Holybourne Village Association's response to the delegated Officer Report for EHDC-25-0748-OUT
To: East Hampshire District Council
Application: EHDC-25-0748-OUT
Site: Land to the rear of 136–150 London Road, Holybourne
Submitted by: Holybourne Village Association (HVA)
Status: Formal representation and corporate complaint concerning the integrity of the delegated decision record and evidence-handling process

Date: 8 November 2026

Executive Summary

Holybourne Village Association (HVA) does not challenge East Hants District Council's (EHDC) refusal of planning permission for EHDC-25-0748-OUT.

It challenges the reliability of the affirmative planning case EHDC chose to publish alongside that refusal.

EHDC went substantially beyond identifying sufficient grounds to refuse. The Officer Report concludes that, "were it not for" unresolved groundwater, the benefits would outweigh the harms and the development would represent sustainable development.

That conclusion matters. In practical effect, it leaves behind an apparent roadmap for resubmission:

resolve groundwater → retain the positive findings → approval follows

This submission demonstrates why that proposition is untenable.

EHDC promised the safeguard. The safeguard failed.

HVA raised the evidential risk before determination. EHDC had chosen not routinely to require specialist consultees to engage with HVA's detailed contrary technical evidence. HVA therefore repeatedly asked how consideration of that evidence would be safeguarded.

EHDC's answer was explicit: the case officer and final Officer Report would consider the material planning matters raised, seek further specialist input where necessary, and

assess those matters against the Development Plan, national policy and other material considerations. The Chief Planning Officer defended that process. On 10 March 2026, the Monitoring Officer stated "for the avoidance of any doubt" that the Monitoring Officer was satisfied with that position.

EHDC promised the safeguard. The Officer Report was therefore the test of EHDC's own assurance.

It fails that test.

Mentioning an objection is not assessing it. Summarising evidence is not engaging with its substance. Repeating a consultee conclusion does not resolve contrary technical evidence which that consultee was never asked to examine.

And the failure matters because EHDC then relied upon that process to make definitive affirmative planning judgements.

The failure is structural, not incidental

The problems identified in this submission are not a collection of disagreements about planning weight.

They recur across the Officer Report:

- Adopted spatial strategy: Holybourne remains Tier 4, yet EHDC imports Alton's Tier 1 jobs, services and sustainability credentials into the case for major development at Holybourne, reproducing the central logic of the abandoned Regulation 18 "Alton (including Holybourne)" strategy which the Report itself says carries no weight.

- NPPF Policy S5(1)(j): housing need is allowed to do work which separate gateway requirements for physical relationship, scale and infrastructure still had to perform.

- Infrastructure: HCC says Montecchio is already close to theoretical capacity and that no deliverable engineering intervention can meaningfully increase vehicular capacity; NHS evidence says existing GP practices cannot absorb the additional patients. EHDC nevertheless concludes that infrastructure capacity is satisfied through contributions and conditions.

- Accessibility: EHDC measures from Montecchio rather than the development, accepts that even that shorter journey to Alton is probably further than most people would walk, and then relies upon a rural-walking assumption contradicted by its own commissioned accessibility evidence.

- Highways: development-required mitigation is rebadged as an LCWIP public benefit, while parking displacement identified by HCC is never demonstrably traced through to its consequences for the existing village.

- Neighbourhood Plan: EHDC acknowledges the made Alton Neighbourhood Plan and additional S6 protection, yet omits CH5, the policy protecting the Local Green Space, from its ANP policy assessment while deploying an indicative housing figure which EHDC's own guidance says is not a housing requirement.

- Village facilities: EHDC counts Holybourne's existing facilities once to establish sustainability and again to claim a positive economic benefit from 156 additional households. Yet when the people actually running and using those facilities explained how the development's own highway mitigation could damage their accessibility, operation and trade, the Officer Report did not resolve that contrary evidence. The facilities are counted when they support the positive case; the evidence from those facilities is not equivalently engaged with when it undermines it.

- Local Green Space: EHDC constructs a route through NPPF Policy GB7 which the policy does not contain, fails that route on its own findings, does not undertake the alternative GB6 very-special-circumstances exercise, but nevertheless proceeds to an ordinary planning balance anyway. That is not an exercise of planning judgment within the policy. It is a misapplication of the policy itself.

- Heritage: EHDC's own pre-2023 evidence had identified heritage as a constraint on strategic development. Its Conservation Officer identified the harm again and objected. Historic England identified continuing harm and left the balance to EHDC. Yet the Officer Report does not perform the complete asset-specific HE5/HE6 exercise and ultimately balances an incomplete heritage case away against housing. That is not simply a difference of planning judgement over heritage weight. It is a misapplication of the heritage policy framework: EHDC

undertook the balance before completing the assessment required to establish what it was balancing.

- Inspector evidence: Inspector reasoning submitted by HVA disappears from the substantive assessment while Buntingford is expressly interpreted and deployed where EHDC considers it supportive.

- Planning balance: individual harms are repeatedly neutralised against selected benefits before the purported cumulative balance is reached. That is not the way the cumulative planning balance should be exercised.

The pattern is consistent: where policy, evidence or local experience obstructs the positive case, the Officer Report variously ignores it, records it without substantive engagement, leaves it unresolved, or constructs a route around it. Where contrary community evidence should test that route, the promised safeguard does not demonstrate equivalent scrutiny.

The Inspector evidence provides the simplest audit test: HVA submitted it and identified the propositions for which it was relied upon; the Officer Report does not even acknowledge it. Buntingford, by contrast, is expressly identified, interpreted and deployed where EHDC considers its reasoning supportive. That is not even-handed evidence handling.

Bentley makes that failure impossible to dismiss as oversight. It was EHDC's own near-contemporaneous application of the same adopted spatial strategy, reaching materially contrary conclusions on settlement role, scale, countryside function and the proposition that housing need does not override those constraints. HVA repeatedly put Bentley before EHDC and required it to follow or materially distinguish its reasoning. The Officer Report does neither. EHDC deploys Buntingford when Inspector reasoning assists its positive case; Bentley, its own materially contrary comparator, simply disappears.

The "were it not for groundwater" conclusion is consequently unreliable

The Officer Report's final conclusion is not demonstrated to arise from a fresh cumulative assessment of a complete adverse case.

By the time EHDC reaches the final balance, agricultural harm has already been outweighed; landscape harm has already been outweighed; heritage harm has already been outweighed; Local Green Space harm has been paired against replacement

recreation; development mitigation has become positive highway weight; and Development Plan conflict has been set aside against housing need.

Groundwater is left standing after almost everything else has already been analytically and individually dispatched.

Worse, several of those adverse exercises were themselves incomplete. EHDC was repeatedly deploying the positive case against an adverse case which, in material respects, it had not finished identifying.

The final counterfactual conclusion is therefore not a safe finding that everything except groundwater is acceptable.

It is the residue left after serial neutralisation and a lack of meaningful engagement with the counter case.

This is now a corporate governance failure

The local community engaged extensively and in good faith with the process EHDC provided. It submitted technical evidence, policy analysis and Inspector decisions; updated its case as applicant evidence and national policy changed; identified procedural concerns before determination; and escalated those concerns precisely so EHDC could prevent this outcome.

EHDC defended its process.

The Monitoring Officer endorsed the safeguard.

The completed Officer Report is now the manifestation of whether that safeguard actually operated as promised. It failed.

That sits directly against EHDC's own Council Strategy commitment to greater community participation and agency, and to being transparent, reliable, accountable and engaging, with residents' best interests kept "at the heart of planning". The Community's experience of this planning application process has been anything but.

Those commitments have to mean more than allowing residents to upload documents.

Participation without substantive engagement is not agency.

Receipt without assessment is not accountability.

A promised safeguard which the final decision record does not demonstrate is not transparency.

The refusal is the decision.

The additional counterfactual narrative is not a permission, not a comprehensive determination that every non-groundwater issue is acceptable, and not a roadmap to approval.

HVA does not invite EHDC to repair the Officer Report retrospectively.

The Report is the Report. The safeguard failed. The affirmative conclusion that, "were it not for" unresolved groundwater, the benefits would outweigh the harms and the development would represent sustainable development cannot survive that failure. It is the product of the defective process identified throughout this complaint. It cannot properly stand as a bank of favourable findings or a roadmap to approval.

1. THE ISSUE – EHDC identified and defended a safeguard to ensure that all community representations would be given appropriate weight in the decision making process; and then failed to execute that safeguard.

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The August 2026 NPPF confirms that its national decision-making policies are material considerations, and DM3(1)(c) expressly requires the local planning authority to take account of planning matters raised in representations.

EHDC did not have to agree with every representation, reproduce every submission or obtain a fresh consultee response to every objection. They were however, under planning law and the NPPF, required to take them into account. So the key question is:

> Were the material planning matters raised by HVA, Alton Town Council and the wider community actually taken into account before EHDC reached affirmative planning judgements upon those matters, and where is the contemporaneous evidence that this occurred?

HVA's representations were not generic opposition. They addressed groundwater, settlement hierarchy, infrastructure capacity, sustainable accessibility, highways, heritage, Local Green Space, landscape, neighbourhood-plan conflict and the planning balance. HVA responded to changing applicant evidence and consultee positions, submitted Inspector decisions tied to specific planning propositions, and produced a detailed analysis of the new NPPF (2026) before determination.

EHDC repeatedly identified how those representations would be safeguarded. On 13 November 2025 Development Manager Nick Upton stated that "the duty we have is to ensure that all representations received are taken into account prior to a decision being reached", explained that consultees were "not routinely requested to comment on third party comments", and added that specialist input would be sought if a third party raised an issue requiring it.

On 3 December 2025 the then Chief Planning Officer Gilian Macinnes said EHDC considers the content rather than the number of representations and that it considers "the views of both residents and the expert consultees".

On 4 December EHDC's response to 2025 FOI/1544 made the evidential position explicit: "No Consultee has been requested to specifically engage with HVA's

Submissions". EHDC nevertheless assured HVA that its comments "will be reported and considered along with all other representations".

HVA did not wait until after the decision to escalate these issues further. On 10 February 2026 HVA served a Procedural Fairness and Evidence Handling Notice upon EHDC's Monitoring Officer, copied to senior planning and legal officers. It identified the technical evidence not specifically put to consultees, explained the practical difficulty of locating the community's technical submissions on the portal, and asked EHDC to verify what evidence had actually been supplied to the consultees before determination.

On 26 February 2026 the Chief Planning Officer formally defended EHDC's approach. She quoted EHDC's Statement of Community Involvement that valid planning issues "will be taken into account in the decision making process and will be summarised in the case officers report"; stated that the case officer "will take into account all comments that are relevant and material planning matters"; and, most importantly, assured HVA that the report would summarise the material planning matters raised and "asses[s] them in relation to the development plan policies and other material considerations including the National Planning Policy Framework (NPPF)". The Chief Planning Officer also acknowledged HVA's portal concern as an area EHDC would like to investigate for future improvement.

On 10 March 2026 EHDC's Monitoring Officer stated, "for the avoidance of any doubt", that the Monitoring Officer was satisfied with the Chief Planning Officer's reasoned Stage 1 position.

The consequence is therefore unavoidable. EHDC selected, repeatedly defended and then endorsed its safeguard. Specifically they assured that HVA's material planning case would be considered by the case officer; further specialist input would be sought where necessary; and the Officer Report would assess the matters raised against the development plan, NPPF and other material considerations. This process was set out by the Chief Planning Officer and, for the avoidance of any doubt, subsequently endorsed fully by the Council's Monitoring Officer.

The completed report now allows that safeguard to be tested.

As demonstrated below, the Officer Report fails in material respects. Mentioning an objection is not assessing it. Summarising a representation is not engaging with its substance. Stating a consultee conclusion does not resolve contrary technical evidence which the consultee was never asked to examine. Omitting a material consideration

which points against the preferred conclusion does not make it cease to exist. Each of these occurrences leave an evidential gap in the reasoning by which the Officer Report and EHDC reached its conclusions.

That failure matters because EHDC did not stop at identifying sufficient grounds to refuse. It went further and reached an affirmative judgement that, absent groundwater, the remaining planning balance favoured development. Such a conclusion could only safely be reached after the material matters relevant to that balance had been properly assessed, individually and cumulatively, on the full range of evidence before the Council and in line with the appropriate policies.

2. The fundamental evidential problem: expert conclusions without demonstrated resolution of the competing evidence

The Officer Report places significant weight upon specialist advice. That is an ordinary and usually necessary feature of planning decision-making.

The difficulty in this instance is that EHDC consciously controlled the evidential environment in which that advice was given. Its own FOI response confirmed that consultees were not requested specifically to engage with HVA's submissions.

That created an obvious tension.

EHDC did not routinely ask the relevant specialists to test their conclusions against HVA's technically detailed contrary evidence. Instead, EHDC repeatedly assured HVA that the case officer would consider the material planning matters raised, obtain further specialist input where necessary and provide the alternative safeguard through the final Officer Report.

A consultee position cannot answer evidence which the specialist was never asked to examine. Either further specialist advice was required where necessary, or the Officer Report needed to demonstrate how the competing evidence had been evaluated and why it did not alter the planning conclusion.

Otherwise, the process becomes self-validating:

1. The community's contrary evidence is not routinely put to the specialist because EHDC says the case officer will consider it;
2. the Consultee states their position having reviewed only the applicant's submissions and without knowledge or consideration of the contrary evidence;

3. the case officer then relies materially upon the Consultee's position without resolving the contrary evidence; and, as a result
4. the material planning matter raised by the community disappears into the gap between the two processes.

That is precisely the gap EHDC assured HVA the Officer Report would prevent. It did not.

3. Groundwater proves why substantive engagement matters

In the event, HVA itself placed it's evidence directly in front of the Local Lead Flood Authority (LLFA). When it did, their professional position changed.

As a direct result of the change in position by the LLFA, EHDC subsequently had to commission independent hydrogeological scrutiny. That independent scrutiny corroborated what HVA had already been evidencing in their submissions; that the groundwater regime and proposed mitigation were insufficiently understood. The LLFA's direct engagement with the HVA submitted evidence materially influenced the outcome of the decision making.

HVA does not suggest that every specialist would necessarily have changed position had its evidence been put before them. The point is that EHDC could not safely assume that they would not. Groundwater demonstrates that further scrutiny of competing evidence did materially affect the professional assessment. On other matters, the Officer Report instead relies upon existing specialist conclusions without demonstrating that HVA's contrary case was either professionally tested or independently resolved.

The PROW correspondence provides a smaller but instructive illustration. It is one of the limited instances where the published report does record that HVA's comments did reach the relevant consultee. HCC said that those comments did not alter its previous position, but in actuality the underlying response was more qualified than the Officer Report's summary suggests. HCC confined its remit to accessibility and safety and expressly directed HVA's concerns about countryside character and setting towards the Landscape Officer. The issue was therefore not substantively rejected by PROW; it was passed elsewhere. Yet the available Landscape response does not demonstrate consideration of HVA's detailed case on those matters. Even demonstrated receipt by one consultee therefore does not establish resolution of the material planning issue raised.

The problem, therefore, is not EHDC's reliance upon specialist advice. It is reliance by the Officer Report upon specialist conclusions to either ignore or resolve contested matters when, by EHDC's own stated approach, those specialists had not routinely been asked to consider HVA's detailed contrary evidence. Those consultee conclusions simply could not demonstrate that the competing evidence had been professionally examined and rejected.

EHDC cannot have this both ways. If HVA's evidence was not put to the specialists, it had to be substantively resolved through the alternative safeguard EHDC itself identified would operate. That required the case officer either to obtain further specialist input where necessary or to demonstrate through the Officer Report how the material case advanced by the Community had been evaluated and why it did not alter the conclusion. It was not enough to partially/selectively record or summarise HVA's case and then repeat an existing specialist conclusion which had not been tested against it.

EHDC promised the safeguard. The Officer Report does not deliver it.

4. EHDC constructed significant parts of the positive case it then determined

The applicant's May 2026 Planning Statement Addendum does not meaningfully answer substantial parts of HVA's detailed case, including the Inspector reasoning, settlement hierarchy and scale, parking displacement, infrastructure capacity, Local Green Space, landscape and cumulative planning balance. On several disputed matters it instead relies heavily upon favourable or non-objecting consultee positions.

The position became more significant following publication of the August 2026 NPPF. The applicant's Addendum was expressly founded upon the December 2024 Framework and its paragraph 11(d)/footnote 7 architecture. The 2024 Framework was superseded by the August 2026 NPPF. Yet the applicant did not prepare and submit an updated Planning Statement demonstrating how the proposal satisfied the materially different August 2026 national decision-making policies.

Rather than request such an update report, EHDC themselves attempted to supply that missing policy architecture within the Officer Report. It identified S5(1)(j) as the route relied upon; treated the housing shortfall as evidenced unmet need; developed its own reasoning about the relationship between Holybourne and Alton; concluded that the proposed scale could be accommodated by infrastructure; attempted to navigate S5(5), HC8 and the Green Belt policies for the Local Green Space; carried earlier heritage

evidence into the new regime; deployed Buntingford on accessibility; and used those conclusions to construct the positive "were it not for groundwater" balance.

EHDC was therefore no longer simply adjudicating between a complete applicant case and the objections to it. In significant respects, the Officer Report itself supplied reasoning required to complete the positive case on behalf of the applicant.

There is nothing inherently improper in a decision-maker undertaking policy analysis. The concern is the resulting asymmetry. EHDC had simultaneously identified the Officer Report as the safeguard by which HVA's extensive contrary case, not routinely considered by specialist consultees, would nevertheless receive proper assessment. The same document was therefore both supplying substantial reasoning absent from the applicant's planning case and providing the promised scrutiny of the evidence against it.

That demanded demonstrable even-handedness.

The published assessment does not demonstrate equivalent analytical treatment. Considerable reasoning is deployed to explain how policy obstacles, acknowledged harms and adverse considerations can be overcome, mitigated or outweighed. HVA's contrary case is treated differently: some material propositions are not acknowledged at all; some material propositions are compressed into broad summary bullets; matters recorded in the representations section do not consistently reappear in the substantive assessment; and the extensive body of Inspector reasoning relied upon by HVA is not even acknowledged, let alone meaningfully addressed, whereas Buntingford is expressly deployed where EHDC considers the Inspector reasoning supportive to its case.

5. The strategic context makes the inconsistency stark

The Officer Report's positive case for this development does not arise in a strategic vacuum.

The adopted JCS gives Alton and Holybourne distinct strategic roles. Holybourne is a Tier 4 (lower-order) settlement, where the strategy envisages small-scale/local development. Alton is Tier 1. Bordon, separately, is given an express strategic regeneration and growth role extending beyond the plan period.

EHDC proposed to change that through the January 2024 Regulation 18 Local Plan. At the time its accessibility evidence was used to justify conjoining Alton and Holybourne

within the hierarchy, creating "Alton (including Holybourne)" as the sole Tier 1 settlement, while removing Bordon's existing strategic growth allocation. The consequence was clear: strategic growth would be redirected towards Alton, with Holybourne treated as part of it.

That was a fundamental strategic change. It required consultation, examination and adoption through the Local Plan process. It could not lawfully acquire the status or effect of adopted policy simply because EHDC had produced evidence intended to support it.

Indeed, the accessibility study relied upon was not finalised and published until 24 January 2024, after the Regulation 18 consultation had already begun. More importantly, the study expressly warned:

> "A high or low score does not determine whether development should or should not be allocated in a location".

It was evidence for plan-making, not a licence to rewrite the adopted settlement hierarchy through individual decisions on planning applications.

The Regulation 18 strategy was subsequently abandoned. The Officer Report itself accepts that the emerging Local Plan is "immaterial to decision-taking"; that Holybourne remains Tier 4; that Alton and Holybourne remain separate settlements; and that no weight attaches to the former proposal to elevate Holybourne into Tier 1.

Yet that is exactly the strategic logic the Officer Report then applies in substance.

Under Regulation 18, the reasoning was:

> Holybourne benefits from Alton's accessibility → Alton and Holybourne are treated as interconnected → "Alton (including Holybourne)" becomes Tier 1 → strategic growth follows.

The Officer Report now effectively reasons:

> the site relates to Holybourne → Holybourne relates closely to Tier 1 Alton → Alton's jobs, services and recreation are attributed to the sustainability of development at Holybourne → major development at Holybourne attracts significant positive weight.

The label has disappeared. The reasoning has not. The significance goes far beyond EHDC reproducing the abandoned strategy's reasoning in a single decision. This

development would physically implement the first part of that strategic proposition and, in doing so, change the baseline against which the remainder of the applicant's wider landholding would subsequently be assessed. A consent for 156 dwellings today will abandon the adopted JCS in as far as it relates to Holybourne and, in all likelihood, pave the way for significant growth to follow.

The January 2026 indicative housing figure compounds the problem. EHDC's own guidance says that the distribution of housing remains to be determined through the Local Plan; that the parish methodology "does not align with the emerging settlement hierarchy or local plan strategy"; that the figures are highly likely to change; that significant constraints have not been incorporated; and, emphatically, that they "do not constitute a housing requirement". Within the Indicative Housing Figures document EHDC states that it is the eventual Local Plan that will determine "the strategy, site allocations and policies" for meeting housing needs.

Yet the Officer Report deploys the Alton figure as part of the positive case for major development at Holybourne, while simultaneously borrowing Alton's Tier 1 sustainability characteristics to justify that development.

EHDC cannot have it both ways. It cannot declare the abandoned Regulation 18 strategy immaterial and attach no weight to the proposed merger of Alton and Holybourne, while reaching the same strategic outcome through the back door of a development management decision.

In substance, the Officer Report treats Alton and Holybourne as the very "Alton (including Holybourne)" strategic unit that the abandoned Regulation 18 Plan proposed. It takes the benefits of a discarded strategy, strips away the scrutiny and safeguards of plan-making, and uses the result to support major development at a Tier 4 settlement. That is not a minor inconsistency. It goes to the integrity of the Officer Report's reasoning and the proper separation between plan-making and development management decision-taking.

6. HVA warned EHDC. EHDC gave assurances. The Officer Report vindicated the warning.

This concern was not invented after the event. HVA identified it expressly before determination.

In its February 2026 Procedural Fairness Notice, HVA warned of an appearance of predisposition and "systemic procedural drift". Specifically, HVA raised the risk that the

application was being approached as though Holybourne were effectively a Tier 1 extension of Alton, mirroring the unexamined emerging strategy.

HVA did not allege misconduct. It asked for something considerably more basic: a demonstrably fresh, impartial and evidence-led determination against the policy framework actually in force.

EHDC gave an explicit assurance that its ordinary decision-making process would provide that safeguard. The Chief Planning Officer stated that the case officer would assess the application against the Development Plan, the NPPF and other material considerations. The Monitoring Officer expressly endorsed that position.

EHDC must therefore be held to that assurance.

The completed Officer Report does not dispel HVA's concern. It substantially validates it.

Having formally disclaimed the abandoned emerging strategy, the Report proceeds to reproduce its central logic:

1. Holybourne supplies the physical relationship;
2. Alton supplies the Tier 1 jobs, services and sustainability credentials;
3. Alton's indicative housing figure is deployed to diminish the practical significance of the made Neighbourhood Plan;
4. the adopted distinction between Alton and Holybourne is acknowledged formally, but circumvented substantively; and
5. major development on Holybourne's countryside edge is consequently characterised as sustainable in principle.

That is precisely the strategic slippage HVA warned against.

The issue is not whether Holybourne residents use services in Alton. Of course they do. That observation proves nothing. Functional relationships between settlements of different ranks are inherent in any settlement hierarchy. If proximity to a higher-order settlement were sufficient to confer its strategic characteristics upon a lower-order neighbour, the hierarchy itself would become meaningless.

The real issue is that EHDC has used an individual development-management decision to give Holybourne the practical benefit of the Tier 1 characteristics that EHDC had previously sought, but failed, to confer upon it through the Local Plan.

EHDC cannot escape scrutiny of that approach simply by declaring the abandoned strategy to carry no weight. Disclaiming the strategy while reproducing its central conclusion does not cure the problem. It exposes it.

If the Officer Report genuinely reached the same spatial conclusion independently, it required a clear, rigorous and adopted-policy-based explanation demonstrating how. None is provided. Instead, the Report arrives at substantially the same strategic destination by assembling the same components under different headings.

This is therefore a governance failure as well as a development-management failure.

HVA deliberately raised the issue with the Monitoring Officer before determination, so that EHDC had the opportunity to prevent the perceived procedural failure rather than defend it retrospectively. EHDC stood behind the Chief Planning Officer's assurance as sufficient protection for the integrity of the process.

The published Report is the test of that assurance. On its face, the safeguard EHDC relied upon failed.

The Report reproduces the abandoned strategy's central treatment of Holybourne, while the contrary adopted-policy and community case receives materially less analytical scrutiny. The very risk EHDC was asked to guard against is therefore not dispelled by the decision record. It is reinforced by it.

That failure goes directly to the credibility of the Report's ultimate planning balance. EHDC did not merely conclude that the other objections were insufficient to justify further reasons for refusal. It made the much stronger affirmative finding that, but for groundwater, the benefits of this development would outweigh its harms.

A conclusion of that significance required the competing case to receive at least equivalent scrutiny against the adopted Development Plan and the evidence before the authority.

The published Officer Report does not demonstrate that it did.

HVA warned of the risk. EHDC expressly assured HVA that its process would guard against it. The final Officer Report then reproduced the very strategic reasoning against which that safeguard was sought. EHDC now needs to explain, directly and convincingly, how that happened.

7. Bentley: the documentary comparator EHDC was repeatedly required to confront

Bentley is not a comparator HVA has constructed retrospectively. It is EHDC's own contemporaneous control case.

The comparison can now be made directly from EHDC's records: Policy Response against Policy Response; Landscape Response against Landscape Response; Officer Report against Officer Report. Those documents expose a divergence in analytical approach which HVA repeatedly identified during the Holybourne determination and repeatedly required EHDC to explain.

HVA did not make a passing reference to Bentley. It produced a dedicated paper identifying Bentley as a direct comparator, then returned to it in detailed responses challenging both EHDC's Policy and Landscape advice. HVA expressly set out the differences it said required explanation, including the treatment of the settlement hierarchy, countryside, landscape character, mitigation and the planning balance.

EHDC was therefore not merely aware of Bentley. It was repeatedly confronted with the comparison in writing.

7.1 The Policy records expose the divergence

The contrast in EHDC's own Policy advice is stark.

At Bentley, EHDC's Policy consultation started from the adopted spatial strategy. It expressly identified CP2, CP10 and CP19 as relevant; recorded Bentley as a settlement appropriate for "some small-scale local development"; recognised the site's countryside location; and tested the proposal against the scale and role contemplated by the Bentley Neighbourhood Plan.

At Holybourne, EHDC's September 2025 Policy response took a materially different route. Its list of policies said to be "particularly relevant" omitted CP2, CP10 and CP19 altogether. Instead, the advice introduced the indicative housing figure for Alton and stated that there was likely to be additional housing need "within Alton" which could be addressed by the proposal.

When HVA challenged precisely that omission, EHDC did not restore the adopted settlement hierarchy to the centre of the analysis. Its December clarification instead explained that the Alton figure covered the Alton Neighbourhood Area including

Holybourne, stated that Holybourne's separate position in the JCS hierarchy was relevant but "not of overriding importance", and emphasised that CP2 was out of date.

Same authority. Same adopted JCS. Same lower-order settlement status identified by HVA. Materially different analytical starting points.

HVA expressly identified that contrast in its response to the December clarification. It compared the Bentley and Holybourne approaches policy by policy and alleged:

> "Two proposals,
> The same settlement tier,
> The same Development Plan,
> Same Landscape Character Area,
> The same policy officer,
> Two wholly different approaches…"

That challenge could hardly have been clearer.

7.2 The Landscape records raise the same question

The Landscape comparison is equally important.

At Bentley, EHDC's Landscape Officer objected. The advice stated that because the site was outside the settlement boundary it should be treated as countryside under CP19, relied upon the protection of the countryside and its intrinsic character and beauty, and concluded that loss of the open field would be detrimental to landscape character.

At Holybourne, the Landscape Team likewise recognised at the outset that the site was outside Holybourne's settlement boundary and within the countryside; that CP19, CP20 and CP29 applied; that development would permanently change agricultural fields to residential development; and that a significant number of viewpoints would still experience minor to moderate adverse effects at Year 15.

But the consequential approach was different.

Rather than objecting to the principle of losing the countryside edge, the Holybourne advice concentrated upon integration and mitigation: reducing densities and heights, modifying the roofscape, strengthening green infrastructure and refining detailed design. Its conclusion described the outstanding matters under CP20 and CP29 as "a few minor issues" capable of further consideration. The subsequent response

continued that approach, welcoming revisions while seeking further reductions in height and density.

Again, HVA confronted that difference expressly.

In a detailed response specifically to the Landscape Officer, HVA devoted an entire section to "EHDC Consistency of Decision Making – The Bentley Appeal". It identified the proposition requiring an answer: why was settlement-edge landscape harm treated at Bentley as intrinsic and incapable of being cured by planting or mitigation, while materially comparable harm at Holybourne was being approached as capable of resolution through height, density and design refinement?

This was not evidence EHDC had to discover for itself. HVA put the comparison directly in front of it.

7.3 What happened next makes the comparison more serious, not less

While Holybourne was being determined, EHDC itself returned to Bentley.

In February 2026 it refused a much smaller eight-dwelling scheme on the same Bentley land. Its Officer Report again treated Bentley as a Level 4 settlement "not considered a focus for strategic housing growth". More strikingly, the Report expressly distinguished locational accessibility from the controlling spatial issue:

> "the principal policy concern arising from this proposal is not the accessibility of the site to services, but the conflict with the spatial strategy and the harm to the character, landscape setting and settlement pattern of Bentley".

The significance of this contemporaneous reasoning is staggering.

At Bentley, EHDC did not allow reasonable access to services to dissolve the significance of the settlement's lower-order role. It treated accessibility and spatial strategy as different questions.

EHDC then defended that approach on appeal. Its Statement of Case insisted that the earlier Inspector's conclusions concerned the "function and role of the land, rather than solely the scale or visual appearance of development", and therefore remained applicable even though the proposal had fallen to only eight dwellings. EHDC argued that layout changes, retained open space and mitigation did not overcome that fundamental harm.

The Inspector agreed. The July 2026 appeal decision found that even eight dwellings would cause significant harm to character and settlement pattern; that green and blue infrastructure would not fully mitigate it; and ultimately that the adverse impacts significantly and demonstrably outweighed the benefits, despite EHDC having only a 2.9-year housing supply.

EHDC was therefore not merely relying upon an old Bentley position while Holybourne was being considered. It was actively reaffirming and defending that position at the very same time.

7.4 HVA invited EHDC to distinguish Bentley. It did not.

Paper after paper, HVA identified the comparator, identified the divergence and asked EHDC to explain it. There was nothing subtle about the issue EHDC was being asked to address.

The Officer Report, the safeguard by which residents were promised that material considerations would be addressed, just ignores it.

Nor can proximity to Alton supply the missing distinction. Holybourne is no physically closer to Alton now than it was when the JCS was adopted in 2014 and nevertheless classified it separately as a lower-order settlement suitable for small-scale development. More fundamentally, Holybourne's accessibility to Alton was the very basis subsequently advanced through Regulation 18 for conjoining the settlements as "Alton (including Holybourne)". The Officer Report expressly says that abandoned proposition carries no weight.

That makes the failure to confront contemporaneous Bentley all the more stark. At Bentley, accessibility did not overcome the spatial strategy. In direct contrast, at Holybourne, accessibility to Alton was used to overcome its practical consequences.

That omission goes directly to the Report's conclusion that, "were it not for the unresolved groundwater flood risk concerns", the benefits would outweigh the identified harms and the development would be sustainable.

Bentley was an obvious test of that conclusion. HVA put it squarely before EHDC. EHDC did not answer it.

8. Groundwater: even where HVA was vindicated, its evidence was not properly assessed

HVA welcomes the refusal on groundwater. But a correct refusal does not cure the defective evidential process that preceded it.

Groundwater was not a newly discovered constraint. HVA repeatedly submitted photographic, video, historic and severe-event evidence identifying groundwater emergence, overland-flow routes and mechanisms which it said were absent from the applicant's evolving conceptual model, including a distinct eastern groundwater mechanism affecting the area of the proposed access.

Yet EHDC's independent review did not examine the complete groundwater evidence before the authority. H2Ogeo was commissioned to review the applicant's Hydrogeological Assessment and supporting material, not to test that model against HVA's wider photographic, video and severe-event evidence.

That is not a criticism of H2Ogeo. It is a limitation created by EHDC's commissioning scope.

Even within that restricted evidence base, H2Ogeo identified incomplete monitoring, significant uncertainty, potential movement of spring and seepage zones, possible off-site effects and the need for further evidence.

HVA expressly put EHDC on notice that substantial community evidence remained outside the review. EHDC nevertheless never closed that evidential loop. Instead, the Officer Report reduces the community evidence to material which "supported" or corroborated H2Ogeo's findings. Corroboration is not assessment.

HVA's evidence did not merely repeat H2Ogeo's general concern that groundwater risk had been underestimated. Drawing upon detailed local knowledge, historic records and severe-event evidence, HVA identified respects in which the applicant's conceptual model materially understated the site's actual behaviour during extreme groundwater events, including specific groundwater mechanisms and consequences requiring assessment in their own right.

The independent review could not determine evidence it had not been commissioned to consider. Responsibility for ensuring that evidence was assessed therefore remained with EHDC.

8.1 The eastern groundwater mechanism makes the failure concrete

The clearest example is the eastern groundwater mechanism.

HVA submitted evidence of groundwater emergence and a separate severe-event overland-flow route across the eastern field and play area towards London Road. Critically, that route crosses the broad area of the proposed access, which was not reserved. HVA therefore argued that the access should not be fixed until compatibility with that mechanism had been demonstrated.

The applicant characterised the eastern seepage as secondary. HVA challenged that conclusion and the limited post-peak monitoring relied upon to support it.

The Officer Report records the concern. It does not resolve it.

Nor can H2Ogeo's silence resolve an issue which fell outside the complete evidence base EHDC commissioned it to review.

Recorded is not assessed. And evidence outside an independent review does not cease to be material simply because the reviewer was never asked to examine it.

That matters because the Officer Report does more than refuse permission. Its "were it not for groundwater" conclusion risks leaving the impression that completing H2Ogeo's recommendations would exhaust the groundwater case.

It would not.

H2Ogeo identified serious deficiencies in the applicant's evidence. It did not establish that its recommendations were an exhaustive checklist of every groundwater issue requiring resolution. The eastern mechanism and its relationship with the fixed access demonstrate why.

EHDC controlled the review's evidential scope. It then made that review the centrepiece of its groundwater assessment while reducing the materially wider community case to corroboration.

EHDC cannot now treat the limits of the review it commissioned as the limits of the groundwater issues a future proposal must resolve.

9. The Sequential Test: the same directional judgment

The Sequential Test provides another example of the same pattern.

EHDC correctly rejected the applicant's attempt to exclude alternatives simply because they could not accommodate approximately 150 dwellings. Where policy left no room for interpretation, EHDC rejected the applicant's approach.

But where judgment remained, EHDC again resolved it in the applicant's favour by assertion. The Officer Report accepted that restricting the search to Holybourne/Alton "would not be unreasonable as this would be the anticipated catchment of the future occupiers". Yet it identifies no evidence for that assertion.

That matters. The proposal is not advanced to meet a specific Holybourne/Alton housing need. Its substantial housing benefit derives from East Hampshire's district-wide housing shortfall. HVA had expressly challenged the inconsistency of invoking district-wide need to justify the development while restricting the search for safer alternatives to Alton/Holybourne.

Nor is Holybourne an obvious starting point for strategic-scale housing need. It is a Tier 4 settlement where the adopted strategy envisages small-scale development. If a district-wide housing deficit is the need being met, EHDC needed to explain why the search for lower-risk alternatives was nevertheless confined to Holybourne/Alton rather than embracing locations higher in the settlement hierarchy than Holybourne to which the adopted spatial strategy directs greater growth. It did not. HVA had specifically raised the conflict between the restricted search area and the adopted settlement hierarchy.

The result is another strikingly elastic spatial analysis:

- housing need: East Hampshire;
- physical relationship: Holybourne;
- higher-order sustainability: Alton;
- Sequential Test: Holybourne/Alton.

The geography changes with the question. Each change assists the positive case.

Where the rules required EHDC to reject the applicant's approach, it did. Where EHDC retained judgment, it adopted the interpretation that preserved the positive case, without identifying the evidence necessary to justify it.

10. EHDC collapsed the S5(1)(j) gateway into housing need

HVA accepts that the housing-land-supply shortfall establishes evidenced unmet need for the purposes of S5(1)(j). But that satisfies only one part of the policy.

S5(1) provides that "only certain forms of development should be approved outside settlements". Under S5(1)(j), housing must not only meet an evidenced unmet need; it must also be physically well-related to an existing settlement and of a scale capable of accommodation having regard to the existing or proposed availability of infrastructure. Those requirements are cumulative.

HVA made that distinction expressly before determination. Nevertheless, the Officer Report treats S5 as "tilting" the balance in favour of development, effectively allowing housing need to do work that the remaining policy requirements still had to perform.

Housing need opened the S5(1)(j) gateway. It did not get 156 dwellings through it.

Physical relationship, scale and infrastructure remained separate requirements. They were not adverse considerations to be outweighed by housing need. They were conditions which had to be satisfied before S5(1)(j) could support the development at all.

EHDC's "tilted balance" formulation collapses that distinction. It allows the housing shortfall to do work which the policy assigns to separate tests. Need cannot compensate for a gateway requirement that has not been demonstrated.

That is not the exercise S5(1)(j) requires. Most fundamentally, the Report never determines whether development of this scale is appropriate for, and capable of being absorbed by, the settlement to which it is physically related.

10.1 EHDC records the scale objection, then does not answer it

The objection to the quantum of development was not simply that 156 is a large number.

HVA and Alton Town Council put a much more fundamental question before EHDC: what would growth approaching 30% do to the role, function, identity and community of Holybourne as a separate Tier 4 rural village?

Alton Town Council's statutory consultation response could scarcely have been clearer:

> "There are concerns that this site will change the nature of Holybourne from a rural village to a suburb of Alton".

The Town Council expressly linked that concern to the approximately 30% increase in the village's size and to CP10's requirement that development outside settlement boundaries should "reinforce a settlement's role and function", concluding "this size development in this location does not meet the above criteria".

Its later objection reinforced precisely the same point. The development-required highway changes would "create urbanisation of the village street" and potentially damage businesses and facilities "that make the village what it is".

That is, by any ordinary understanding, an objection about change to settlement role and function.

The Officer Report actually records the central objection: 156 dwellings represent a 30% increase, and development of that scale would not support Holybourne's "form and function".

But it does not answer it.

Instead, EHDC lists Holybourne's shop, pub, primary school and theatre and concludes that:

> "the provision of 156 houses would support the services within the village and as such the role and function of that settlement".

That reasoning assumes the very proposition EHDC was required to test.

More customers for existing facilities does not establish that an almost 30% expansion is proportionate to a Tier 4 village. Nor does it answer whether development of that magnitude would reinforce Holybourne's existing role and function or transform it.

Indeed, Alton Town Council's objection was precisely that it would transform Holybourne "from a rural village to a suburb of Alton".

That concern becomes especially serious because the Officer Report simultaneously borrows Alton's Tier 1 jobs, services and recreation to justify the sustainability of the development while accepting that Holybourne remains a separate Tier 4 settlement.

The very reasoning EHDC uses to justify 156 dwellings therefore moves Holybourne towards the outcome both HVA and Alton Town Council expressly warned against: treatment as an extension or suburb of Alton rather than as a separate rural village occupying its own place in the adopted hierarchy.

More remarkably, that is not merely an outcome HVA and Alton Town Council warned against. It is the spatial logic of the abandoned Regulation 18 strategy: "Alton (including Holybourne)". The Officer Report says that strategy carries no weight in decision-making, yet its role-and-function reasoning effectively implements the same proposition through development management.

10.2 Bentley makes the missing exercise impossible to excuse

This is where the significance of the Bentley comparator becomes particularly clear.

As Section 7 demonstrates, EHDC and successive Inspectors there examined whether development reinforced the settlement's role and function, its relationship to demonstrated need, settlement pattern and rural character.

At Bentley, role and function were matters to be assessed. At Holybourne, EHDC reduces role and function to an assumption that more residents will spend money in village facilities.

The contrast is not explained. Despite HVA repeatedly placing Bentley before EHDC as a comparator, the Officer Report ignores it completely.

And the scale difference makes the omission harder to understand, not easier. EHDC treated role, function and settlement pattern as important considerations at Bentley even after its proposal had reduced to eight dwellings.

At Holybourne the proposal is up to 156 dwellings, approximately 30% growth in the existing village housing stock, outside the settlement boundary, in a Tier 4 settlement, without an allocation and against a statutory-consultee objection expressly warning that it would transform the village into a suburb of Alton.

Yet the equivalent assessment is absent.

The question remains:

> Would 156 dwellings reinforce Holybourne's existing role and function, or fundamentally change that role and function by transforming a separate rural village into an effective suburb of Alton?

The Officer Report records the question. It does not answer it as it needed to.

11. Buntingford supports HVA's case, not EHDC's

EHDC itself introduces Buntingford to answer HVA's accessibility case, relying upon the Inspector's reference to walking journeys below 2 km. Having chosen the comparator, EHDC cannot cherry-pick one sentence from it. Read as a whole, Buntingford demonstrates almost precisely the structured assessment HVA had been demanding throughout.

11.1 Buntingford confirms that housing need does not satisfy S5(1)(j)

The Buntingford Inspector did not allow housing undersupply to carry the rest of S5(1)(j). Evidenced unmet need, infrastructure capacity and physical relationship with Buntingford were considered separately. Only after those criteria had been satisfied did the Inspector conclude that the development "can in principle be approved in this location" under S5(1)(j), before moving to the separate planning balance.

Buntingford therefore confirms HVA's central point: housing need opens the S5(1)(j) gateway. It does not get the development through it.

EHDC have therefore cited an appeal decision that demonstrates the distinction its own Officer Report blurred.

11.2 Buntingford destroys the "2 km" shortcut

The Inspector's reference to walking journeys below 2 km was expressly qualified "in this case" and "from a pure distance point of view".

What followed was not 2 km = sustainable.

The Inspector examined the actual development, destinations and routes, including bridges, crossings, route quality, lighting, cycling constraints, public transport, mobility hubs, on-site facilities, off-site works and the Travel Plan. The resulting infrastructure was then secured through specific occupation triggers. Only on that evidence did the

Inspector conclude that residents would have a "genuine choice of sustainable, quality and safe transport modes".

That is Buntingford. Not "something is less than 2 km away".

At Holybourne, EHDC does not even measure from the development. Its 1.12-mile figure begins at Montecchio junction, approximately 0.7 miles west of the proposed access, before any distance within the development site itself or onwards from EHDC's measurement point to the actual Alton destination is added. Yet even using that materially shortened journey, the Officer Report accepts that it is "probably further than most people would walk".

EHDC then supplies its own behavioural rescue: "rural residents are more likely to be accepting of a longer walking distance between facilities". There is no identified evidential basis for this assertion.

Its own commissioned evidence says the opposite. The Living Locally study records that "people walk less in rural areas, rather than having willingness to walk further" and identifies 10 minutes as the general walking threshold.

So HVA does not need the 800-metre definition to be an absolute cut-off.
EHDC's accessibility case fails on its own terms: it starts the measurement materially closer to Alton than the development; concedes that even that shortened journey is probably further than most people would walk; and then introduces a behavioural assumption contradicted by its own commissioned evidence.

That contradiction is particularly serious because EHDC did not treat Living Locally as peripheral evidence. It supposedly relied upon the accessibility evidence when constructing the Regulation 18 settlement hierarchy which proposed "Alton (including Holybourne)" as Tier 1. Evidence considered robust enough to help justify strategic reclassification cannot simply become optional when its conclusions obstruct the positive development-management case.

That is the fragility of EHDC's own construction.

11.3 Buntingford exposes the remaining structural differences

There is a still more fundamental distinction.

Buntingford was assessed against Buntingford.

The Inspector tested physical relationship with Buntingford, accessibility to Buntingford's amenities and services, and the infrastructure connecting residents to those destinations.

At Holybourne, EHDC changes settlement mid-analysis:

- physical relationship: Holybourne;
- higher-order jobs, services and recreation: Alton.

The Officer Report accepts that Alton and Holybourne remain separate settlements, yet imports Alton's Tier 1 status and characteristics into the case for major development physically related to Tier 4 Holybourne.

Buntingford provides no support for that manoeuvre.

Nor does it support EHDC's treatment of mitigation as benefit. The Buntingford Inspector distinguished measures "necessary to make the development acceptable" from genuinely wider community benefits. At Holybourne, EHDC accepts that the London Road works were "borne out of the need to accommodate the 156 houses", then gives those same works moderate positive weight.

Read properly, Buntingford therefore demonstrates five things:

- S5(1)(j): its gateway criteria were separately satisfied;
- accessibility: distance was only one part of a development-centred assessment;
- infrastructure: the full transport package was identified and secured;
- settlement relationship: the proposal was tested against the settlement to which it physically related; and
- planning balance: necessary mitigation was distinguished from genuine additional benefit.

EHDC cited Buntingford to answer HVA. Properly read, Buntingford highlights the Officer Report's shortcomings.

12. Development mitigation was rebadged as an LCWIP public benefit

EHDC's own finding should end any ambiguity about where the London Road scheme came from. The Officer Report accepts that the changes were "borne out of the need to accommodate the 156 houses".

HCC's consultation record is equally clear. The works were required because the development generated highway and transport impacts which had to be addressed.

This was development mitigation. It did not originate as an LCWIP implementation scheme for Holybourne.

That distinction matters. The LCWIP is a strategic programme identifying potential routes and interventions. It expressly states that inclusion of a route is "no guarantee that it will be implemented", describes itself as a high-level rather than feasibility study, and says its options remain conceptual pending feasibility and detailed design.

It also states that schemes progressing towards implementation require "a full design process, including appropriate community engagement".

Yet the detailed London Road scheme emerged through repeated technical engagement between HCC and the applicant because this development required a highway solution. The applicant was inside the iterative design process because its development created the problem. The affected village was outside that process despite being expected to live permanently with the solution.

HCC engaged the applicant in designing the scheme. The village was left to object to the product of that process. Those are not equivalent forms of engagement.

12.1 EHDC's own evidence undermines the LCWIP accessibility shortcut

EHDC has previously relied heavily upon its commissioned Living Locally accessibility evidence, which is also referenced in the Officer Report.

Having specifically reviewed EHDC's LCWIP proposals, Ridge concluded:

> "The LCWIP proposals would improve the attractiveness of walking and cycling, but they are unlikely to affect the 10 min walking and cycling times applied in this methodology".

Ridge further identified that improving accessibility would in many cases require new daily facilities, not simply better active-travel routes.

The distinction is elementary. Better infrastructure can improve a journey. It does not make the destination closer.

That matters because the Officer Report itself accepts that even its measurement from Montecchio to Alton town centre is "probably further than most people would walk", before relying upon improved infrastructure and cycling connections as part of its positive sustainability case.

EHDC cannot use the existence of an LCWIP corridor as a substitute for demonstrating that future residents will actually have a realistic sustainable alternative to the private car for the journeys to Alton upon which its positive case depends.

Ridge does not answer that question for EHDC. It exposes why EHDC needed to answer it.

12.2 Consultation is not community engagement in design

EHDC's response to HVA's procedural complaint is equally unsatisfactory.

The Officer Report points to consultation on the strategic LCWIP and to residents' ability to submit representations on the planning application.

That answers the wrong question.

Nobody disputes that residents were allowed to object. The issue is whether the community was meaningfully engaged while the detailed intervention was being designed.

The LCWIP itself says local views and knowledge should inform the feasibility and design stages, and HCC's own principles require engagement of users "in the design process".

HCC and the applicant engaged iteratively over the detailed solution. The community was largely left to respond to successive iterations through the planning process, despite residents, schools, businesses and community organisations raising detailed concerns about parking, access, servicing and village operation.

Consultation asks what people think of a scheme. Design engagement allows local knowledge to influence what the scheme becomes. The Officer Report treats the former as a substitute for the latter. It is not.

The irony is supplied by the LCWIP itself. Its Buriton example celebrates a bespoke intervention developed with community support to preserve the character of a small

Hampshire village. Elsewhere it says interventions in existing communities require "careful planning and involvement of the local community".

EHDC cannot have it both ways. If these works are genuinely an LCWIP public benefit worthy of positive planning weight, Holybourne was entitled to the community-engaged design process the LCWIP itself envisages. If they are simply developer-required mitigation, they cannot be dressed in LCWIP clothing merely to manufacture a benefit in the planning balance.

12.3 While the issue was live, EHDC removed its published commitment to collaboration

The chronology is remarkable.

EHDC's public LCWIP webpage had stated that identified schemes would be developed "in collaboration" with delivery partners, "as well as the Town and Parish Councils".

EHDC subsequently confirmed through FOI/1994 that the webpage was changed on 9 January 2026, while the application remained live and during the second public consultation. The express reference to Town and Parish Council collaboration disappeared.

That timing matters.

The detailed highway scheme was live. Community concern was mounting. HVA was challenging the absence of meaningful community involvement. And at that very point, EHDC's express published commitment to Town and Parish Council collaboration disappeared from its website.

HVA does not need to speculate about motive. EHDC says the page was shortened to improve accessibility and refocus its content, and apparently holds no email trail explaining the change further.

The objective chronology is troubling enough.

More importantly however, changing a webpage could not change the LCWIP itself. The adopted document continued to require user involvement in design and "appropriate community engagement" as schemes progress.

The webpage commitment disappeared. The underlying principle did not.

12.4 The developer-funded works stop where EHDC's sustainability case begins

The distinction between the developer-delivered London Road works and the separate £247,422 contribution is also critical.

The London Road works will be delivered as part of the development. But they stop at the western boundary of Holybourne. They do not deliver future residents to the higher-order Alton facilities upon which EHDC relies for its positive sustainability case.

The onward connection is different. That depends upon the £247,422 contribution towards further LCWIP interventions. The Officer Report acknowledges that the contribution may be insufficient to deliver the wider scheme, may instead fund individual elements, and that further interventions remain subject to detailed design and funding availability.

EHDC's reasoning therefore changes character at precisely the point where the journey leaves Holybourne and the Alton facilities relied upon in its positive case actually need to be reached.

Within Holybourne, there are defined developer-delivered works.

Beyond Holybourne, there is a contribution towards an incompletely defined and not fully funded package.

Buntingford makes the deficiency impossible to miss. There, the infrastructure underpinning the sustainability conclusion was identified and secured. At Holybourne, the conclusion comes first and the infrastructure may or may not follow.

Yet EHDC takes the sustainability benefit of Alton's higher-order jobs, services and recreation as though the sustainable connection to those facilities were already established. EHDC has banked Alton's sustainability benefits without securing the sustainable connection required to reach them.

The Officer Report's sustainability conclusion is certain. The onward infrastructure upon which that conclusion materially depends is not.

12.5 EHDC then converted imposed mitigation into benefit

The final step is the most objectionable.

The development creates the highway impacts. HCC requires mitigation. HCC and the applicant develop that mitigation. The existing community absorbs its consequences. EHDC then puts that same mitigation back on the positive side of the planning balance because it advances LCWIP aspirations.

Mitigation has not merely been neutralised. It has been converted into benefit.

Buntingford exposes the analytical failure. EHDC's own chosen comparator distinguishes measures necessary to make development acceptable from genuinely additional community benefit.

The inequity is equally stark:

- the applicant gets parking designed into its development;
- the village loses or reorganises existing parking and absorbs the highway intervention required to accommodate it; and
- EHDC then tells the village that the intervention it must endure is a benefit of granting the development.

HVA does not oppose active travel. It supports genuine, proportionate and community-led improvements.

What HVA rejects is the use of "LCWIP" to transform development mitigation into supposed community benefit. These works exist because this development requires them. They were shaped principally between HCC and the applicant. Their consequences fall upon an existing community denied an equivalent role in their design. EHDC then credits them back to the development as a reason in its favour.

That is not an independent public benefit. It is development mitigation dressed in community clothing.

13. Parking: the assessment identified displacement. It did not assess where it would go.

HCC did not merely ask the applicant to count parked cars. In December 2025 it required a "parking assessment" because information had not been provided on the "quantum impacts on parking provision". HCC said the exercise was necessary so that "the impact of the changes can be understood by all parties" and to determine whether the scheme required further refinement to balance the needs of London Road users.

The subsequent evidence confirmed the very consequence that assessment was supposed to examine: parking would be displaced. HCC ultimately identified a reduction of 49 on-street spaces against its theoretical maximum and said parking within the development would accommodate only "a proportion of the displaced parking demand".

The existence of displaced demand is therefore HCC's own conclusion. The unanswered question is what happens to the rest of it.

The Officer Report nevertheless identifies no assessment of where the residual displaced demand is likely to go or of its consequences for receiving streets, accesses, visibility, junctions and village facilities. Having recorded HVA's concerns about precisely those effects, EHDC instead answers that displaced motorists would still have to park legally and safely and that neither EHDC nor HCC can "plan or mitigate the actions of all road users".

That answers a question nobody asked.

HVA did not ask EHDC to predict where every individual motorist would park. It asked EHDC to assess the reasonably foreseeable consequences of displacement which HCC itself had already identified.

The cars do not cease to exist because EHDC declines to predict precisely where each one will go.

The omission is more serious because the Officer Report expressly accepts that the scheme depends upon "behavioural change", that such change "does not happen quickly", and that "not all drivers will change their behaviour".

Those admissions do not remove the need to assess displacement. They are the reason it needed to be assessed.

HCC was entitled, within its highway remit, to conclude that it had no objection. That did not relieve EHDC, as Local Planning Authority and decision-maker, of responsibility for assessing the material planning consequences revealed by HCC's own evidence.

EHDC cannot close that evidential gap simply by pointing back to the consultee whose evidence exposed it.

HCC asked for the impact of the parking changes to be understood. HCC's eventual evidence acknowledged displaced demand. Yet EHDC's Officer Report does not demonstrate where that demand is likely to go or what consequences follow. Its answer is effectively that motorists must behave themselves and Holybourne must absorb whatever happens next.

That is not an assessment of displacement. It is the absence of one.

14. EHDC counted village facilities as benefits while leaving evidence that the development could undermine them unresolved

EHDC uses Holybourne's existing facilities repeatedly in constructing the positive case.

The Officer Report identifies the shop, public house, theatre, recreational facilities, village hall and primary school as evidence that Holybourne is "well served". It then concludes that 156 houses "would support the services within the village and as such the role and function of that settlement". Finally, the planning balance gives moderate positive weight to economic benefits including "future residents supporting local businesses".

EHDC therefore spends the same facilities twice: first to establish the sustainability of the location, and then again as recipients of an economic benefit from the development.

There is an obvious problem.

EHDC had direct evidence from the people actually running those facilities that the highway mitigation required by the development could damage the way they operate.

14.1 The White Hart directly contradicted EHDC's claimed benefit

The White Hart evidence could scarcely have been more relevant.

The operator explained that the pub operates as a food-led destination business, actively attracting customers from outside Holybourne. Car-borne customers were estimated to generate around 80% of its profit. The pub has approximately 20 private parking spaces but was said to need at least a further 25 nearby spaces at predictable peak periods. The business described itself as employing 22 people and operating at a marginal profit margin.

Crucially, the operator did not ignore the asserted benefit which EHDC subsequently claimed.

The operator expressly accepted that construction would generate some temporary trade and that future residents would use the pub. The evidence was nevertheless that this additional business would be heavily outweighed by the loss of existing destination trade caused by the parking restrictions. Additional local customers would not replace the existing customers or profit upon which the business depends.

In other words, the business operator had already performed the very net-effect exercise which EHDC's eventual positive conclusion required.

EHDC was perfectly entitled to disagree. But where is its contrary assessment?

The Officer Report repeatedly relies upon Holybourne having a public house when establishing sustainability and settlement function. It later gives positive economic weight to future residents supporting local businesses. Yet its substantive consideration of the highway effects upon village organisations addresses the shop, Treloar's and Andrews Endowed, while the White Hart's detailed operational evidence is not substantively resolved.

EHDC takes the existence of the pub as evidence supporting development, but does not confront the pub operator's evidence that the development's own mitigation threatens the trade which keeps that pub viable.

That is not an insignificant omission. It goes directly to a benefit EHDC subsequently puts into the planning balance.

14.2 The shop exposes the same problem even where EHDC did respond

The Village Shop and Post Office reinforces the point.

Its operator explained that the business is heavily dependent upon convenient vehicle access for customers, Post Office services, parcel collections, couriers and deliveries. More than 80% of customers were estimated to arrive by car. The operator expressly rejected the assumption that approximately 150 additional homes would compensate for interference with that existing trade.

Here EHDC does respond.

The Officer Report points to limited-waiting spaces, lawful delivery stopping and the proposition that an improved walking and cycling environment "could encourage villagers to walk/cycle to the shop with smaller more easily carried parcels reducing parking demand outside of the shop".

But that does not answer the economic evidence. It substitutes the planning officer's hypothesis about how customers might behave for operational evidence from the person actually running the business.

EHDC identifies no assessment showing that existing vehicle-borne customers would walk or cycle rather than take their business elsewhere; no assessment of the effect upon parcel and delivery activity; and no analysis showing that expenditure from the additional households would exceed any loss of existing trade.

The issue is not whether a planning officer may disagree with a business operator. Plainly a planning officer can and did.

The issue is evidential. If EHDC rejects direct operational evidence from the people running the business, and then reaches the opposite affirmative conclusion, it needs an evidential basis for doing so. Planning judgement is not a substitute for evidence about how somebody else's business actually operates.

14.3 Fairlight shows why that evidential step matters

An Inspector decision put before EHDC provided an unusually clear comparison.

At Fairlight Cove, the Inspector accepted that future residents "could also support the retention of services and facilities by spending locally".

But the Inspector did not simply convert that general proposition into a planning benefit. The decision immediately continued:

> "However, evidence has not been submitted that outlines the practical local effect of this, for example there is nothing to suggest nearby services are failing for lack of patronage".

At Fairlight, the absence of evidence of practical local effect prevented the general proposition from simply becoming an established benefit.

At Holybourne, EHDC was in an even more difficult position. It had evidence of practical local effect. The White Hart said the net effect would be adverse. The Shop and Post Office expressly said the additional households would not compensate for the loss of trade anticipated from the highway changes.

Yet EHDC reached the opposite affirmative conclusion anyway: 156 houses would "support the services within the village", and future residents supporting local businesses attracted moderate positive weight.

Fairlight asked for evidence of the practical local effect. Holybourne had it. It simply pointed in the opposite direction from the positive conclusion EHDC ultimately reached. The operators of existing businesses told EHDC that the development's own mitigation could cost them more existing trade than 156 new households would generate. EHDC did not resolve that evidence. It simply proceeded to count "future residents supporting local businesses" as a moderate positive benefit anyway.

14.4 This was not just the pub and shop

The same concern extended across the village.

Andrews Endowed raised displacement, safety, access and potential consequences for pupil numbers and long-term viability. Treloar's identified approximately 1,200 daily vehicle movements and said concerns raised directly with the applicant's highway consultants did not appear to have been reflected in the revised proposals. Holybourne Theatre explained that its 120-seat venue and production activity depended upon surrounding parking beyond its approximately 25 on-site spaces. Holybourne Cricket Club likewise identified parking and accessibility as material to its continued operation.

These organisations were not offering abstract opinions about planning policy.

They were explaining how the facilities EHDC relied upon actually function.

That evidence required one straightforward exercise:

> Would the development simply add customers and users to Holybourne's existing facilities, or would the mitigation required to accommodate the development simultaneously damage their accessibility, operation or viability?

The Officer Report does not demonstrate that net assessment before placing future support for local businesses on the positive side of the balance.

Facility existence is not facility resilience. Additional customers are not necessarily a net economic benefit.

EHDC cannot count the shop, pub, school and other facilities as evidence that this is a sustainable location, count future spending at those same facilities again as a benefit of development, and then leave materially contrary evidence from the people who actually operate them unresolved.

EHDC positively spends the facilities twice. It does not demonstrate that it accounted once for the damage its own required mitigation may do to them.

That is not simply a disagreement about weight.

It is another affirmative planning benefit which the Officer Report asserts without demonstrating that the contrary evidence put before EHDC was ever resolved.

15. S5(1)(j) requires infrastructure capacity, not a list of contributions and conditions

S5(1)(j) required EHDC to determine whether development of this scale could be accommodated, taking account of the existing or proposed availability of infrastructure.

HVA had been asking that question since July 2025. Yet no integrated infrastructure-capacity assessment was produced.

The Officer Report nevertheless concludes that the development is:

> "of a scale that could be accommodated by necessary infrastructure which this scheme would be through S106 obligations and conditions".

That sentence exposes the problem.

A S106 obligation is a mechanism for securing something. A condition is a mechanism for controlling or requiring something. Neither, merely by existing, demonstrates infrastructure capacity.

The required evidential exercise should have been obvious:

> existing capacity → existing and committed demand → development-generated demand → additional capacity required → infrastructure proposed → delivery and timing

The Officer Report does not demonstrate that exercise. Instead, it either: asserts existence and moves on; or it repeatedly substitutes a mechanism for managing an infrastructure problem for evidence that the capacity problem has actually been resolved.

15.1 HCC's own evidence identifies a highway-capacity constraint which cannot be engineered away

The highway-capacity problem is not HVA's allegation. HCC identifies it itself.

By July 2026, HCC concluded that the London Road/Montecchio Way junction was already operating "close to its theoretical capacity" and that development traffic would cause it to operate "above theoretical capacity, leading to increased queuing and delays", thereby "exacerbat[ing] existing capacity constraints".

Its final response did not identify additional highway capacity. It said the opposite: the junction already experiences congestion and delay, the development impact would be "significant", and:

> "there are no proportionate or deliverable highway engineering measures capable of providing meaningful increases in vehicular capacity at this time".

That is infrastructure-capacity evidence in unusually clear terms.

HCC's answer is therefore not to increase junction capacity, but to reduce demand through sustainable-travel measures. Most strikingly, HCC reasons that "a modest shift from car travel to walking and cycling amongst existing residents would offset a proportion of the forecast development traffic".

In practical terms, part of the capacity required to accommodate 156 additional homes is to be released by changing the travel behaviour of the existing community.

That goes directly to S5(1)(j). EHDC had to establish that development of this scale could be accommodated having regard to existing or proposed infrastructure. Yet the Officer Report concludes that infrastructure provision can be dealt with through "S106 obligations and conditions".

But the £247,422 contribution does not buy additional junction capacity. HCC expressly says meaningful additional vehicular capacity cannot be delivered.

Nor does that contribution secure the complete alternative network upon which the modal-shift response depends. The Officer Report itself says that it may fund only elements of the wider LCWIP package, with further interventions dependent upon detailed design and additional funding.

And even EHDC's best hypothetical case does not close the evidential gap.
Even if the entire onward LCWIP network to Alton were funded, committed and delivered, EHDC would still have to reconcile its capacity response with its own commissioned Living Locally evidence. That study concluded that LCWIP improvements may "improve the attractiveness of walking and cycling" but are "unlikely to affect the 10 min walking and cycling times applied in this methodology".

Better routes may make a journey more attractive. They do not make Alton closer.

That matters because HCC's response depends upon enough people changing mode to release road capacity, while EHDC's own accessibility evidence questions the underlying walkability of the location. The Officer Report itself compounds the problem by accepting elsewhere that behavioural change "does not happen quickly" and that "not all drivers will change their behaviour".

The contradiction is stark:

> existing junction constraint → development pushes it beyond theoretical capacity → no meaningful engineering increase available → modal shift of existing residents relied upon instead → incomplete LCWIP delivery → EHDC's own accessibility evidence says even improved routes are unlikely to alter the underlying walking-time limitation

Yet EHDC concludes that development of this scale can be accommodated through infrastructure.

That is not demonstrated infrastructure capacity. It is an attempt to manage the consequences of insufficient capacity by hypothesising that enough existing and future road users will change their behaviour – despite EHDC's own evidence base indicating the contrary.

15.2 Healthcare exposes the difference between calculating mitigation and demonstrating capacity

Healthcare exposes the same substitution numerically.

The NHS identified combined stated capacity of 22,390 patients against an existing list of 28,508. The practices were therefore already 6,118 patients over stated capacity before this development. A further 367 residents would increase that deficit to 6,485. The NHS conclusion was unequivocal that "the current combined medical centres providing primary care have insufficient capacity and will not be able to absorb the increased patients arising from the proposed development".

The NHS then properly quantified the development's additional impact: 25.662m^2 of additional GP space, generating a £145,427 contribution towards physical primary-care infrastructure.

HVA does not challenge that calculation. It challenges what EHDC makes it prove.

A correctly calculated contribution demonstrates what this development should pay towards its additional demand. It does not demonstrate that the capacity needed to accommodate that demand will exist.

The NHS evidence makes that distinction unavoidable. The preferred Chawton Park extension was at an "early developmental stage", dependent upon funding, a Business Case and ICB approval. Possible additional provision at Wilson Practice was itself dependent upon landlord and ICB support. The NHS therefore sought to ringfence the contribution until projects became "viable, deliverable, and affordable to the practices".

Required healthcare capacity was quantified. Yet delivery of healthcare capacity could not be secured with equivalent certainty.

And the development does not arrive at practices with spare capacity awaiting its 367 patients. It arrives at practices already recorded as 6,118 patients over stated capacity.

The Officer Report nevertheless moves from:

> practices cannot absorb the additional patients

to:

> £145,427 contribution secured

and from there to:

development of this scale can be accommodated through S106 obligations and conditions.

The missing step is delivery.

EHDC has demonstrated what the development should pay. It has not thereby demonstrated that the healthcare system has capacity to accommodate the development.

There is also a wider strategic problem. Infrastructure is not planned one speculative application at a time. It must respond to cumulative growth. Yet EHDC's Local Plan has not settled the scale or distribution of strategic growth around Alton/Holybourne. The Regulation 18 "Alton (including Holybourne)" strategy was abandoned, while the subsequent indicative housing figures expressly do not constitute housing requirements.

EHDC cannot have strategic growth without strategic infrastructure. If the scale and distribution of the former remain unsettled, it cannot simply assume the adequacy of the latter application by application.

15.3 The same substitution appears elsewhere

Healthcare is not isolated.

Education. The Officer Report records that Andrews' Endowed Primary School is forecast to be full. The response is that it is not full from within catchment and that "pushback" can accommodate pupils generated by the development.

That may provide an allocation mechanism.

It does not create another school place.

Where EHDC simultaneously relies upon the existence of the primary school as evidence that Holybourne is sustainably located, it must distinguish between redistributing finite capacity and demonstrating sufficient capacity for development of this scale.

Community facilities. The same question arises with community infrastructure.

The applicant's earlier consultation included 196 dwellings and a new community hub. When the scheme reduced to 160 (and subsequently 156 dwellings), that community hub provision disappeared.

What changed in the infrastructure evidence?

A reduction of 36 to 40 dwellings does not, by itself, demonstrate that the need previously identified by the applicant for additional community provision disappeared. Nor does the existence of Holybourne Village Hall demonstrate that it has the capacity to absorb the additional demand generated by up to 156 households.

That matters because EHDC relies upon the existing village hall and other Holybourne facilities when constructing the positive case that the settlement is already well served. The same facility is therefore being relied upon as evidence of sustainability without an identified assessment demonstrating its capacity to accommodate the additional development.

If the applicant considered a community hub necessary or appropriate for the 196-dwelling scheme, what infrastructure evidence changed when the proposal reduced to 160 and then 156 homes? The hub disappeared. Yet neither the application submissions nor the Officer Report identifies a capacity assessment demonstrating that the need disappeared with it.

Once again, existence is being treated as capacity. They are not the same thing.

Foul drainage. Thames Water told EHDC that it had "not been possible to determine foul water infrastructure needs of this application". The response was a condition.

Again, that may provide a legitimate mechanism for later investigation or mitigation.

But an undetermined infrastructure requirement does not become demonstrated capacity merely because the uncertainty can be conditioned.

The pattern is unmistakable:

- healthcare capacity problem → contribution
- school capacity problem → pushback
- foul-water requirement unknown → condition

And then:

S5(1)(j) infrastructure requirement → satisfied.

That is the leap HVA challenges.

15.4 Buntingford shows what EHDC should have demonstrated

The contrast with Buntingford again is stark.

There, the Inspector separately tested the infrastructure limb of S5(1)(j), considered identified and secured infrastructure and the completed planning obligation, and only then concluded that the gateway was satisfied.

At Holybourne, EHDC reverses the exercise. It identifies contributions, conditions and management mechanisms and treats their existence as evidence that development of this scale can be accommodated.

They are not the same thing:

- a facility is not necessarily capacity;
- a contribution is not delivered infrastructure;
- a condition is not evidence of existing capacity;
- "pushback" reallocates capacity, it does not create it;
- a possible future project is not committed delivery.

S5(1)(j) required EHDC to decide whether development of this scale could actually be accommodated taking account of existing or proposed infrastructure.

The Officer Report did not merely have to identify ways in which infrastructure problems might subsequently be managed. It had to establish an evidential basis for its affirmative conclusion that up to 156 dwellings could be accommodated.

It did not.

16. The Alton Neighbourhood Plan was treated as a footnote, not applied as the Development Plan

The Alton Neighbourhood Plan is not merely a material consideration. It is part of the made Development Plan against which this application fell to be determined.

The Officer Report acknowledges that status, lists selected ANP policies and ultimately accepts that the proposal "conflicts with the development strategy set out within the Neighbourhood Plan".

But acknowledgement is not application.

The Report does not transparently establish what the relevant ANP policies require, where and to what extent the proposal conflicts with them, and the significance of that cumulative Development Plan conflict before moving to the considerations said to outweigh it.

16.1 EHDC removed the Local Green Space policy from its Neighbourhood Plan assessment

Most strikingly, CH5 is absent from EHDC's list of relevant ANP policies altogether, despite Holybourne Play Area being designated as Local Green Space through the ANP and the Officer Report itself later recognising that designation.

In doing so, the Officer Report contrives to separate two protections it would otherwise have had to confront together. The land's Local Green Space status engages the specific S5(5)/HC8 protection. But CH5 is also part of the made Neighbourhood Plan, so conflict with it forms part of the Development Plan conflict to which, at the time of decision making, S6 affords additional protection.

The practical effect of omitting CH5 is therefore to strip the Local Green Space conflict out of the neighbourhood-plan exercise and deal with it elsewhere. CH5 was not peripheral. It was the Development Plan policy that protected this land. Its complete omission from the ANP assessment removed from view the very conflict that most starkly demonstrated why S6 mattered.

16.2 NPPF S6 provides an additional protection. EHDC acknowledged it, then reasoned around it.

The ANP already carried statutory weight as part of the Development Plan.

S6 added nationally prescribed further protection.

For qualifying housing proposals conflicting with a recently made neighbourhood plan, S6 states that the benefits of granting permission are "likely to be substantially outweighed by the adverse effects" where its conditions are met. The Officer Report accepts that the ANP satisfies those qualifying conditions.

S6 did not make the ANP relevant. The ANP was already the Development Plan. S6 makes conflict with it harder to override.

EHDC's reasoning reverses that hierarchy. It treats the ANP conflict as something to be acknowledged at the end of the exercise and weighed against a positive case constructed largely elsewhere, rather than first applying the statutory Plan and then confronting the additional national-policy protection S6 affords to the resulting conflict.

The proper sequence should have been: apply the made ANP → identify the complete Development Plan conflict, including CH5 → apply the additional protection afforded by S6 → only then consider whether other material considerations justify departure.

The Officer Report does not demonstrate that sequence. It reaches the departure before it demonstrates the case from which it is departing.

And it does so by relying upon EHDC's January 2026 indicative housing figure, produced through a Guidance Note which expressly says the figures "do not constitute a housing requirement", are highly likely to change, do not align with the existing or emerging Local Plan strategy, and do not yet incorporate constraints including Local Green Space. The Guidance Note says the Local Plan will determine the strategy, allocations and policies by which the eventual requirement is met. EHDC nevertheless deploys that provisional figure in decision-taking to justify overriding the very made Neighbourhood Plan whose constraints the methodology has not even incorporated.

That turns the proper evidential hierarchy on its head. EHDC uses a provisional figure which its own guidance says is not a housing requirement, and which has not incorporated the very Local Green Space constraint at issue, to help justify overriding the made Development Plan in which that constraint is protected.

The adopted Plan is treated as something to set aside. A provisional number which excludes one of that Plan's central constraints is then used to justify doing so.

17. Local Green Space: EHDC constructed the wrong policy pathway, failed it, then balanced the failure away

Holybourne Play Area is not merely recreational land containing play equipment. It is land deliberately designated as Local Green Space through the made Alton Neighbourhood Plan.

The protected asset is the land, not the play equipment upon it.

The Officer Report itself ultimately accepts that distinction. It recognises that the designation reflects openness, Holybourne's character, recreation, community accessibility and views towards Holybourne Down, and that replacement recreation "would not fully mitigate the loss" of those wider attributes.

The central problem is therefore not that EHDC failed to recognise the harm.

It is that the Officer Report never demonstrates how major residential development on designated Local Green Space passed the policy gateway necessary to enter the ordinary planning balance at all. That is a material failing of the recommendation.

17.1 The Framework creates a gateway, not an invitation to balance immediately

NPPF Policy S5(5) expressly provides that S5 does not apply to development on Local Green Space. Such development should instead be determined under HC8 and GB6, GB7 and/or GB8 as appropriate. Only where development would "not be inappropriate" through HC8 and GB7 does the ordinary S5 balance return.

HC8 requires development on Local Green Space to be determined consistently with the relevant Green Belt decision-making policies, excluding provisions relating to grey belt and previously developed land. GB6 then provides the starting rule:

> "Development in the Green Belt is inappropriate unless it falls within one of the categories in policy GB7".

If development remains inappropriate, GB6 provides that it:

> "should not be approved except in very special circumstances".

Those circumstances do not exist unless the harm by reason of inappropriateness and any other harm is "clearly outweighed by other considerations", with substantial weight given to Green Belt harm, including harm to openness.

The sequence is therefore:

> S5(5) → HC8 imports the relevant Green Belt regime → GB6 establishes the default → demonstrate a relevant GB7 category → only if development is thereby not inappropriate does the ordinary S5 balance return.

If no GB7 category is demonstrated, the alternative is not an ordinary planning balance.

It is GB6 and very special circumstances.

17.2 EHDC constructed a GB7 route which the policy simply does not contain

The Officer Report says:

> "GB7 advises on development that is not inappropriate within the Green Belt (GB) which includes residential or mixed use development provided it would comply with Policy GB8".

That is not what GB7(h) says.

GB7(h) requires residential or mixed-use development to satisfy all of the following:

- be within reasonable walking distance of a well-connected station;
- be physically well-related to that station or the settlement within which the station is located;
- be of a scale capable of accommodation taking account of infrastructure;
- not prejudice long-term comprehensive development; and
- for major development, comply with GB8.

The Framework expressly confirms that where policies contain lists of subparagraphs, all apply unless the text indicates otherwise.

GB8 compliance is therefore one limb of GB7(h). It is not a substitute for the other four.

And the Officer Report's own reasoning demonstrates the problem.

Immediately before its Local Green Space assessment, EHDC expressly says that the Framework's reasonable-walking-distance definition concerning land around well-connected stations "does not apply to the application site".

Yet GB7(h)(i), which EHDC then effectively relies upon for residential development of the Local Green Space, requires precisely that relationship: reasonable walking distance of a well-connected station.

The Report does not demonstrate infrastructure compliance either, for the reasons in Section 15, and does not assess the separate requirement concerning prejudice to long-term comprehensive development.

Finally, EHDC expressly finds that the proposal does not fully comply with GB8, because its 40% affordable housing provision falls below the 50% Golden Rule it considers applicable.

The defect is therefore not marginal. EHDC's own Report does not demonstrate several cumulative limbs of the very GB7(h) route upon which its reasoning depends, and expressly finds non-compliance with another.

If EHDC intended to rely upon another GB7 category, the Officer Report does not identify it.

17.3 EHDC then balanced the failed gateway away

Having failed to demonstrate a relevant GB7 category, the Officer Report does not apply the consequence prescribed by GB6 and ask whether very special circumstances exist.

Instead, after expressly finding that GB8 is not fully satisfied, EHDC says:

> "the extent and significance of that conflict must be assessed alongside the other benefits of the scheme and the specific circumstances of the Local Green Space designation".

It then places affordable housing, replacement recreation, infrastructure, biodiversity and housing need into an ordinary planning balance.

That is not the policy sequence in the Framework.

GB7 does not contain a "majority of the outcomes" test. For major residential development relying upon GB7(h), paragraph (h)(v) says the proposal must "comply with policy GB8".

And if the development does not fall within a GB7 category, GB6 does not prescribe an ordinary balance. It requires very special circumstances, which will not exist unless the harm by reason of inappropriateness and any other harm are clearly outweighed by other considerations, with substantial weight given to the protected-land harm.

The Officer Report does not perform that exercise.

EHDC therefore constructs an incomplete route to "not inappropriate" development, fails to demonstrate that route on its own findings, and then proceeds as though the gateway had nevertheless been crossed.

That is not merely a disagreement about planning weight. The Officer Report applies the wrong policy consequence after failing to demonstrate the gateway.

17.4 Housing need cannot retrospectively repair the missing GB6 exercise

Nor can EHDC now fill that gap simply by pointing to housing need.
Bentley makes that particularly difficult. As Section 7 demonstrates, EHDC itself maintained refusal there despite housing undersupply and housing benefits because the identified harms remained sufficient to outweigh them.

That was under the less demanding ordinary balance. GB6 imposes the more exacting test.

Housing need was substantial. It was not a policy eraser.

EHDC cannot now retrospectively convert benefits considered under the wrong test into a very-special-circumstances finding which the Officer Report never made.

17.5 Replacement recreation answers a different question

The same substitution occurs with replacement recreation.

HC7 addresses recreational land. HC8 addresses designated Local Green Space. Compliance with the recreational-land replacement test in HC7 does not displace the separate HC8 protection arising from Local Green Space designation.

The Officer Report itself accepts that replacement recreation "would not fully mitigate" the loss of the existing LGS's wider attributes, including openness, character contribution, accessibility and views.

That admission matters. Replacement recreation can replace recreational capacity. It cannot replace this land.

Nor does providing a larger playground answer the prior policy question:

> How did development of the designated Local Green Space become not inappropriate under HC8/GB6/GB7?

It did not.

17.6 EHDC then uses development-generated harm to weaken the protection itself

HC2 is a plan-making policy, not a development-management test. But it explains what the designation means: Local Green Space is land already judged through plan-making to be "demonstrably special" to its community and of "particular local significance".

Holybourne Play Area had already passed that exercise.

That makes the Officer Report's reasoning extraordinary:

> "If the site were to be developed whilst leaving the LGS in situ some of the reasoning for designating the space would be lost in that the open nature and views northwards would be altered".

That turns the protection on its head.

The development would destroy qualities which contribute to the significance of the protected space. EHDC then uses that development-generated destruction as part of the reasoning for accepting the loss of the protected space itself.

The development's destruction of the qualities which make protected land special cannot become part of the justification for surrendering that land.

If development of the surrounding fields destroys openness, countryside relationship and views, that is additional harm caused by the development. It is not a reason to extinguish the protection as well.

17.7 The failure is therefore straightforward

HVA had raised the Local Green Space policy issue repeatedly before determination. The Officer Report was the safeguard EHDC said would apply the relevant policy framework.

Instead, the Report:

- misstates the GB7(h) route;
- fails that route on its own findings;
- identifies no alternative GB7 category;
- does not undertake the resulting GB6 very-special-circumstances test;
- substitutes an ordinary planning balance;
- gives significant positive weight to replacement recreation which it admits does not fully mitigate the designated land's wider attributes; and
- uses development-generated destruction of those attributes as part of the reasoning for surrendering the designation.

The Officer Report does not merely give Local Green Space too little weight. It bypasses the policy architecture which determines whether an ordinary balance is available in the first place.

National policy deliberately removed Local Green Space from the ordinary S5 route.

EHDC effectively puts it back.

That is not application of the policy. It is, in practical effect, a rewriting of it to reach a balance the actual policy pathway had not made available.

18. Heritage: EHDC's own constraint remained. The Officer Report simply balanced it away.

Heritage was not a constraint invented by HVA in opposition to this application.

It was EHDC's own pre-2023 evidence-based conclusion about this land.

EHDC's 2019 Site Assessments Background Paper, assessing Land to the North of Holybourne, concluded:

> "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's Interim Sustainability Appraisal (Strategic Site Options), February 2021 then reconsidered Holybourne following promotion of the wider site for up to 1,000 homes. It again identified multi-faceted heritage harm involving the Scheduled Monument at Cuckoo's Corner, Holybourne Conservation Area, around 30 Grade II and two Grade II* listed buildings, together with landscape and groundwater constraints. The option was rejected for large-scale development.

That was EHDC's evidence base before EHDC's subsequent change in spatial-policy direction.

By Regulation 18 in 2024, EHDC was proposing something fundamentally different: "Alton (including Holybourne)" as Tier 1. That strategy however was subsequently abandoned, and the Officer Report expressly accepts that the emerging 2024 plan is "immaterial to decision-taking".

Yet the same Officer Report reconstructs its central spatial premise through development management: Holybourne borrows Alton's Tier 1 functions, Alton's services and Alton's higher-order sustainability to support major development on Holybourne's rural edge.

What changed was not the heritage constraint. What changed was EHDC's treatment of it.

The Officer Report does not demonstrate that the heritage concerns which previously counted against strategic growth disappeared. It demonstrates that the harm remains and then constructs a route by which that harm can be outweighed.

The Regulation 18 policy was abandoned. Its "Holybourne = Alton" spatial reasoning survived. The heritage constraints were simply made to yield to it.

18.1 The analytical inversion is visible from the first page

The direction of the reasoning is apparent before the Officer Report even reaches its heritage assessment.

The site description states:

> "The SAM encroaches onto the proposed development site".

That is an extraordinary inversion.

The Scheduled Monument did not encroach upon a speculative development site. The applicant drew a development boundary which incorporates part of a pre-existing nationally designated heritage asset.

Indeed, the County Archaeologist is later recorded using the accurate formulation: the development site "incorporates part of the Scheduled Monument within its eastern portion".

One badly chosen sentence would not matter by itself. Here it is emblematic.

The development is repeatedly treated as the fixed proposition. The constraint becomes the thing which must accommodate it.

That is exactly the wrong analytical starting point for an irreplaceable heritage asset.

18.2 "Smaller" answers quantum. It does not answer constraint.

The Officer Report acknowledges the earlier strategic-site failure but answers HVA by saying that those assessments concerned large development of more than 600 homes and that the present proposal is only 156.

That answers quantum. It does not answer constraint.

EHDC's 2019 and 2021 evidence did not merely establish that somebody had proposed too many houses. It identified characteristics of the land which constrained development: the Scheduled Monument, Conservation Area, listed buildings, sensitive rural edge and groundwater.

Fewer houses do not make a Scheduled Monument less significant. They do not make listed buildings less important. They do not make the Conservation Area less sensitive to urbanisation of its rural setting.

And the present scheme does not simply retreat from the heritage constraint. HVA's heritage evidence showed that the earlier promoter concept retained the field immediately west of the Scheduled Monument as an undeveloped buffer. The present proposal instead brings development right up to the Monument boundary and introduces estate recreational infrastructure within the designated area itself.

A smaller proposal is not necessarily a less harmful proposal when development is concentrated into the very land upon which the identified constraints bite.

That distinction matters under HE5 because the relevant exercise concerns the effect upon the significance of the heritage asset, not a comparison between headline dwelling numbers.

The Officer Report's own heritage assessment confirms that the constraint remains: it identifies and accepts urbanisation of the Conservation Area's rural setting, harm to listed-building settings, effects upon Holy Rood's prominence, and visual dominance and erosion of the open rural setting of the Scheduled Monument.

EHDC's evidence therefore does not show that its former heritage constraints disappeared. It shows the opposite.

The 2019 and 2021 spatial-policy answer was: this constrains strategic growth.

The Officer Report's answer is: the harm exists, but housing benefits outweigh it.

The evidence did not remove the constraint. EHDC changed what it was willing to do with it to justify significant housing growth in this location.

18.3 EHDC was warned. The Officer Report was the promised safeguard.

The failure to assess the heritage impacts comprehensively cannot credibly be presented as something discovered after determination.

HVA raised the heritage deficiencies directly with Chief Planning Officer Adam Harvey before determination, including EHDC's failure to engage with its previous evidence base, the treatment of Grade II* Holy Rood, the loss of rural setting, the missing heritage assessment of the London Road scheme and the difficulty created by EHDC not routinely requiring consultees to engage with HVA's contrary technical evidence.

HVA expressly asked whether the heritage evidence was sufficiently "complete and robust" to support EHDC's eventual recommendation.

On 13th July 2026 Adam Harvey rejected the criticism after discussion with EHDC's Heritage and Arboricultural Manager. He defended the assessment as "professional, fair and based on the relevant planning considerations" and expressly relied upon the smaller scheme and the potential for layout, heights, landscaping, buffers and separation to mitigate heritage effects.

Most importantly, in his response, Adam Harvey repeated the safeguard: the case officer would consider "all material planning considerations" and the recommendation would follow a "comprehensive assessment of all material considerations".

The Officer Report was therefore the promised answer.

Then the August 2026 Framework arrived.

HVA updated its case to the new Framework. Its formal September submission expressly said the heritage assessment remained incomplete, including because the effects of "the access and highway scheme, increased traffic and associated public-realm interventions upon Holybourne Conservation Area and the settings of listed buildings along London Road" had not been assessed.

The applicant's comprehensive case and the principal heritage consultation evidence pre-dated that new policy regime. Instead of obtaining a replacement applicant heritage case or an updated specialist HE5/HE6 assessment from the heritage consultees, the Officer Report itself assumed the task of carrying the existing evidence into the new policy framework.

There was nothing inherently improper in a professional planning officer doing that. But having assumed the task, EHDC had to perform it. It didn't.

18.4 The specialists identified harm. EHDC's summary sanitised what they actually said.

The consultation summary is revealing in its own right.

For numerous other consultees, EHDC prominently records:

"No objection"
"No objection subject to Conditions"
"No objection subject to Conditions and Obligations"

Yet EHDC's own heritage specialist is headed:

"EHDC Conservation Officer – Harm less than substantial".

What disappears from that heading is the Conservation Officer's actual position: objection.

The Report preserves the harm category while omitting the specialist's recommendation.

That matters because the final planning balance later relies upon precisely the surviving label:

> "The Conservation Officer has advised this would be less than substantial".

The objection disappears. The label survives. The label is then balanced away.

Historic England's position is compressed differently.

The Officer Report heads it: "Historic England – No objection".

But Historic England did not conclude that the development was acceptable on heritage balance. It identified continuing harm from visual dominance of modern built form and erosion of the Scheduled Monument's open rural setting, together with the effects of activity, lighting and noise. It expressly left the public-benefits judgement to EHDC.

The importance of that distinction was demonstrated by the Torrisholme appeal, which HVA submitted in full. Historic England had not objected there either. The Inspector

nevertheless gave the less-than-substantial harm to the Scheduled Monument considerable importance and weight and dismissed the appeal despite an acute housing shortfall and substantial housing and affordable-housing benefits.

"No objection" from Historic England is not a heritage balance. Torrisholme demonstrated that. EHDC chose not to engage with Torrisholme, despite it being presented as a material consideration as early as July 2025.

The specialist positions at Holybourne were therefore:

EHDC Conservation Officer → harm identified → objection
Historic England → harm identified → no objection within its remit → balancing expressly left to EHDC

Neither specialist concluded:

156 homes + 40% affordable housing outweigh the heritage harm.

That conclusion belongs entirely to EHDC's Officer Report.

18.5 The Officer Report does not perform the asset-specific HE5/HE6 exercise

The August 2026 Framework required EHDC to determine the application through the HE5/HE6 regime.

The sequence needed to be recognisable:

significance → contribution of setting → effect upon significance → degree of harm → required heritage weight → combined with the other identified and weighted harms → only then public-benefits balance

The Officer Report does not perform that exercise.

Instead it discusses broad groups of heritage assets and ultimately aggregates the Scheduled Monument, listed buildings and Conservation Area beneath the label "less than substantial".

That is not an asset-by-asset assessment.

The defect is visible on the face of the Report. Its own representations identify harm to Holybourne House, Oak Cottage and The Forge. Its consultation summary identifies

Manor Farm and Holybourne House as the listed buildings most affected. Yet while Manor Farm receives some discussion, Holybourne House is not given an equivalent identifiable assessment, and Oak Cottage and The Forge disappear altogether from the substantive heritage reasoning.

Recording an asset in the objections is not assessing its significance. Referring collectively to "listed buildings" is not assessing the effect upon each asset's significance.

Nor does "less than substantial" answer the weighting question. It categorises harm. It does not mean insignificant harm, prescribe the weight to be given to it, or establish that housing benefits outweigh it.

HVA had expressly warned EHDC of that distinction and supplied Inspector reasoning demonstrating that less-than-substantial harm to designated heritage assets can remain decisive despite substantial housing benefits.

Yet the Officer Report effectively reduces the heritage exercise to:

> "less than substantial" → 156 dwellings + 40% affordable housing → heritage harm outweighed

What is missing is the assessment necessary to establish what harm, to which assets, carrying what weight, actually belonged on the adverse side of the scales.

That is not a drafting omission.

It is the missing policy exercise.

The fragility of the resulting conclusion is therefore of EHDC's own construction. EHDC chose to carry the existing evidence into the new policy regime through the Officer Report, despite HVA's express warning about what that required.

It then failed to perform the assessment it had taken responsibility for.

18.6 EHDC positively weighted the transformation of London Road without assessing its heritage cost

The missing HE5/HE6 exercise is not theoretical. London Road provides a concrete example.

HCC's own assessment concluded:

> "The increased flows of traffic on London Road as a result of the development shifts it away from being considered a quiet street…"

That is highly material because EHDC's Officer Report itself identifies:

> "The winding linear main street (London Road) with cottages and houses of traditional local materials"

as one of the three defining characteristics of Holybourne Conservation Area.

The development also requires parking removal and formalisation, crossings, build-outs, waiting restrictions, a 20mph regime, signage, road markings and cycling infrastructure. These are highly engineered interventions into a historic street context that is explicitly one of the defining characteristics of the Conservation Area. The Officer Report accepts that those changes were "borne out of the need to accommodate the 156 houses".

Nor is the affected heritage confined to the Conservation Area generally. More than 30 listed buildings front or directly address the same historic street, including Grade II* Andrews Endowed School. HVA expressly identified those settings as requiring assessment under the new Framework. They received no identifiable assessment.

More than 30 listed buildings and a conservation area. Not assessed.

Yet EHDC proceeds to say that "the heritage harm" is outweighed by housing.

EHDC knew:

- development-generated traffic would change the character and experience of London Road;
- London Road itself is a defining component of the Conservation Area;
- listed buildings, including a Grade II* asset, front that street;
- extensive physical intervention was required to accommodate the development; and

- HVA had expressly told EHDC to assess those heritage effects.

The Officer Report joins none of those facts together in its substantive heritage assessment.

Then it does something worse.

It places the same London Road intervention on the positive side of the planning balance and gives it moderate positive weight for advancing LCWIP aspirations.

The asymmetry is stark. EHDC counted the benefit of changing London Road, despite the substantial level of local objection from the local community. It did not even consider the heritage cost of changing London Road, before concluding 156 dwellings and 40% affordable housing outweigh "the heritage harm".

Outweigh what heritage harm?

It cannot be the complete heritage harm generated by the development, because a known effect upon a defining characteristic of the Conservation Area and the settings of listed buildings fronting it, including Grade II* Andrews Endowed School, never entered the heritage assessment.

This is EHDC's missing HE5/HE6 exercise made visible: HCC evidences the change; HVA identifies the affected heritage assets; the Officer Report omits the effect from heritage; and EHDC then positively weights the intervention causing it elsewhere.

18.7 "Smaller" also changes the baseline for whatever follows

There is a final reason why EHDC's dismissal of its earlier evidence as relating to a "larger" scheme is inadequate.

The development now proposed is concentrated against Holybourne's existing rural and historic edge, precisely where heritage, landscape and groundwater constraints bite.

If development is approved and proceeds, the development itself changes that baseline.

The rural settlement edge becomes a housing estate edge. The Scheduled Monument's open western setting is urbanised. The historic village's direct relationship with countryside is replaced by the new housing estate. Major infrastructure required to accommodate substantial development is installed through Holybourne.

Any future proposal must, of course, be determined afresh. But it would not encounter today's planning context. The first development would itself be positioned between further development and the heritage assets and historic village edge which currently constrain expansion. Once that transformation has occurred, the open countryside setting which currently gives rise to the constraints has been neutralised.

That is why the first 156 dwellings cannot sensibly be treated as a neutral reduction from the former strategic proposal and therefore justify EHDC in not having to confront the conclusions of their own development plan making evidence base.

And the wider context matters. The same Officer Report which says the abandoned Regulation 18 strategy carries no weight nevertheless reconstructs its central spatial proposition by relying upon Alton's Tier 1 services, infrastructure and sustainability to support major development at Holybourne.

The policy was abandoned. The "Holybourne = Alton" reasoning survived.

Against that background, permitting development through the constraint-sensitive edge first would do more than approve 156 dwellings. It would physically alter the constraint environment against which the remainder of the wider strategic site would later be assessed.

That does not predetermine any future application.

It does however make the Officer Report's answer of "this scheme is smaller" wholly inadequate.

The question was never 'is 156 smaller than 600 or 1,000?'. Obviously it is.

The question was:

> Have the site-specific constraints identified by EHDC in 2019 and 2021 actually been overcome, or is EHDC simply allowing development through those constraints and thereby neutralising them for whatever may follow?

The Officer Report does not answer that question. Its own findings demonstrate that the constraints remain. What has changed since EHDC's 2019 and 2021 conclusions is not the land, the heritage assets or the constraints. What has changed is EHDC's willingness simply to balance them away.

The same constraints which previously counted against strategic development are now treated as harms capable of being outweighed, even though the Officer Report itself accepts that Holybourne remains Tier 4 and that the abandoned Regulation 18 strategy carries no material weight in decision-making.

The policy direction changed. The constraints did not. What changed was EHDC's willingness to allow development through them.

18.8 The heritage failure is EHDC's

The responsibility for the eventual heritage conclusion is clear.

EHDC's 2019 Site Assessments Background Paper identified heritage as part of the reason this location was unreasonable for large-scale development. EHDC's Interim Sustainability Appraisal (Strategic Site Options), February 2021 again identified serious heritage effects and rejected the wider option.

The subsequent specialist evidence did not remove that constraint. The Conservation Officer identified harm and objected. Historic England identified continuing harm and expressly left the public-benefits balance to EHDC.

HVA then challenged the completeness of that heritage evidence before determination. The Chief Planning Officer defended the process and promised that the final Officer Report would provide the "comprehensive assessment of all material considerations". When national policy subsequently changed, HVA updated its technical case and expressly identified the further heritage assessment required.

The Officer Report was therefore the promised safeguard.

But that safeguard did not deliver. The Report does not perform the complete asset-specific HE5/HE6 exercise; does not assess the identified heritage effects of the transformation of London Road; compresses materially qualified specialist positions into "less than substantial" and "no objection"; and ultimately concludes that housing and affordable housing benefits outweigh an incomplete heritage case.

Nor does the published decision record demonstrate substantive engagement with HVA's contrary heritage evidence. HVA submitted detailed technical representations, updated them when national policy changed, identified specific assets and effects left unassessed, and supplied Inspector reasoning directly addressing the significance and potential weight of less-than-substantial heritage harm.

Whether somebody inside EHDC opened those documents or not is beside the point. Receipt is not assessment. The promised safeguard was the Officer Report, and the Officer Report does not demonstrate substantive engagement with what that evidence actually said. In many instances it does not demonstrate engagement at all.

The decisive step was therefore not taken by the Conservation Officer or Historic England.

EHDC's own evidence had identified the heritage constraint. Its own specialist identified the harm again and objected. Historic England identified continuing harm and left the judgement to EHDC. HVA identified the unresolved evidential and policy failures before determination.

The Officer Report did not remove the heritage constraint. It balanced it away.

And it did so without first demonstrating the complete heritage assessment necessary to establish what, precisely, it had decided to outweigh.

That is the heritage failure.

19. EHDC selectively deployed Inspector reasoning. The contrary appeal evidence disappears from the promised safeguard.

HVA did not place one isolated appeal decision before EHDC. Over the life of the application it submitted a substantial body of Inspector reasoning directed to specific planning propositions arising at Holybourne.

That evidence included:

- Bentley;
- Tibberton;
- Southminster;
- Aston Clinton;
- Thakeham;
- Burghclere;
- Sherfield-on-Loddon;
- Wormegay;
- Wyboston;
- Torrisholme;
- Ascott-under-Wychwood;
- Fairlight Cove;
- Bailrigg Lane / Lancaster;
- Bushey;
- Sale; and
- the recent Holybourne / Westbrook House heritage appeal concerning the same Grade II* Church of the Holy Rood and Holybourne Conservation Area.

These decisions were not submitted as an undifferentiated bundle. HVA identified the propositions for which they were relied upon: settlement hierarchy and scale; sustainable accessibility; infrastructure capacity; countryside and landscape harm; flood risk; heritage significance and setting; Local Green Space; the treatment of mitigation; support for local facilities; and the cumulative planning balance.

Bentley stands apart for the reasons addressed in Section 7. HVA relied upon it as EHDC's own unusually close contemporaneous comparator and expressly required EHDC to follow or materially distinguish it. The wider Inspector decisions served a different purpose. EHDC could have accepted, rejected or distinguished their reasoning, but it could not simply allow materially relevant reasoning to disappear from the assessment.

That is what the Officer Report does.

19.1 The immediate audit test is simple

The issue can be tested without accepting HVA's interpretation of a single appeal decision.

Where in the Officer Report are they considered?

Where does the Officer Report engage with Torrisholme's treatment of Scheduled Monument harm?

Where does it engage with Ascott-under-Wychwood's asset-specific assessment of the Grade II* church and listed buildings?

Where does it engage with Fairlight Cove's requirement for evidence of the practical local effect before additional household spending is converted into a benefit?

Where does it engage with the Inspector reasoning HVA submitted on settlement hierarchy, countryside function, infrastructure capacity, Local Green Space or cumulative harm?

The published Officer Report does not identify them.

That is particularly serious because EHDC had expressly told HVA that consultees were "not routinely requested to comment on third party comments", and later confirmed under FOI that "No Consultee has been requested to specifically engage with HVA's Submissions". EHDC's answer was that the case officer and final Officer Report would provide the safeguard: material representations would be considered and assessed against the Development Plan, national policy and other material considerations.

The appeal evidence therefore cannot be presumed to have been dealt with somewhere else. The Officer Report was the place EHDC said HVA could expect to see the safeguard operate.

It doesn't.

19.2 Buntingford proves EHDC knew exactly how to use Inspector reasoning when it wanted to

The asymmetry is impossible to miss.

Where Inspector reasoning assists EHDC's positive accessibility case, the Officer Report expressly identifies Buntingford, quotes and interprets the Inspector's reasoning and deploys it against HVA's case. So this is not an Officer Report which considered appeal decisions too fact-specific or too peripheral to engage with. EHDC demonstrably used Inspector reasoning when it assisted the positive case.

Conversely, the substantial body of Inspector reasoning submitted by HVA which challenged that positive case receives no identifiable treatment.

Bentley makes the point particularly stark, but Section 7 has already demonstrated that in full. One aspect bears repeating here only because it exposes the principle. When defending Bentley itself, EHDC insisted that reducing a proposal from 33 dwellings to eight did not dispose of the earlier Inspector's conclusions because they concerned the "function and role of the land, rather than solely the scale or visual appearance of development".

EHDC therefore knows perfectly well that an Inspector's reasoning can remain materially relevant to a different proposal.

That makes silence at Holybourne harder, not easier, to explain.

19.3 "Each case on its merits" is not an answer

Neither can EHDC repair that absence retrospectively by saying that every appeal depends upon its own facts.

Of course it does. HVA never suggested otherwise. "Each case on its merits" is the reason comparison and distinction are necessary. It is not a substitute for them.

The appeal decisions did not require EHDC to reproduce the Inspectors' conclusions at Holybourne. They required EHDC to confront materially relevant reasoning which HVA had deliberately placed before it.

That is particularly important where the submitted decisions illustrated the precise analytical exercises HVA said were missing from this application: applying the settlement hierarchy before housing need; distinguishing the function of land from visual mitigation; assessing heritage asset by asset; distinguishing necessary mitigation from genuine additional benefit; requiring evidence before assuming economic benefit; and bringing harms together cumulatively before performing the final balance.

EHDC could have distinguished the Holybourne application from that reasoning. What its promised safeguard could not legitimately substitute for engagement was silence.

20. EHDC pre-balanced the harms away before reaching the supposedly cumulative balance

The final structural failure is visible in the Officer Report's own planning balance.

Again and again, EHDC follows the same sequence:

identify harm → introduce a benefit → declare the harm outweighed → move on.

By the time the Report reaches its supposedly cumulative conclusion, almost every non-groundwater harm has already been individually disposed of.

Buntingford, the very appeal decision EHDC chose to deploy, demonstrates the conventional sequence: identify and weight the harms and benefits, then bring them together in the final proposal-wide balance.

The Officer Report instead performs a succession of smaller balances in the development's favour and then presents what remains as though it were the cumulative balance.

20.1 The same benefits are repeatedly spent against separate harms

The pattern is explicit:

- BMV agricultural-land loss is "not of a scale that would outweigh the delivery of 156 homes";
- residual moderate landscape harm after 15 years is "outweighed by what the application delivers for Holybourne";
- significant Local Green Space harm is placed against significant positive weight for replacement recreation;
- development-required London Road mitigation becomes a moderate positive benefit;
- heritage harm is expressly outweighed by 156 dwellings and 40% affordable housing; and
- conflict with the made Neighbourhood Plan is set against housing shortage and other benefits.

Housing delivery does not acquire additional weight each time it is used.

Showing that 156 homes outweigh one harm does not demonstrate that they outweigh:

> agricultural harm + landscape harm + heritage harm + Local Green Space loss + Development Plan conflict + highway consequences + infrastructure pressure.

Nor are those harms independent. They largely arise from the same physical transformation of Holybourne's rural edge and interact on the ground.

Putting them under separate headings does not separate them in reality.

One phrase makes the directional reasoning particularly visible. EHDC says the lasting landscape harm is outweighed by:

> "what the application delivers for Holybourne".

Yet the principal housing benefit invoked by EHDC arises from East Hampshire's district-wide 2.9-year housing shortfall, while the Officer Report itself recognises Holybourne as Tier 4, suitable for small-scale local development, with no housing allocation for the site.

When EHDC needs the need, it is district-wide. When EHDC needs the benefit, it becomes "for Holybourne".

Planning is not a referendum. But against 1,314 objections, and evidence concerning harm to the village's landscape, heritage, Local Green Space, businesses, schools and infrastructure, characterising the development as something delivered "for Holybourne" required evidence, not assertion.

20.2 Worse, EHDC was balancing an adverse case it had not finished establishing

The defect goes beyond serial balancing.

As the preceding sections demonstrate:

- Local Green Space enters an ordinary balance without EHDC first demonstrating the applicable GB7 gateway or undertaking the resulting GB6 very-special-circumstances exercise;
- heritage enters the public-benefits balance without a complete asset-specific HE5/HE6 assessment;
- infrastructure capacity is inferred from contributions, conditions and management mechanisms despite identified capacity constraints;

- parking displacement is acknowledged without its residual consequences being assessed; and
- development-required mitigation is itself placed on the positive side as an LCWIP benefit.

EHDC was therefore not merely pre-balancing individual harms. It was repeatedly deploying the positive case against an adverse case which, in material respects, it had not finished identifying.

EHDC started weighing the scales before it had finished putting the adverse case onto them.

20.3 Groundwater exposes the consequence

The Report finally concludes:

> "Were it not for the unresolved groundwater flood risk concerns it is considered on balance and notwithstanding the adverse impacts identified, the benefits of the proposal would outweigh the identified harms…"

But by then, agricultural harm has already been outweighed; landscape harm has already been outweighed; heritage harm has already been outweighed; Local Green Space harm has already been set against replacement provision; development mitigation has become positive highway weight; and Development Plan conflict has already been set against housing need.

Groundwater is left standing because almost everything else has already been analytically and individually dispatched.

The final conclusion is therefore not demonstrably the product of taking a complete non-groundwater adverse case, considering the cumulative and interacting effects, and then undertaking a fresh proposal-wide balance.

It is the residue left after serial neutralisation.

Even the principal benefit repeatedly spent throughout that exercise is unstable. EHDC itself accepts that, without understanding groundwater properly "it cannot at this time

be satisfactorily evidenced that the maximum 156 dwellings could be accommodated on the site".

If the developable area or housing quantum changes, the housing and affordable-housing benefits, layout, infrastructure demand, highway demand and resulting balance may change with it.

There is no settled 156-dwelling scheme waiting for one groundwater defect to be repaired.

The unanswered question is the only cumulative question that mattered:

> Having first applied the relevant policy gateways, properly identified and weighted the Development Plan conflicts and material harms, and considered their cumulative and interacting effects, do the benefits of this particular development outweigh that combined adverse case to the degree required by the applicable policies?

The Officer Report does not demonstrate that exercise.

EHDC has not demonstrated that everything except groundwater was acceptable. It has demonstrated how, issue by issue, it constructed a route to saying so.

21. Consequences and action required: the safeguard failed

HVA does not challenge EHDC's refusal and does not invite EHDC to repair the Officer Report retrospectively.

HVA raised the evidence-handling problem before determination. EHDC's answer was explicit: the case officer and final Officer Report would provide the safeguard through which material community evidence would be assessed against the Development Plan, national policy and other material considerations. The Chief Planning Officer defended that arrangement. On 10 March 2026, the Monitoring Officer stated "for the avoidance of any doubt" that the Monitoring Officer was satisfied with that position.

The Officer Report was therefore the test of EHDC's assurance.

It has now been published. The preceding sections demonstrate material respects in which policy gateways were bypassed or incompletely applied, contrary evidence remained unresolved, infrastructure mechanisms were substituted for demonstrated capacity, adverse Inspector reasoning disappeared while favourable reasoning was deployed, and an incomplete adverse case entered a repeatedly pre-balanced planning balance.

EHDC nevertheless published the affirmative conclusion that, "were it not for" groundwater, the benefits would outweigh the harms and the development would represent sustainable development.

That conclusion was produced by the very process HVA had challenged and EHDC had promised would safeguard the evidence.

A retrospective explanation may show what the Officer Report could have said. It cannot demonstrate that the promised safeguard operated when the planning judgement was actually made.

The Report is the Report. The safeguard failed.

21.1 The Monitoring Officer now has a corporate governance failure to address

This is no longer solely a disagreement with the Planning Service.

HVA deliberately escalated the evidential concern before determination so that EHDC could protect the integrity of the process prospectively. The Monitoring Officer expressly endorsed the Chief Planning Officer's response. The completed decision record is now the evidence against which that endorsement must be judged.

The safeguard endorsed by the Monitoring Officer has been tested. It failed.

That engages EHDC's own corporate commitments. EHDC's 'Council Strategy 2024-2028' promises greater community participation and agency, and describes EHDC as seeking to be transparent, reliable, accountable and engaging, with residents' best interests kept "at the heart of planning".

Those commitments have to mean more than allowing residents to upload representations.

Participation without substantive engagement is not agency.

Receipt without assessment is not accountability.

A promised safeguard which the final decision record does not demonstrate is not transparency.

Holybourne spent more than a year assembling technical evidence, policy analysis and Inspector reasoning, updating that case as the evidence and national policy changed, and escalating concerns before determination precisely so that EHDC could avoid this outcome.

EHDC defended the process. The Monitoring Officer endorsed it. The Monitoring Officer should now address its failure.

21.2 The affirmative findings cannot be banked for a resubmission

The decision was a refusal.

The Officer Report's additional counterfactual conclusion does not turn unresolved planning issues into settled favourable findings. In particular, resolving groundwater cannot logically produce:

groundwater fixed → everything else accepted → approval

because this complaint demonstrates that the other planning issues were not satisfactorily resolved in the first place.

Groundwater itself must be reconsidered against the complete evidence, including material community evidence outside the independent reviewer's commissioned evidence base. Every other planning issue must likewise remain open to assessment against the Development Plan, national policy and the complete evidence applicable at the time.

The Officer Report operates in practical effect as a bank of favourable findings for a resubmission. The preceding analysis demonstrates why that position is fundamentally untenable.

HVA therefore asks EHDC to register this submission as a formal corporate complaint and to:

1. acknowledge that the completed Officer Report does not demonstrate the evidence-handling safeguard EHDC promised and the Monitoring Officer endorsed;
2. acknowledge that the "were it not for groundwater" conclusion cannot stand as a settled bank of favourable findings or a roadmap to approval;
3. confirm on the application record that resolution of groundwater alone would not establish the acceptability of any subsequent proposal, and that the remaining planning issues would require assessment afresh against the Development Plan, national policy and full range of evidence then applicable; and
4. address the failure against EHDC's own commitments to transparency, accountability, engagement and community agency.

HVA does not invite an after-the-event planning case explaining how EHDC might now defend the Officer Report.

That would not answer this complaint.

The complaint is whether the promised safeguard operated then, not whether EHDC can construct additional reasoning now.

HVA will exhaust EHDC's corporate complaints procedure as required and reserves its position as to referral to the Local Government and Social Care Ombudsman and any other appropriate avenue of independent scrutiny.

EHDC was warned before determination. It defended its process. The Monitoring Officer endorsed it. The completed record now demonstrates the failure.

This is a question of corporate accountability.

22. Conclusion: the promised safeguard failed

HVA does not challenge EHDC's refusal of planning permission.

It challenges the reliability of the affirmative planning case EHDC chose to publish alongside that refusal.

EHDC went substantially further than identifying sufficient grounds to refuse. It concluded that, "were it not for" unresolved groundwater, the benefits would outweigh the harms and the proposal would represent sustainable development.

That was a significant affirmative planning judgement. It required an evidential and policy assessment capable of supporting it. The preceding analysis demonstrates why the Officer Report does not.

This is not one disputed planning judgement. It is the cumulative consequence of the Report's own architecture: policy gateways incompletely applied or bypassed; the adopted spatial strategy acknowledged and then reasoned around; development of a scale capable of changing Holybourne's role and function justified through Alton's higher-order characteristics; infrastructure mechanisms substituted for demonstrated capacity; development-required mitigation converted into positive benefit; material contrary evidence left unresolved; adverse Inspector reasoning absent while favourable reasoning is deployed; and individual harms repeatedly neutralised before the purported cumulative balance.

Those are not defects which the final planning balance cures. They are defects in the evidential and policy foundation upon which that balance depends.

The "were it not for groundwater" conclusion is therefore not demonstrated to arise from a fresh cumulative assessment of a complete adverse case. It is the residue left after serial neutralisation of an adverse case which, in material respects, had not even been fully identified, assessed or substantively engaged with.

The applicant may seek to address groundwater through further evidence, mitigation, redesign or a reduced housing quantum. That does nothing to cure the separate defects in the non-groundwater findings which the Officer Report leaves behind in the applicant's favour.

There is therefore no proper basis for treating those favourable conclusions as settled findings capable of being carried into a resubmission.

The refusal is the decision.

The counterfactual narrative is not a permission. It cannot properly be asserted as a comprehensive determination that every non-groundwater issue is acceptable, nor relied upon as a roadmap to approval. The failures identified in this submission deprive it of any proper basis for either purpose.

Most importantly, HVA raised the underlying evidence-handling problem before determination. EHDC expressly identified the case officer and final Officer Report as the safeguard through which the community's material planning evidence would be assessed. The Chief Planning Officer defended that arrangement. The Monitoring Officer endorsed it.

The Officer Report now exists.

It is the evidence against which those assurances must be judged.

The Report is the Report. The safeguard failed.