



Appeal Decision

Site visit made on 25 February 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2020

Appeal Ref: APP/H1705/W/19/3242216

Land South of Harts Lane, Burghclere, Hampshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Falcon Developments (SE) Limited against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02724/PIP, dated 2 October 2019, was refused by notice dated 13 November 2019.
 - The development proposed is described as 'application for permission in principle for residential development of a minimum of 5 a maximum of 9 no. dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address shown on the Council's decision notice and the appellant's appeal form is more precise than that shown on the planning application form and I have therefore used it in the banner heading.
3. The appeal proposal is for a Permission in Principle. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme in terms of location, land use and the amount of development.

Main Issues

4. The main issues are whether the proposed development would be appropriate in principle with regard to its effect on (i) the character and appearance of the area; and, (ii) the setting of the Grade II Listed Church of Ascension.

Reasons

Character and Appearance

5. The appeal site is an undeveloped area located outside the defined Settlement Policy Boundary (SPB) for Burghclere. It is therefore in the countryside for planning purposes. The northern side of Harts Lane consists of dwellings within the SPB. The southern side includes a frontage of mature trees and hedging, which provides a green edge to the village that contributes to its verdant rural setting. The appeal site forms part of an area of open fields and its undeveloped nature contributes to the rural character of the area more

generally. The open space between St Michaels School and Church of the Ascension allows filtered views of the countryside from Harts Lane.

6. The inherent lack of precise detail aside, the introduction of built form into this rural landscape setting would result in a degree of urbanisation and encroachment into the countryside that would harmfully erode the rural character of the area. The construction of a minimum of 5 and a maximum of 9 dwellings at this location would be visible from the edge of the settlement and diminish the undeveloped qualities of the site.
7. I have had regard to the appellant's Landscape and Visual Impact Assessment (the LVIA). Nevertheless, I note that the images contained within the LVIA were taken in September when the trees and vegetation were in full leaf. At the time of my site visit the trees and vegetation on the southern side of Harts Lane were not in leaf. I observed that the appeal site and the open countryside were visible from Harts Lane, which contributes to the rural setting of the village. Whilst the trees and vegetation would provide some screening of the proposed development, residential buildings would be perceptible. In this respect I do not agree with the conclusions in the LVIA that the built mass and rooflines of the residential dwellings would be barely perceptible through gaps in the vegetation.
8. The LVIA states that the vegetation on the Harts Lane frontage would be maintained by offsetting the development outside root protection areas and limiting vegetation removal to a single point of access where vegetation was least valued. Nevertheless, whilst there is an existing field gate to the appeal site with a gap in the vegetated frontage, this provides views from Harts Lane of open green fields. Whilst I acknowledge that a full assessment of the potential impact on trees is not possible at this stage, the provision of an access with appropriate visibility splays to the proposed development would inevitably require the loss of some of the existing vegetated frontage.
9. The provision of a vehicular access to serve the proposed development would result in views from Harts Lane of an access road and dwellings, which would erode the rural character of the area. Although there would be scope to supplement vegetation, the development would nonetheless be noticeable in Harts Lane and therefore I do not concur with the LVIA that there would only be fleeting glimpses of built form which would not change the overall pleasantness of the view along the vegetated belt.
10. There would also be views of the proposed development from the public footpath that runs from Church Lane, which is around 170 metres at its closest to the east of the appeal site, where the incursion of the development into the countryside would be readily apparent. I acknowledge that the hills of the North Wessex Downs Area of Outstanding Natural Beauty (the AONB) is the main focus of views when walking south along the public footpath, as shown in the LVIA, however the encroachment of the proposed development into the countryside would nonetheless be visible here. Whilst there would be scope to reduce the impact through landscaping, the development of a minimum of 5 and a maximum of 9 dwellings would be apparent from the footpath.
11. Although the appeal site is close to the edge of the SPB, it feels part of the countryside and the proposed development would alter its character completely. The proposal would result in the encroachment of residential

buildings into the countryside and would erode the verdant rural character of the area.

12. The main parties agree that the appeal site is approximately 400 metres from the AONB. Views of the proposed development from within the AONB would be minimal due to the small size of the proposed development and its distance and relationship to the AONB. However, this is a neutral effect which does not weigh either in favour or against the proposal.
13. For the above reasons, I conclude that the principle of the proposed development would cause significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies EM1 and EM10 of the Basingstoke and Deane Local Plan (2011 to 2029) (the LP), guidance in the Landscape, Biodiversity and Trees Supplementary Planning Document 2018 and the Design and Sustainability Supplementary Planning Document 2018, which, amongst other things, seek to permit developments that are sympathetic to the character and visual qualities of the area concerned. It would also conflict with paragraph 127 of the Framework in respect of being sympathetic to local character.

Setting of a Listed Building

14. The duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the Framework states that "*great weight should be given to the [designated heritage] asset's conservation*".
15. The Church of the Ascension is a Grade II listed building, which was constructed in the 19th Century in an isolated position. The mid-20th Century saw the northern side of Harts Lane developed with housing, which is visible from the listed building. The open fields to the south provide a rural and tranquil setting to the listed building.
16. The appellant states that the appeal site is approximately 140 metres from the listed building, which is not disputed by the Council. Views between the appeal site and the listed building are limited due to the sizeable separation distance and the screening provided by the row of mature trees and vegetation that is positioned to the south of the listed building.
17. Whilst details of the scale and layout of the proposed dwellings are not before me, the location of the proposed development would not interrupt any significant views towards or from the listed building given the degree of separation, surrounding built form and the modest amount of development. Whilst the proposed development would generate some noise and light spill this would be equally modest in context and thus not sufficient to be harmful, particularly to the building's setting.
18. I therefore conclude that the principle of the proposed development would preserve the setting of the Grade II Listed Church of the Ascension. The proposal would therefore accord with Policy EM11 of the LP, guidance in the Basingstoke and Deane Heritage Supplementary Planning Document March 2019 and Chapter 16 of the Framework, which seek to conserve or enhance the quality of heritage assets.

Other Matters

19. I note the appellant's reference to the appeal decision at The Forge, West End, Sherborne St John¹ although in that case no harm to the character and appearance of the area was identified, which differs to the scheme before me.
20. The Council advises that Regulation 16 consultation on the Burghclere Neighbourhood Plan (the NP) has concluded and it is currently being examined. Paragraph 48 of the Framework stipulates that weight may be given to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the Framework.
21. The Council states that the appeal site does not form part of the allocated sites within the NP and it would be contrary to emerging Policies B2, B3, B10, B11, B12 and B13. However, there is no information before me to show that the Examiner has issued a report which concludes that the NP is sound. Furthermore, a referendum has not taken place. In these circumstances, the policies of the NP could only be given limited weight.

Planning balance and Conclusion

22. It is not disputed that the Council is unable to demonstrate a 5 year Housing Land Supply (HLS). I am therefore taken to paragraph 11 of the Framework to consider the most important policies out of date and the proposed development therefore in the context of the so called tilted balance of paragraph 11(d)(ii).
23. In the context of the shortfall in housing supply, the proposed development would make a modest contribution of a maximum of 9 dwellings. It would create some employment at the construction stage, although this would be relatively short lived and so a relatively limited benefit. The occupiers of the proposed dwellings would help to support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposals. Furthermore, the provision of an appropriate landscaping scheme could provide some ecological enhancement but to a degree this would be to offset the impact of new housing.
24. I am mindful that occupiers of the proposed development would be within relatively easy reach of services on which they would rely for day to day living. There are also areas in which the appeal scheme would be acceptable. Such as access, parking, drainage and the living conditions of existing and future occupiers. Even so, these matters would not, in each case, represent a lack of harm which, by definition, cannot be used to weigh against it.
25. Taking the benefits together, and for the reasons I have given, I would afford them limited weight. The harm to the character and appearance of the area would be significant and so the environmental role of sustainable development would not be achieved. I afford this harm substantial weight. Overall therefore, I find that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

¹ Appeal Reference APP/H1705/W/19/W/19/3229057

26. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR