



Appeal Decision

Site visit made on 6 December 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/H1705/W/21/3270565

Land adjacent The Street, Bramley RG26 5DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Consentium Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/01097/OUT, dated 22 May 2020, was refused by notice dated 11 September 2020.
 - The development proposed is erection of 4 dwellings with associated access.
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Decision

1. The appeal is allowed and outline planning permission is granted for erection of 4 dwellings with associated access at Land adjacent The Street, Bramley RG26 5DE in accordance with the terms of the application, Ref 20/01097/OUT, dated 22 May 2020, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The application is submitted in outline, with details of access provided for consideration. All other matters are reserved for future approval. I have treated the block plan and elevations as indicative in relation to the layout, scale and appearance of development and the landscaping of the site.
3. Subsequent to the Council issuing its decision, a revised National Planning Policy Framework ('the Framework') was published. The parties have been able to comment on the implications, and I have taken their responses into account.
4. The Council has confirmed that it is satisfied with the submitted Biodiversity Impact Calculation and Net Gain Assessment and does not intend to defend the third refusal reason. I have proceeded on that basis.
5. An executed unilateral undertaking (UU) submitted during the course of the appeal secures a financial contribution in lieu of affordable housing. I shall return to this later in my decision.

Main Issues

6. The main issues are:
 - a) the effects of the proposed development on the character and appearance of the area and the settings of designated heritage assets, namely the Bramley Conservation Area and listed buildings within it; and
 - b) whether material considerations exist to outweigh any policy conflict arising from the site's location outside of the Settlement Policy Boundary.

Reasons

Character and appearance

7. The site comprises a parcel of rough pasture of 0.92 ha which adjoins the southern side of The Street on the edge of Bramley. The northern side of The Street, directly opposite the site, is characterised by housing. Immediately to the west is a group of employment buildings within Lantern Courtyard. To the east, beyond Cufau de Lane, lies a new housing development known as Bramley View. The rear site boundary runs parallel to the garden of a bungalow, past which there is a network of fields and paddocks consistent with open countryside.
8. In policy terms, the site lies outside of the Settlement Policy Boundary (SPB) and therefore in the countryside. Policy H1 of the Bramley Neighbourhood Development Plan 2011-2029 (NP) states that new housing outside of the SPB will only be supported if it is in accordance with relevant Local Plan policies for new housing in the countryside. Policy SS1 of the Basingstoke and Deane Borough Local Plan 2011-2029 (LP) relates to the scale and distribution of new housing. The policy directs development to sites within the SPBs and restricts development outside of those boundaries to circumstances where it meets the criteria set out in the other policies in the plan or where it is essential for the proposal to be located in the countryside.
9. Policy SS6 of the LP sets out those circumstances where new housing would be permitted outside of SPBs. Of particular relevance to this case is criterion e) which is permissive of small scale¹ residential proposals of a scale and type that meet a locally agreed need. The proposal for four dwellings complies with the policy test relating to the scale (number of units) but does not provide any substantive evidence to demonstrate that the scheme meets a specific and clearly identified unmet housing need within the Parish or settlement. As such, there would be conflict with LP Policy SS6.
10. The principle of residential development on this site has been tested before, with a scheme of two detached dwellings having been dismissed at appeal² in 2017. The appeal decision states at paragraph 13 that the site contributes to a functional and visually coherent character of countryside, its green and open nature helping to separate the edge of the settlement from the countryside. The Inspector noted that there was a planning permission for the development of the field on the opposite side of Cufau de Lane, but also the fact that this had not been developed at the time of his site visit. On this basis, he concluded that the scheme before him would not appear as infill development.
11. The local context has fundamentally changed since that decision, in that the extant permission for 65 dwellings at Bramley View has been implemented. The appeal site is now visually enclosed to the east by a suburban housing estate and this has had the effect of drawing it into the settlement. The site now comprises an open gap between built-up development, rather than being predominantly surrounded by fields and farmland. This has altered the distinctive relationship between the village and the countryside. As a result, the proposal would take on the character of an infill development and it would not read as an encroachment into the countryside.

¹ Defined in a footnote to Policy SS6 as 4 dwellings or fewer (net)

² APP/H1705/W/16/3165156

12. The appeal site currently has an open character and rural qualities, but mature hedging along the road frontage and boundary with Cufaude Lane restrict views onto the land. There are views into the front section of the site when travelling eastwards along The Street, across the grassed area forward of The Byre, but these are against a backdrop of new housing. There are no public views through the site towards countryside. That is not to say the undeveloped nature of the site does not make some positive contribution to the character and appearance of the area. However, this site is not designated as a Local Green Space in the NP and it has not been identified as a Strategic Gap within the LP. In my opinion, the Council's argument that this is an important gap within built form is overstated.
13. Turning to the scheme specifics, the proposal references an historic farmstead with a tight-knit, rectilinear courtyard arrangement of low, barn-style properties on elongated footprints with a two-storey 'farmhouse' towards the front of the site and set back from the road. The plans are only indicative, but they adopt a landscape-led approach and demonstrate how the site could be developed in a sensitive manner which maintains significant elements of the site's rural aspect and its open, spacious character.
14. The existing hedge on the road frontage with The Street is set back behind a grass verge and it does not interfere with visibility splays. Consequently, there would be no requirement to remove large sections of the frontage hedge and this would help to screen much of the development. Although the Council raises particular concerns over residential paraphernalia, this matter could be satisfactorily addressed with appropriate hard and soft landscaping. The latter could also be used to soften the visual impact of built form. Views of the proposed development from within the wider landscape would be restricted by the local topography, existing built form and vegetation. Overall, I am persuaded by the appellant's Landscape and Visual Appraisal that any long term landscape impacts are likely to be minor.
15. Accordingly, I conclude that it would be possible to develop the site in the manner shown on the indicative plans without causing material harm to the character or appearance of the area. There would be compliance with Policies EM1 and EM10 of the LP, Policies D1 and D2 of the NP and Section 4 of the Landscape, Biodiversity and Trees Supplementary Planning Document (2018). These policies and guidance are consistent with the Framework in requiring good design which is sympathetic to local character and history, including the surrounding built environment and landscape setting.

Heritage assets

16. The proposed site access, across a roadside grass verge on The Street, would lie within the Bramley Conservation Area (CA). The main body of the site would fall outside of the CA but immediately adjacent to its southern boundary. The Bramley and Bramley Green Conservation Area Appraisal (CAA) notes that the historic centre of Bramley has developed around the distinctive shape of a horseshoe that skirts around St James' Church. The CA contains a nucleus of listed buildings which are clustered around the triangular green next to the access road to the church and along Vyne Road. Old Cottage is an outlier to the east and this is located opposite the appeal site. To the west of the site, Street House and the associated buildings of Street Farm are identified as notable buildings in the CA. These are non-designated heritage assets.

17. The appeal site is not specifically referenced within the CAA and most of the important vistas³ identified within the document are associated with open countryside to the north of the village centre in the vicinity of the church. Whilst there can be no question that the site falls within the landscape setting of the CA, most of the site is screened by the hedgerow planting on the northern boundary. As I have explained above, there are views into the front section of the site when travelling eastwards along The Street, but these are not particularly noteworthy due to the backdrop of modern housing. In my opinion, the site makes a limited contribution to the setting of the CA and in this context the proposal would not harm the significance of this heritage asset.
18. The Old Cottage is the only listed building in the immediate vicinity of the site. The significance of this Grade II listed property is principally derived from the historic and architectural interest of its built fabric. The cottage sits within the setting of its plot, the boundaries of which are well vegetated. The thatched roof is prominent from The Street to the east and this viewpoint is identified in the CAA. From this position there would be little or no visibility of the buildings within the development, due to their position set back from the road and the screening effect of vegetation along the site frontage. The site makes a limited contribution to the setting of the listed building and therefore I do not consider that the development would cause harm to this heritage asset.
19. The appellant's evidence indicates that the site has some historical ownership ties with listed buildings along Vyne Road, but those have been severed. Furthermore, there is no intervisibility with these heritage assets on account of intervening tree planting and built form. The non-designated assets of Street House and Street Farm are closer, but this would not preclude a sensitively designed scheme which retains the open qualities of the site.
20. I conclude that the proposal would preserve the character, appearance and setting of the Bramley Conservation Area and the settings of the listed buildings and non-designated heritage assets within it. There would be no conflict with Policy EM11 of the LP, Policies D1 and D2 of the NP or Sections 3 and 7 of the Heritage Supplementary Planning Document (2019), insofar as these seek to protect heritage assets and the historic character and rural setting of Bramley.

Other Matters

21. The submitted UU secures a financial contribution in lieu of affordable housing provision, in line with Policy CN1 of the LP. The monetary sum has been agreed with the Council based on a comparative market valuation exercise. Based on the evidence before me, I am content that the planning obligation is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. It meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010, as amended.
22. Residents have raised concerns over traffic generation and highway safety. However, the scheme is unlikely to give rise to a significant number of additional vehicle movements and there would be good visibility for drivers leaving the site onto The Street. The Local Highway Authority raises no objection to the scheme and based on the information before me I have no reason to take a different view.

³ Defined as an important general view, especially of the wider landscape setting

23. The parish council advises that the settlement has exceeded its allocation of 200 dwellings set out within Policy SS5 of the LP. However, this figure is framed as a minimum and there is no ceiling on housing delivery. The Borough as a whole has a housing shortfall and consequently there is a need to boost the supply of new homes, in line with paragraph 60 of the Framework. Bramley is a relatively large village and it has a good range of facilities to support allocations at a strategic scale. This includes a primary school, community buildings and a local shop, in addition to a railway station and bus links to Basingstoke. This is more than sufficient to support a modest development of four dwellings.

Planning Balance

24. It is common ground that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. The supply figure in April 2020 stood at 4.4 years. Paragraph 11 d) of the Framework indicates that in circumstances such as this, where the requisite housing land supply does not exist, the policies which are most important for determining the application should be deemed out-of-date. Limited weight can be attached to the conflict with NP Policy H1 and LP Policies SS1 and SS6, and the site's location outside of the SPB. The presumption in favour of sustainable development states that permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. The Council has alleged conflict with paragraph 202 of the Framework in relation to designated heritage assets. However, for the reasons I have set out above I do not consider that there would be any harm to the Bramley Conservation Area or the settings of listed buildings and non-designated heritage assets within it. There would be no conflict with the relevant development plan policies for the protection of the historic environment, and consequently the first limb of Framework paragraph 11 d) is not engaged. The application falls to be considered against the tilted balance.
26. In light of the housing land supply shortfall, significant weight must be attached to the provision of new homes. Framework paragraph 69 emphasises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. The financial contributions towards affordable housing and net gain for biodiversity are both benefits which weigh in favour of the scheme. I have also factored in the modest economic benefits arising from construction and additional spending in the local economy by future residents.
27. The harm arising from the location outside the SPB is a purely technical one. The altered site context arising from modern housing development at Bramley View, itself located outside of the SPB, renders the site more enclosed than it was previously and akin to an infill opportunity. The proposal would, due to its low density nature and farmstead concept, avoid harm to the character and appearance of the area. The number of units would be compatible with the scale of the settlement and occupiers of the development would be within a walkable and cyclable distance of Bramley's services and facilities, with public transport also available. It is no different to the housing scheme permitted at neighbouring Bramley View in this regard.

28. Overall, I consider that there are no adverse impacts which would significantly and demonstrably outweigh the benefits, having regard to the Framework's policies. The proposal would constitute a sustainable form of development and therefore material considerations exist to justify a decision otherwise than in accordance with the development plan.

Conditions

29. I have considered the suggested conditions having regard to the tests set out in paragraph 56 of the Framework and the Planning Practice Guidance. Where necessary I have removed duplication and amended the wording to improve precision and enforceability.
30. In addition to the standard conditions for outline applications, I have attached a condition specifying the approved plans to provide certainty. These identify the extents of the site and the access arrangements. The layout, scale and appearance of development and the landscaping of the site are not fixed by the outline permission and these aspects can be refined at reserved matters stage.
31. To protect the living conditions of local residents during the construction phase, a condition is necessary to secure a Construction Environmental Management Plan prior to any works taking place. Pre-commencement conditions are also required to secure contaminated land investigation (including remediation if needed) and a surface water drainage scheme, to ensure safe living conditions for future occupiers and to prevent flooding respectively.
32. In the interests of securing a net gain for biodiversity and protecting bats, I have attached conditions to require the submission of habitat enhancement plans, a biodiversity management plan, lighting strategy and details of bird and bat boxes within the site.
33. The Local Highway Authority has deemed the access arrangements to be acceptable, but a condition is required to secure details of construction. A further condition will secure visibility splays in the interests of highway safety. Policy CN9 of the LP promotes a low carbon future and opportunities for sustainable transport modes, and it is therefore reasonable to impose a condition relating to electric vehicle charging infrastructure.
34. I have attached conditions specifying the details expected for landscaping, ground/slab levels and boundary treatments. This will help to ensure that the scheme harmonises with the character and appearance of the area. Policies CN3 and EM9 set out LP requirements for housing mix and sustainable water use. It is reasonable to impose conditions in respect of these matters, to ensure policy compliance at the reserved matters stage.
35. I have not imposed the Council's suggested conditions relating to materials and parking within the site, as these relate to the reserved matters and can be imposed at that stage if necessary.

Conclusion

36. For the reasons given above, I conclude that the appeal should succeed.

Robert Parker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The access for the development hereby permitted shall be laid out in accordance with the following approved plans: Proposed Location and Block Plan (Drawing No.A.PR.70 Rec C).
- 5) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
 - a) Procedures for maintaining good public relations including complaint management, public consultation and liaison with the Council's Environmental Protection Team. The Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment;
 - b) All works and ancillary operations relating to construction of the development, which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours: 0730 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and at no time on Sundays and Bank Holidays;
 - c) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday - 0900 Hours to 1700 Hours;
 - d) Deliveries of materials to the site, collections of waste and deliveries/ collections of plant, equipment and machinery to/from the site must only take place Monday to Friday - 0900 Hours to 1700 Hours;
 - e) Mitigation measures as defined in BS5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - f) Procedures for emergency deviation of the agreed working hours;
 - g) Control measures for dust and other air-borne pollutants; and
 - h) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The development shall be carried out in accordance with the approved details.

- 6) No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan prepared to a scale of not less than 1:500, based on a measured survey, showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point. The development shall be carried out in accordance with the approved details.
- 7) No development shall commence until a detailed surface water drainage strategy has been submitted to and approved in writing by the local planning authority (in conjunction with the Lead Local Flood Authority), containing the following elements:
 - a) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753;
 - b) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer. For larger/phased sites, there will need to be evidence of measures taken to protect and ensure continued operation of drainage features during construction;
 - c) Evidence that enough storage/attenuation has been provided. This must be shown for a 1 in 100 year plus climate change event; and
 - d) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.

The development shall be carried out in accordance with the approved details.

- 8) No development shall commence until full details of the site access, as shown on Drawing No. A.PR.70 Rev C, have been submitted to and approved in writing by the local planning authority (in consultation with the Local Highway Authority). The submitted details shall include:
 - a) the width, alignment, gradients and longitudinal sections showing the existing and proposed levels;
 - b) the method and type of construction including details of the uncontrolled pedestrian crossing facilities (with dropped kerbs and tactile paving); and
 - c) the method of disposing of surface water to prevent surface water from the site from discharging into the publicly maintained highway.

The approved details shall be constructed and fully implemented prior to first occupation of the dwellings, and thereafter retained and used in accordance with the approved details for the life of the development.

- 9) The site access shall not be brought into use until the 2.4m by 43m access visibility splays have been cleared of obstructions exceeding the height of 1 metre above the level of the adjacent carriageway. The visibility splays shall be maintained thereafter, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the adjacent carriageway.
- 10) No development shall commence until there has been submitted to and approved in writing by the local planning authority:-

- (a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011; and
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.
- 11) The development hereby permitted shall not be occupied until there has been submitted to the local planning authority verification by the competent person approved under the provisions of condition 10(c) that any remediation scheme required and approved under the provisions of condition 10(c) has been implemented fully in accordance with the approved details. Such verification shall comprise:
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - Certificates demonstrating that imported and/or material left in situ is free of contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 10(c).
- 12) No development above ground floor slab level of any building shall commence on site until there has been submitted to and approved in writing by the local planning authority plans indicating the positions, design, materials/species and types of boundary treatment to be erected/planted. The development shall be carried out in accordance with the approved details and completed before any of the dwellings is occupied.
- 13) The development hereby permitted shall not be occupied until a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) or confirmation that this standard cannot be met on technical or viability grounds has been submitted (by an independent and suitably accredited body) to and approved in writing by the local planning authority. The development shall be maintained in accordance with the approved details.

- 14) At reserved matters stage accurate habitat enhancement plans shall be submitted showing all areas of habitats to be created, restored or maintained. These plans should match the submitted landscape plans in their depiction of areas and treatments. No development shall take place unless the habitat enhancement plans have been agreed by the local planning authority as part of the reserved matters application. Thereafter, the development shall be carried out in accordance with the approved details.
- 15) At reserved matters stage a biodiversity management plan shall be submitted and this shall describe how the habitats described within the habitat enhancements plans within the site shall be managed in perpetuity. The Plan shall be reviewed every five years and alterations made to management recommendations as necessary in order to enable habitats to fully establish and be managed successfully. No development shall take place unless the biodiversity management plan has been agreed by the local planning authority as part of the reserved matters application. Thereafter, the development shall be carried out in accordance with the approved details.
- 16) At reserved matters stage a lighting strategy and plan shall be provided that shows an appropriate lighting scheme which should mitigate any foreseen impacts on foraging or roosting bats in line with recommendations by the Bat Conservation Trust as described in Guidance Note 08/18. "Bats and Artificial Lighting in the UK". No development shall take place unless the lighting scheme has been agreed by the local planning authority as part of the reserved matters application. Thereafter, the development shall be carried out in accordance with the approved details.
- 17) At reserved matters stage a plan showing the location of any bat or bird boxes, such as those recommended within the Basingstoke and Deane Landscape, Biodiversity and Trees SPD, shall be submitted to and approved in writing by the local planning authority. No development shall take place unless the lighting scheme has been agreed by the local planning authority as part of the reserved matters application. Thereafter, the development shall be carried out in accordance with the approved details.
- 18) The landscaping details submitted pursuant to the reserved matters application shall include:
 - a) Planting plans with specification (including cultivation and other operations associated with plant and grass establishment) and schedules of plants noting species, plant sizes and numbers/densities;
 - b) A schedule of tree planting to include the specification of tree planting pits where appropriate with details of any irrigation or drainage infrastructure, tree root barriers (if necessary) to prevent damage or disruption to any proposed hard surfacing or underground services, drains or other infrastructure; and
 - c) Details of the location of external lighting sufficient to demonstrate how lighting is to be achieved without conflict to proposed tree planting, with allowance for reasonable growth.The landscaping details shall be accompanied by an implementation programme.
- 19) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable agreed with the local planning authority which

shall include appropriate planting to be undertaken at the earliest opportunity. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the local planning authority.

- 20) Applications for the approval of reserved matters shall be in accordance with Policy CN3 with particular regard to the provision of an appropriate housing mix and implementation of 15% accessible and adaptable homes. The development shall be carried out in accordance with the approved details.
- 21) Applications for the approval of reserved matters shall be accompanied by a scheme for the provision of Electric Vehicle Charging Infrastructure for both unallocated and allocated parking spaces. The scheme shall be implemented prior to first occupation of the dwellings hereby permitted.

*** END ***