

Curbridge Preservation Society

Constituted as a Civic Society
Working to Protect Our Natural and Built Environment

Steve Tilbury
Corporate Director (Operations) Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

14 December 2010

Dear Mr Tilbury,

Re: Proposed Curbridge MDA 'North of Whiteley'

Thank you for your letter of the 9th, received on the 13th inst. We are not suggesting that the council is being unreasonable in following planning procedure and we appreciate your undertakings that we will have a chance to make our points during the council's process and to the planning inspector; not just under PPS4, but PPS3 and others.

Our point was not one of being 'unreasonable' rather one of '*Wednesbury Unreasonableness*' as per the case law of *Associated Provincial Picture Houses v Wednesbury Corporation* [1948]. This representation to you was made on the advice of a retired government barrister of 30 years experience, not on a whim. We believe the council is 'pre-urbanising' an area, in the public's perception, to facilitate its development.

Our precise points were:-

1. WCC's SHLAA ID ref 1969 described as: "*Within Settlement: Countryside...and Other Constraints – Greenfield Land: YES*". The inclusion within the '*South Hampshire Urban Area*' appears therefore wholly arbitrary. "*The basis of the definition [Urban Area] is land with an irreversibly urban use...*" (DCLG Urban/Rural definition).
2. The rural settlement of Curbridge (within the Civil Parish of Curbridge, not Whiteley) has a residential population of about 80 people - some 920 persons short of the defined minimum threshold for an Urban Area; Government guidance "*...Settlement Size Cut-off: The population threshold of urban settlements that are treated as urban areas can be set anywhere **from a minimum of 1,000 persons**, to meet particular policy purposes*"; therefore the proposed MDA is not part of an Urban Area. It is defined as a Rural Area, part of a recognised rural settlement and are therefore without the scope of the '*South Hampshire Urban Area*'.
3. Curbridge, which is centered around the road and bridge, including all the properties between and including Fairthorne Grange Farm and Bury Farm House share SO30 2HB postcode and Curbridge designation – demonstrating that they are **all part of the same rural settlement** including the proposed MDA, as per the definition re "*The Urban [...and therefore Rural...]* *Settlement boundaries can be used in conjunction with any other*

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geographically referenced data, such as postcodes...". Whiteley is PO15 and Burr ridge SO31, with Fairthorne Manor SO30 2HA.

4. The rural settlement of Curbridge, within the 'Preferred Option 2009', is outside of the '*South Hampshire Urban Area*' and is only suitable for Level 4 development as in the WCC Market Towns and Rural Areas Strategy, A development limit afforded to Curbridge even under the SE Plan. This should be applied to the whole of the Curbridge rural settlement.
5. The PUSH area is about economic development; Planning Policy Statement 4 (2009): POLICY EC6: Planning for Economic Development in Rural Areas: specifically point EC6.1; this government planning policy statement appears to have been totally ignored due to this 'pre-urbanisation'.
6. On the HCC 2007 (Spatial Strategy Group) map of the South Hampshire Sub-region, the area of the proposed MDA is clearly not classed as an 'Urban Area', as currently published on the PUSH website. In fact in April 2010 the HCC 'Defining Rural Hampshire' report shows the area of the proposed MDA having a 'Rural and Urban Classification' of "***Rural: Hamlet and dispersed***". Winchester's 'Preferred Option' map, surprisingly, is the only one that differs.

Our opinion is that:-

- An area cannot be greenfield and urban at the same time;
- it cannot meet the minimum population level for an 'Urban Area' and be 920 persons short of it at the same time;
- it cannot be suitable for level 4 under the Market Towns and Rural Areas Strategy at the same time as being in an 'Urban Area' suitable for 40+dph and under those Spatial Strategies; and
- it cannot be part of a defined but dispersed rural settlement and separate from it at the same time either.

We believe that any/all of the contradictions above are irrational enough to demonstrate '*Wednesbury Unreasonableness*' on the part of the council in its justification for proceeding with the proposed MDA in Curbridge for 'North of Whiteley' in the manner that it has been promoted.

Therefore these contradictions make its classification as an area suitable for an MDA and particularly as part of the '*South Hampshire Urban Area*' to be so irrational as to question the lawfulness of this proposed development proceeding.

We also agree with Persimmon Homes' consultation feedback (inter alia) of July 2009 that the '*South Hampshire Urban Area*' does not seem to exist in any current planning policies.

We would therefore appreciate the council's answers to the points raised above.

Yours sincerely

Duncan Murray
Chairman

c.c. by email Ward Members and Kevan Bundell (Vice Chair Curdridge Parish Council)