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# Appeal Decision

Site visit made on 10 February 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 June 2020**

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**Appeal Ref: APP/C1760/W/19/3239934**

**1 Manor Park Cottages, Salisbury Road, Shipton Bellinger, Hampshire SP9 7UX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S and Mrs J Greenland against the decision of Test Valley Borough Council.
  - The application Ref 19/00773/FULLN, dated 26 March 2019, was refused by notice dated 21 May 2019.
  - The development proposed is for the erection of 2 dwellings, creation of access and associated works.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, and (2) the significant importance and value of the River Avon Special Area of Conservation (SAC) and other designations.

## Reasons

### *Character and Appearance*

3. The site is part of the large gardens which serves Manor Park Cottages, on the edge of the village of Shipton Bellinger. The proposal is for a semi-detached pair of dwellings to the opposite end of the garden to the existing pair of cottages.
4. This proposal follows a scheme for three houses in roughly the same location which was dismissed at appeal (ref: APP/C1760/W/16/3150242). There are similarities between the latest proposal and that considered under this previous appeal, though clearly there is one less dwelling now proposed.
5. As the proposal is now for two dwellings in the form of a semi-detached pair, the plot would not appear as cramped as with the previous scheme for three houses. Indeed, the proposal would allow for space around the proposed houses, within relatively spacious plots. This would generally reflect the existing cottages opposite, and the plot sizes would be comparable to nearby properties in the area of the site, such as those to the north along Salisbury

- Road. As such, the proposal for this appeal would not represent an overly dense scheme or an overdevelopment of the site.
6. The proposed dwellings would be on a part of this large existing plot where there is mainly just garden space with a few outbuildings. The development would result in the reduction in the size of the plots of the existing Manor Park Cottages. However, the overall site would still appear spacious with good sized gardens which provide sufficient amenity space for occupiers, thereby reflecting the edge of settlement location and sufficiently respects the transition from village to countryside that the site currently contributes to. The development would maintain the spacious and verdant character of the edge of village/rural location, even if the existing level of undeveloped area is reduced. The proposed dwellings would also not be significantly more prominent than the existing Manor Park Cottages within the street scene, given their set-back position from the highway.
  7. The existing dwellings would benefit from vegetation which would screen some of the development, especially on the approach to the village along Salisbury Road, with much of the existing hedgerow set to remain. There would still be some views of the houses, but many views would be filtered by the trees and hedgerows so that the visual impact of the two houses would be softened.
  8. Even without such screening, views of the proposed dwellings from the public right of way or the road, when considering the context and the scale of the two houses, would not result in an overly prominent or visually intrusive development. Furthermore, they would be on existing garden land and would not project into the countryside. There would be the parking and turning area, but whilst this is quite a large area the appellant has stated they would use a form of surfacing which would allow grass to grow through. It would still maintain a more urban appearance, but in itself would not be visually intrusive to a harmful degree.
  9. The proposed dwellings would be the furthest south of any dwelling in the village along Salisbury Road. However, they would not be isolated as they are in sufficiently close proximity to the existing cottages opposite. The proposed houses would be often seen in the context of the existing cottages, which they would reflect in style and orientation, with both being perpendicular to the highway. Furthermore, this space between the existing and proposed dwellings contributes positively to the spaciousness characterised by this edge of village location and they would not appear cramped.
  10. Overall, I conclude that the proposal for two dwellings is a significant improvement over the previous dismissed scheme and has appropriately addressed the reasons given with the 2016 appeal decision. As such, the proposal would not be harmful to the character and appearance of the site and wider area and would therefore accord with policies E1 and E2 of the Test Valley Revised Local Plan 2016. These policies require development to respect and complement the character of the area, and not have a detrimental impact on the appearance of the immediate vicinity and the landscape character within which it is located.

### *Designated Sites*

11. As confirmed by Natural England (NE), the Hampshire Avon River is an important groundwater fed chalk river as it supports a variety of significant

ecology. The whole extent of the river is therefore designated a Special Area of Conservation (SAC). NE has also confirmed that parts of the river are also listed as a Ramsar site and recognised at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). These designated sites are protected by the European Habitats Directive and, in turn, through domestic legislation in the Habitat Regulations. The appellant has stated that their research suggests that the waste water from the proposed houses would be processed through the Tidworth Wastewater Treatment Plant which discharges into the River Bourne and then ultimately into the River Avon. Therefore, there is a link between the development and this SAC and other protected designations.

12. I recognise that this is an issue raised since the decision made by the Council, but nonetheless as the 'competent authority' in the making of this appeal decision, it is incumbent on me to consider this matter.
13. It is necessary that I firstly consider through a screening exercise whether the development would, alone or in combination with others, have a significant effect on the designated sites, and if so, secondly to undertake an "Appropriate Assessment" (AA).
14. It is not permissible to take account of measures intended to avoid or reduce the harmful effects of a project on a designated site at the screening stage, such as, for example, a financial contribution for the management of habitats or some form of compensation.
15. *Screening:* Following Natural England's comments for this appeal, it is apparent that increased levels of waste water with levels of phosphorous in the receiving waters that lead to the River Avon needs to be taken into consideration, with the conservation aim of achieving reduced phosphorous levels from sewerage treatment works and agriculture. The concern of NE is that new residential development will further add to the level of waste water which will include additional phosphorous, resulting in the deterioration of the SAC ecology through eutrophication, for example. As the proposal is for two additional houses which would connect with the waste treatment works which discharge into the River Avon via the River Bourne it is therefore necessary for an AA to be undertaken.
16. *Appropriate Assessment:* Having concluded that AA is necessary, it is permissible for me to have regard to any proposed avoidance or mitigation measures. The additional development proposed would result in the potential for increased waste water which could have an adverse impact to the water environment of the River Avon, such as through higher levels of phosphorus leading to eutrophication. Natural England advise the need for this to be addressed, but whilst NE accept that Wessex Water has made significant investments in infrastructure during the period 2005-2015 in order to reduce phosphorus loads in sewage effluent, the additional pressure of new houses would result in increased phosphorus loadings to the river, unless this was sufficiently mitigated.
17. *Mitigation:* With regards the issue of waste water from new housing entering the River Avon, there is no mitigation proposed that would satisfy me that the development would not result in an increase of waste water that would adversely affect this SAC. I also recognise that it is difficult for smaller developments to address this matter, with no mitigation strategy currently in

place with the Council that I am aware of to help address this issue. It is therefore not possible for me to conclude that the development would be neutral in its impacts. It is Natural England's advice to be as precautionary as possible when addressing uncertainty.

18. *Summary:* Having regard to the nature of the proposed development and the increased risk which would stem from the additional waste water as a result of the proposed use, I consider that in the absence of suitable mitigation measures the appeal scheme would present likely significant effects on the River Avon SAC which, either alone or in combination with other plans and projects, could adversely affect the integrity of this protected site. There is no detailed assessment before me that would suggest otherwise.
19. No alternative solutions that would have a lesser effect, or avoid an adverse effect, have been provided. Therefore, the Habitats Regulations states the permission must not be granted, unless there are imperative reasons of overriding public interest. Given the scale of the proposal, I do not consider the provision of just two dwellings would represent such an overriding public interest in this case.
20. For the above reasons, and following Appropriate Assessment, I find this proposal would potentially have a significant impact to the ecological values of the River Avon SAC and therefore would be in conflict with policy E5 of the adopted Test Valley Borough Revised Local Plan (2016), which requires that development which is likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be generally permitted.

## **Conclusion**

21. I have found that the proposal would not harm the character and appearance of the area. However, my findings in respect of European Sites of ecological importance are decisive in this case.
22. Therefore, the appeal is dismissed.

*S. Rennie*

INSPECTOR