
Appeal Decision

Site visit made on 29 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 10 November 2020

Appeal Ref: APP/H1705/W/20/3254750

'Longacres', New Road, Little London, Tadley, Hampshire RG26 5EU

- 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 Mr and Mrs O'Ferrall against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02330/FUL, dated 23 August 2019, was refused by notice dated 9 January 2020.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - (1) whether the development would be in an appropriate location given its siting in the countryside
 - (2) whether the development would conserve or enhance the setting of Grade II listed buildings Berry Court Farm and West Wit
 - (3) the effect of the development on potential flood risk
 - (4) the effect of the development on biodiversity and key habitats
 - (5) the effect of the development on the safeguarding of trees and therefore the wider landscape.

Reasons

Location of Development

3. The proposal was initially for two dwellings, but this has been amended to a single dwelling proposed. The site of the proposed two storey house is within a generally open grazing land to the south of New Road on the western edge of the small village of Little London. There is no settlement boundary covering the site and so it is regarded as being in the countryside from a policy perspective, although I note that there are a number of other dwellings in the vicinity of the plot.
4. With regards to the policy context, within the Basingstoke and Deane Local Plan 2011-2029, policy SS1 sets out a spatial strategy for the Plan area, with

development in the countryside generally restricted with the aim to direct development to settlement boundaries. Particularly relevant to this appeal is policy SS6 (New Housing in the Countryside) which restricts housing in the countryside except in certain exceptional circumstances. Regarding these criteria, I would agree with the Council that the site is not previously developed land as it is primarily open and undeveloped (albeit with a few small structures which could be agricultural), and there is little evidence to persuade me that this is no longer agricultural in its use. Furthermore, whilst the proposal would result in a new dwelling, there is a lack of substantive evidence that the proposed dwelling is needed to meet a locally agreed need. There is no other exception circumstance under policy SS6 that the development would meet.

5. Indeed, the site and its surroundings are distinctly rural with a loose ribbon of dwellings and other buildings along New Road. The village also has limited services on offer to potential future occupants of the proposed house. These matters highlight the importance of strategic housing spatial strategies to direct housing to settlements that can support new housing appropriately and sustainably.
6. For these reasons, the proposed dwelling would conflict with the strategic aims of the policies to direct new development to more sustainable settlements and not within the open countryside. Therefore, the proposal is not in accordance with policies SS1 and SS6 of the Basingstoke and Deane Local Plan. However, I recognise that these policies carry reduced weight as the Council cannot currently demonstrate a sufficient housing land supply. I shall come back to this matter with the later 'planning balance' section where I shall consider the presumption in favour of sustainable development, as set out in policy SD1 and in the National Planning Policy Framework.

Heritage Impacts

7. The proposed dwelling would be positioned near both New Road and the long driveway south to the Grade II listed building known as Berry Court Farm (also known as Racketts Farmhouse). Further to the west of the site is another Grade II listed building known as West Wit. Both are currently dwellings.
8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) is relevant to this appeal as it requires special regard as to whether to grant planning permission for development which affects a listed building or its setting. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, great weight should be given to the asset's conservation. In this case, I would regard the proposed dwelling to be within the setting of both these listed dwellings, due to the site's proximity to these heritage assets and also how its location affects how they are experienced.
9. With regards to Berry Court Farm, the proposed house would be near to its access drive. This listed building derives its significance from its vernacular architecture of its time and also that it represents an old farmhouse of its era. The access drive currently has undeveloped land which appears as agricultural fields to either side, which appears to have been the general layout for a very long time. This agricultural and rural setting is important to understanding the farming history of Berry Court Farm and aids the appropriate appreciation of this listed former farmhouse. I note that some of the rural and open

agricultural land that would have historically surrounded Berry Court Farm has been lost to development and that there are other dwellings in the vicinity, but this increases the importance to retain the part of the setting to which the house is proposed.

10. Even with the design attempting to convey a barn style rural character, the proposed dwelling would result in the domestication of a significant area of the setting and approach to Berry Court Farm. It would fundamentally alter the character of the approach to the listed building by eroding the undeveloped and agricultural appearance of the land which is currently a positive feature in enhancing the setting of the former farmhouse.
11. I recognise that within the plot the proposed house would be set closer to the road than Berry Court Farm and that much of the plot would be used as garden. However, the house would still be clearly evident as being a domestic dwelling, introduced into the largely undeveloped setting of the listed building even with existing and proposed landscaping. The garden of the proposed house would also contribute to the change of character of the site from what appears agricultural to residential.
12. There are other dwellings of modern appearance along New Road, although they do not have the same impact to the agricultural setting adjacent to the approach to Berry Court Farm that the proposed new dwelling would have as they are set further away along New Road generally.
13. Inter-visibility between the site of the proposed house and the listed former farmhouse is limited by existing trees and hedges, although there were filtered views of Berry Court Farm from the access and New Road. Nonetheless, the experience and appreciation of Berry Court Farmhouse benefits from the open fields either side of the access drive, which has an historic association with this listed building. Even though the proposed house is set towards New Road, it would still erode this rural/agricultural character of the site which is a positive aspect of the setting of the listed building.
14. With regards to West Wit, this is a cottage which derives its significance from its age and architectural vernacular style. However, this Grade II listed cottage is further from the site and would have an intervening area of open land. Whilst the proposed house would be within the setting of this listed building, it is sited in a location where I find that the rural setting of West Witt would be preserved appropriately. I have no substantive evidence that the site has any particular historic connection or relevance with West Witt as it does for Berry Court Farm.
15. However, the proposed dwelling would be harmful to the setting of the listed building known as Berry Court Farm. Indeed, the appellant's Heritage Statement concluded there would be some harm to the setting. Nevertheless, the harm would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal. The benefits of this proposal would primarily be the provision of a new dwelling towards local housing supply as a self-build project and the economic boost from the construction of the house and the support of future occupiers to local businesses.
16. Yet, the Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

17. Therefore, even considering the less than substantial harm, the public benefits do not outweigh this harm to the heritage asset due to the adverse erosion of Berry Court Farm's setting. As such, the proposal is contrary to policy EM11 of the Basingstoke and Deane Local Plan 2011 to 2029, which requires development to conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance, amongst other things.

Flood Risk

18. As confirmed by both the Council and appellant, the site includes land which is within Flood Zones 2 and 3, which are at medium and high risk of flooding respectively. As a dwelling is proposed, this is considered a more vulnerable type of development. A Flood Risk Assessment (FRA) has been provided by the Appellant as part of this appeal.
19. The site is near to Bow Brook and so there is a risk of flooding from this watercourse. The FRA submitted includes maps which show much of the site is located within flood risk areas from this brook and also potentially from surface water flooding.
20. The appellant states that the house itself is outside of the flood risk areas. If it is outside of the flood risk zones as shown on the maps, then it is still very close. Indeed, the appellant's FRA states that the Environment Agency's Flood Maps show that the site lies within the Flood Zones. Furthermore, the FRA includes flood resilience measures and recommendations for the proposed house, including using the first floor to provide a safe haven, if necessary. Taking all the evidence into account I am not satisfied that the house itself would not be at risk of flooding. It may be that the watercourse is dry much of the time and there may be blockages elsewhere which could be removed to help matters, but this does not persuade me the proposed development would not be at risk of future flooding.
21. Moreover, for planning application reference 20/01640/FUL, being considered now by the Council, which is similar to the current proposal in terms of layout for a new dwelling at this site, I have been provided with the Environment Agency comments which state that they "object to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located". They have not regarded the proposal as acceptable based on the position of the house itself within the site in relation to the extent of flood risk zones.
22. In this regard, policy EM7 of the Basingstoke and Deane Local Plan require that 'windfall development' proposed in areas of high flood risk will only be acceptable if it can be demonstrated sequentially that there are no preferable sites with less flood risk. This is reflected in the Framework which states that "development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)" (Paragraph 155). The Framework goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (Paragraph 158).

23. The submitted FRA does introduce the matter of the Sequential Test (ST) and the Exception Test, but there is little or no detail that undertaking an assessment as to whether there are sequentially preferential locations available has been undertaken to any satisfactory degree. As such, I must conclude that it has not been demonstrated that there are not reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding than the appeal site, as required by the Framework. There is no need for me to go on to consider whether the Exception Test has been passed as the ST needs to be passed too, which is not the case.
24. Furthermore, flooding of the site itself, even if not reaching the house, could result in flood issues and damage to the overall development. Paragraph 163 of the Framework does refer to the siting of more vulnerable aspects of development to areas of the site with less flood risk, but the sequential test would still be necessary as this would be development in an area at risk of flooding.
25. The appellant has sought to address the issue of flood mitigation and to incorporate data which includes accounting for climate change, but to my mind this is a site with some significant flood risk where it has not been sufficiently demonstrated there are no sequentially preferable sites elsewhere with less of a flood risk as part of the FRA. As such, notwithstanding any issue with the adequacy of the proposed mitigation, without the completion of a satisfactory sequential test the proposal conflicts with policy EM7 of the Basingstoke and Deane Local Plan 2011 to 2029.

Biodiversity

26. The proposed house is set between tree belts to the north and south of the plot, with also Bow Brook watercourse to the south. The proposal is accompanied by an Ecological Assessment (EA) which sets out the potential impact to species from the development proposed, along with mitigation and enhancements. My attention has also been drawn to the 'Landscape, Biodiversity and Trees' – Supplementary Planning Document (SPD).
27. The SPD states within Box 6 that there should be a buffer of 20m between development and main rivers, unless reduced buffers are justified. It states that there should be an absolute minimum of 10m. The SPD also states that private gardens or hard surfaced areas should not be within a buffer.
28. Bow Brook is a tributary but classed as a main river and is important from an ecological connectivity perspective. Whilst the house is set away from the watercourse, areas of the site such as the parking area would be close to the watercourse edge. It has not been adequately explained why in this instance the EA considers a buffer of just 8m as sufficient. In this sensitive location I am not persuaded that this development would not cause an adverse effect on this habitat and ecological link without more of a buffer. Furthermore, I do not regard a condition, requiring more information on this matter, to be sufficient to protect the watercourse at all times in the future, instead of a more appropriately sized buffer. I am therefore not satisfied there would be no adverse impact to this habitat and its important connectivity value.
29. The SPD also states that there should be a minimum buffer of 20 metres provided between the edge of the woodland/tree belt and the development. This would allow for the natural processes of tree death and decay to occur

without unnecessary risk to people or property, for example. The submitted EA has included references to the adjacent trees as potentially important habitats. However, it has set out that with sufficient mitigation there should be no adverse effects on any species that use this tree belt for commuting or as a habitat. Also, it has been demonstrated that these trees can remain, as is the stated intention of the appellant. Furthermore, there is a gap between the house and trees which should allow for some space to account for tree decay for example.

30. The site falls within an area representing an Ecological Biodiversity Opportunity Areas, as set out within the SPD. In such sensitive areas an ecological net gain is important. The Council state that whilst the EA sets out enhancements, they are not sufficiently measurable to ensure the net gain would be at an appropriate level. However, the appellant has provided further detail to show over a 12% net gain using the Biodiversity Metric 2.0 Calculation. I have no reason to conclude the net gain would be less than this level. Following these comments from the appellant I would consider that the net gain would be at a sufficient level.
31. Overall, due to the lack of sufficient protective buffer to safeguard the important habitat of the watercourse, the development would be contrary to policy EM4 of the Basingstoke and Deane Local Plan 2011 to 2029. This policy requires development to safeguard against harm to biodiversity, amongst other things.

Trees/Landscape Impact

32. As described above, the proposed dwelling would be close to a tree belt along the side of New Road. The Council has a particular concern with a proposed patio under the canopies of some mature oak trees, which do have a positive contribution to the wider rural landscape. I recognise that these trees would shed twigs and small branches onto the patio which could lead to some pressure to cut back or fell these trees in time.
33. The appellant has responded by saying that the patio can be amended to be put elsewhere, away from the canopy, via a hard and soft landscaping condition. This does appear to be a practical solution and would not require a material amendment to the proposed development.
34. Furthermore, while there would still remain some trees near the proposed house and some branches which could reach the north elevation, there is a gap which overall would be sufficient for there not to be particular pressure on the trees to be felled or cut back significantly by future occupants.
35. On this issue, the proposal would not result in harm to these important trees within the landscape and so in this regard the development would be in accordance with policy EM1 of the Basingstoke and Deane Local Plan 2011 to 2029. This policy requires that proposals respect, enhance and not be detrimental to the character and visual amenity of the landscape. I also find that the proposal is in broad accordance with the Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018).

Planning Balance

36. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites, although little evidence has been brought to my attention

regarding the extent of the shortfall. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed within footnote 6, these areas and assets of particular importance include designated heritage assets such as listed buildings.

37. As I have found that the proposal would fail to preserve the setting of a listed building, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. As such, in addition to being contrary to policy EM11 of the Local Plan, it would be contrary to section 16 of the Framework and its policies as a whole, and would not constitute a sustainable development.
38. Nonetheless, the proposal would provide an additional dwelling to go towards local housing supply, which the appellant argues would be an efficient use of land. There would also be some other benefits, such as additional planting and a net gain for biodiversity. I also understand that the proposal would be self-built for the appellant's family. However, given the scale of development these benefits are limited.
39. Against these benefits, there is harm to the setting of the listed building Berry Court Farm, to which I must give great weight, and the potential adverse impacts with regards flood risk and habitats also. There is also the location of the proposed dwelling which conflicts with the spatial housing policies of the Local Plan, even if they do attract less weight as a result of the lack of a demonstrable five year housing land supply. Cumulatively, the harm significantly and demonstrably outweighs the benefits.

Conclusion

40. For the reasons set out above, and considering all matters raised, the appeal should be dismissed.

Steven Rennie

INSPECTOR