

"8. The impact of this use, incorporating the development of the compound, the siting of the caravans, and the partial enclosure by high fencing, is, to my mind, severely intrusive in the local landscape. The immediate setting is relatively flat open fields, with tree and shrub hedges alongside Hawkley Road and Snailing Lane, and along the adjoining field boundaries, but this is framed by the higher land to the west, known as The Hangers, which adds significantly to the overall attractiveness of the setting. The appeal development is more or less surrounded by significant viewpoints, and, to my mind, is wholly at odds with its setting as it has no affinity with the surrounding landscape, land use, or any nearby development. This is particularly so because of the prominence of the enclosing boundary fencing from Hawkley Road and Snailing Lane, and the extensive views of the residential compound and the caravans across the open fields from the south-east and north-east along considerable lengths of the public rights of way."

In fact, Snailing Lane is BOAT 25, the 'footpath adjoining the site' on its northern perimeter referred to in 9.116. Local residents and walkers alike are wary of using that path because of noise, rubbish emanating from the site loose on the pathway and periodic encounters with the incumbents' large, uncontrolled and aggressive dogs. The Inspector returned to this subject in his findings:

46. I have found that there is serious harm to the AONB, contrary to the purpose of the national and local policies to conserve the natural beauty of the landscape and countryside. The guidance in PPS7 affirms that the conservation of the natural beauty of the landscape and countryside should be given great weight in planning policies and development control decisions in these areas. [ ..... ]. In this case, the presence of the site is harmful, and I do not see that landscaping would provide any overriding benefit. [...].

The Inspector then described this site as "*severely intrusive in the landscape, [and] significantly detrimental to, and out of keeping with, this rural area*". His plainly reluctant grant of Temporary Permission was expressly tied to the special circumstances of the then occupants – over 10 years ago; the medical and education needs of their 11 year old daughter were matters of "particular importance" and were given "substantial weight". Ten years on - and now adult - the daughter drives her own car and so has her own independence. Her circumstances are not relevant to the current decision.

### *Statements made by the SDNP Director of Planning in repeated Decision Notices refusing planning applications*

Tim Slaney, the SDNP Director of Planning, clearly also does not agree with the proposition that the site has "*a limited, localised effect on the landscape character with views being well contained and it is not subject to overlooking*". "

For example, in the Decision notice refusing permission in **SDNP/16/02380/CND**: 17 October 2016 he said: “Temporary planning permissions have only been granted for the use of the land as a travellers' site due to the exceptional personal circumstances of the occupiers covered by the existing conditions, pending the allocation of such sites via the South Downs Local Plan. Such circumstances are not considered to be present with the current proposal and to occupy the site without sound justification, would be seen **to endorse and perpetuate the adverse impact this significantly harmful development has on this sensitive rural location.**” (It is interesting that the reference to the conclusion of the South Downs Local Plan refers specifically to the personal circumstances of the applicants. That reference in no way qualifies his damning assessment of the damage to the sensitive rural location caused by this harmful development).

Further, in his most recent decision, the Decision notice refusing permission in **SDNP/16/03758/FUL**: 26 October 2016 he said: “**The proposal would be significantly harmful and intrusive to the character and appearance of this sensitive rural location, for which no overriding justification has been provided.**” We could not agree more. No justification can.

#### *The views of the local residents and the Parish Council*

The suggestion that this site has “*a limited, localised effect on the landscape character with views being well contained and it is not subject to overlooking*” is completely at odds with the views of the settled population in this parish for whom the site remains a blot on the landscape. It is in plain view of all of the walkers and riders using the adjacent paths (namely BOAT 25, and Footpaths 22b and 23). Further, the various ‘PRIVATE PROPERTY KEEP OFF’ notices displayed on the posts on the entrance and along the roadside draw immediate, stark attention to the property as one passes.

So, the fundamental basis for the allocation of this site, namely that it “*has a limited, localised effect on the landscape character with views being well contained and it is not subject to overlooking.*” - set out in paragraph 9.116 of the Local Plan - and repeated verbatim on page A98 of the Sustainability Assessment - is contradicted by all the evidence and is contrary to common sense.

#### Accessibility - Sustainable Transport

The sustainability assessment states that the site is accessible with sustainable transport links. We believe those conclusions are “**Not Justified**”.

The site is a good 45 minute brisk walk for a fit person to get to, and from, the nearest (limited) shops, bus route or railway station. There are no footpaths to Liss and its services and so pedestrians have to walk along a fairly narrow and relatively busy rural road. The only practical way of getting around locally is to use personal transport which is hardly ‘sustainable’ and which perhaps explains why there are usually more vehicles on the site than there are residents with the consequential impact on emissions.

Specific Development Requirement is ineffective - Hedging surrounding the site  
Allocation policy SD75 specifies a number of development requirements before development will be permitted. One of these (“e) *The hedging around the site is*

*retained ...etc.*”) is not without some irony given that all the hedging along the eastern flanks of the site concerned was planted by the owner of the adjacent land - and is planted on that adjacent land - in order to obscure his view of the existing intrusive development. It can be removed at will and so that aspect of SD 75 is “**Not Effective**”.

### No dialogue

At the Planning Committee meeting to approve the Local Plan, the Authority stressed the extent of its interaction and dialogue with local Parish Councils in the development of the Local Plan. However, the SDNP has never sought to establish any dialogue or discussion with Hawkley Parish Council about the allocation of this – or any other - site. No-one has sought to address our oft stated concerns, nor explain the thinking behind the proposed allocation which simply fosters suspicion about the integrity of the process. We would have welcomed such discussions which might have provided us with some assurance about the robustness of the allocation process.

### **Conclusion**

The Local Plan is the product of careful analysis and must have involved a difficult balance of competing interests. But in this particular proposal, Allocation Policy SD 75, that balance is wrong is Not Explained and is “Not Justified”. The development is severely intrusive in, and causes unacceptable harm to, the surrounding landscape.

This Local Plan provides no good reason to sacrifice the beautiful landscape of the Hawkley area of the SDNP. On behalf of the Hawkley Parish Council, and all the settled community in Hawkley, we urge you to reject Allocation Policy SD 75 in respect of the Half Acre site.