



Appeal Decision

Site visit made on 16 May 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 October 2022

Appeal Ref: APP/H1705/W/21/3287932

Wildwood Farm, Newnham Lane, Old Basing RG24 7AT

- 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 Michael Jeffries against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/03374/FUL, dated 1 December 2020, was refused by notice dated 22 July 2021.
 - The development proposed is Demolition of existing buildings and redevelopment of the site with 9 houses.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing buildings and redevelopment of the site with 9 houses at Wildwood Farm, Newnham Lane, Old Basing RG24 7AT in accordance with the terms of the application, Ref 20/03374/FUL, dated 1 December 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) the effect of the proposal on the landscape character of the area; and (ii) whether the proposal would make an adequate provision for affordable housing.

Preliminary Matter

3. During the course of the appeal the Appellant submitted a S106 Undertaking to seek to address the second main issue. I shall return to this later in my decision.

Reasons

Effect on landscape character

4. The 'Basingstoke and Deane Landscape Assessment' as referred to in the adopted Local Plan was published in 2001. However, this was updated in 2021 and has recently been published as the 'Basingstoke and Deane Landscape Character Assessment'. The appeal site, and surrounding landscape to the east and north-east of Basingstoke are within the assessment's 'Loddon and Lyde Valley' Landscape Character Area (Area 6). The landscape surrounding the appeal site, comprises mainly arable farmland, but is interspersed with significant blocks of woodland and other tree cover which contribute to the

wooded character and scenic quality of the local area. However, there are a number of human influences within the area which detract from the quality of the landscape to varying degrees including the filtered settlement edge of Old Basing and dwellings along Newnham Lane, pylons, the South West Main Line railway, and the A30 and M3 to the south. The area also includes a number of existing small groups of buildings, such as along Newnham Lane and at Hodd's Farm and Poors Farm.

5. The character area profile identifies that elevated plateaux and upper valley slopes are characterised by extensive open tracts of large, low-hedged fields with high woodland cover. Scattered across the rural landscape are frequent small clusters of buildings composed to varying degrees of housing including traditional farmhouses and more modern dwellings, and agricultural structures including large sheds, similar to the arrangement on the site. These groups of buildings are often associated with adjacent tree cover, including woodland, such as the existing Wildwood Farm site. Properties within the locality are accessed by private access tracks, and a network of rural lanes.
6. The appeal site comprises an irregular shaped piece of land forming part of Wildwood Farm which is used as a large commercial yard with development and storage spread across the site. Within the site there are few landscape features, those present are generally limited to a small area of rough grass, small groups of trees within the site and occasional mature trees along the site boundaries. The appeal site makes a very limited contribution to the landscape.
7. Views of the appeal site are restricted within the wider landscape by layers of vegetation including woodland blocks and boundary hedges and trees which surround the site, along with rising ground to the south. There are views of the appeal site at varying distances from the nearest footpaths to the south of the appeal site. Gaps between tree cover occasionally allow more distant views towards the site from the Loddon valley floor, but from here the site forms a minor part of the wider view. The appeal site is detectable from the Old Basing Conservation Area and raised ground within Oliver's Battery, but is largely obscured by intervening vegetation. The appeal site is not visible, or is difficult to perceive, from the majority of public rights of way routes in the local area, other than to the north of the railway where the site can be seen between gaps in vegetation.
8. At completion, the appeal site would change from a commercial yard consisting of a large shed with industrial style cladding, various other unattractive structures and storage, significant hardstanding and limited internal or boundary landscape features, to nine houses and associated garages or carports. The proposed dwellings would vary in size, orientation and design, consistent with the local vernacular and arranged around a courtyard to reflect the sites former agricultural use. This would allow for areas of soft and hard landscaping along with private amenity spaces, resulting in a greener and more considered arrangement than the current position.
9. The removal of the existing structures would have a beneficial effect on the landscape character surrounding the site. Whilst there would be a short-term change in the appearance, I do not consider that the proposal would itself be harmful to the area or have a detrimental impact on the landscape. In any event, the development would be increasingly softened and obscured by maturing proposed planting, in keeping with other existing groups of buildings

set within tree cover in the local area. Over time and once planting has established the proposed development would have a very limited effect on landscape character and views. The development would sit comfortably within the wider landscape, reflecting its rural qualities whilst delivering housing for the area.

10. I find that the proposal would replace existing unattractive site structures with dwellings in keeping with the local vernacular and would include planting characteristic of the wooded landscape surrounding the site. Tree cover within the landscape surrounding the site would largely obscure the proposal from the wider, more open landscape characteristic of the Loddon Valley to the north-east and would not have an adverse impact on any iconic views. Accordingly, it would comply with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 and Policy OB&L 7 of the Old Basing and Lychpit Neighbourhood Plan 2015-2029 and the National Planning Policy Framework (2021) insofar as those policies relate to landscape and iconic views.

Provision of affordable housing

11. A Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act 1990 has been submitted relating to the provision of affordable housing. The UU binds the owner to covenants with Basingstoke and Dean Borough Council. The Community Infrastructure Levy (CIL) Regulations require that any planning obligation providing for contributions, such as those set out above, must be 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.
12. In this case the UU would secure 4 affordable housing dwellings on site which is in excess of the Council policy requirement of 3.6 units. I am satisfied that the UU would ensure that a suitable level of affordable housing would be provided and that the provisions of the submitted UU would meet the three tests set out in Regulation 122 of the CIL Regulations 2010 and the tests in the Framework.
13. Accordingly, the proposal would comply with Policies CN1 and CN6 of the Basingstoke and Deane Local Plan 2021-2029 which require new development to contribute towards the provision of additional services and facilities, including affordable housing as addressed in Policy CN6.

Other matters

14. The lawful use of the site is commercial, as confirmed in Certificates of Lawfulness granted in 2013 and 2014. The character of the Appeal Site is clearly commercial in nature rather than agricultural. Historically the commercial yard was part of the wider Wildwood Farm but the use of the land subsequently diversified away from agricultural uses on this portion of the farm, albeit retaining its status as a single planning unit. The Appeal Site is physically distinct from the surrounding land which remains in agricultural use and I am satisfied that the appeal site would be properly described as previously developed land.
15. The Old Basing Conservation Area (the CA), was designated in 1973 in recognition of its special architectural and historic interest. The CA is approximately 400m to the west of the site and includes Oliver's Battery, Basing House ruins and Pyotts Hill Entrenchment. Oliver's Battery is located

within approximately 600m of the site and consists of the remains of a motte and bailey castle in the form of landform, including a raised area with mature trees. The 2021 Old Basing CA Appraisal and Management Plan Supplementary Planning Document identifies the eastward view from the raised ground within Oliver's Battery as a 'Vista' with an 'important wider view'.

16. The site is not visible from the majority of the CA, including from the Grade I listed St Mary's Church and the Basing House Great Barn at Grange Farm, and the majority of Grade II listed buildings. However, the site is likely to be identifiable from the south-east facing upper storey windows of Lower Mill Farm, which is a Grade II listed building on the eastern edge of the CA. From these windows, the site structures are likely to be glimpsed at a distance of approximately 550m, seen with a backdrop of trees and forming a small element within the wider view.
17. The view eastwards towards the site from the majority of Oliver's Battery Scheduled Monument is contained by boundary vegetation along the edge of the CA. The view from an area of raised ground within the Oliver's Battery is identified as a 'Vista' with an 'important wider view' by the 2021 Old Basing Conservation Area Appraisal and Management Plan Supplementary Planning Document. In this view, the roof of the shed within the site is detectable in the distance but forms a minor part of the wider view and is seen in context with a storage building within Old Basing and Lychpit recreation ground at closer range.
18. The proposal would replace the existing structures with a more considered arrangement of housing, designed to mimic in general terms a cluster of farm buildings, varying in scale and height. Whilst it would change the long range views from within the CA and the Scheduled Monument through the introduction of a different built form, I am satisfied that the proposal would not be harmful to the setting of the CA or the important wider view from the Scheduled Monument.
19. The landscape buffer is outside the area of development, however it is within the same ownership. I am satisfied, having regard to the ownership of the land and evidence provided, that it would be possible to secure the landscaping by way of planning condition.
20. I have had regard to other concerns raised by interested parties, and other matters addressed by the Council at the application stage, including refuse, contamination, flooding and drainage, and highway implications. I note the proposed use of planning conditions to ensure certain matters are acceptable. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Conclusion and Conditions

21. I have found that the proposal would comply with the development plan when taken as a whole and accordingly the appeal should succeed.
22. I have had regard to the conditions suggested by the Council. Where necessary, I have amended the wording to ensure they accord with the relevant tests of conditions set out in the Framework.

23. I have imposed a condition specifying the approved plans to provide certainty. During construction, conditions are necessary to ensure that trees are protected, hours of construction and deliveries are controlled, along with the provision of a construction method statement, to safeguard existing trees and hedgerows, to avoid risks to highway safety, and to preserve living conditions of nearby occupiers. Due to the previous use of the appeal site, I consider it necessary to impose conditions in respect of contamination to ensure that any contamination is properly identified and remedied to allow residential occupation of the site.
24. It is further necessary to require the submission of details relating to habitat creation enhancement and management, and the Wildlife protection and Mitigation Plan, in the interests of biodiversity and protected species. A condition requiring details of water efficiency measures is also necessary in the interests of promoting sustainable water usage.
25. Conditions requiring details of proposed external materials, soft and hard landscaping, and boundary details, are necessary to ensure a satisfactory appearance and to preserve the landscape character of the area.
26. Conditions are necessary for the implementation of parking and turning areas in accordance with the approved plans, cycle storage, and provision of required visibility splays at the site entrance, in the interests of highway safety. A condition requiring the provision of electric charging points is necessary to secure sustainable modes of transport. A condition securing accessible and adaptable standards is necessary to ensure that the development allows for the varied and changing needs of its occupants. A condition is required to ensure provision of bin storage to ensure proper waste management.
27. Finally, having regard to the landscape character of the area, and the importance of the design and arrangement of the proposal, it is necessary to restrict permitted development rights.
28. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is allowed.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - P01 Rev A - Location Plan
 - P02 Rev B - Block Plan
 - P05 Rev E - Proposed Site Plan
 - P06 Rev C - Proposed Site Plan - Roof Plan
 - P09 Rev A - Access Plan
 - P10 Rev A - Detached carports plans and elevations
 - P11 Rev A - Garage plans and elevations
 - P12 Rev A - Garage plans and elevations (plots 8 and 9)
 - P20 Rev A - Plot 1-4 Plans
 - P21 Rev A - Plot 1-4 Elevations
 - P30 Rev A - Plot 5 Plans
 - P31 Rev A - Plot 5 Elevations
 - P40 Rev A - Plot 6 Plans
 - P41 Rev A - Plot 6 Elevations
 - P50 Rev A - Plot 7 Plans
 - P51 Rev A - Plot 7 Elevations
 - P60 Rev A - Plot 8 and 9 Plans
 - P61 Rev A - Plot 8 and 9 Elevations
- 2) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 3) No development above slab level shall take place until details/specification of the types and colours of external materials to be used, together with samples (where appropriate), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 4) Notwithstanding the approved plans no hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained in accordance with the details so approved.
- 5) Notwithstanding the approved plans prior to installation a plan indicating the positions, design, materials and type of screen walls/fences/gates/hedges and enclosures to be erected or planted, shall be submitted to and approved in writing by the Local Planning Authority. The approved screen walls/fences/gates/hedges and enclosures shall be erected or planted before the dwellings hereby approved are first occupied and shall subsequently be maintained as approved. Any trees or plants

which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.

- 6) Notwithstanding the approved plans no soft landscaping works shall commence on site until a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the occupation of the first dwelling hereby approved, visibility splays of 2.4m x 90m shall be provided at the access onto Newnham Lane, in accordance with drawing reference P09 Rev A (dated Nov 20) (Access Plan). Within these splays nothing between 1 metre and 3 metres shall be placed, built, planted or allowed to grow. These visibility splays shall thereafter be maintained in such condition.
- 8) Prior to occupation of the dwellings hereby approved, parking provision and turning areas in accordance with those shown on drawing P05 Rev E (dated Nov 20) shall be made within the site and shall be retained thereafter for such purposes. For the avoidance of doubt, this includes parking spaces to be provided within garages and carports.
- 9) No works other than site surveying shall take place 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, unless otherwise agreed in writing by the Local Planning Authority,
 - (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, unless otherwise agreed in writing by the Local Planning Authority,
 - (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'. The development shall then be continued in accordance with the approved remediation scheme.
- 10) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 9(c) that any remediation scheme required and approved under the provisions of condition 9(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority 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 9(c), unless otherwise agreed in writing by the Local Planning Authority.
 - 11) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays
 - 12) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800, Monday to Friday, before the hours of 0800 nor after 1300, Saturdays nor on Sundays or recognised public holidays.
 - 13) A minimum of one of the dwellings hereby approved shall be built to accessible and adaptable standards. No development shall commence on site until details of which property is to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 14) The development hereby approved shall not be occupied until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
 - 15) The dwellings hereby approved shall not be occupied until details of cycle storage as required in accordance with the Parking Supplementary Planning Document (2018), have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before occupation or the use commences, whichever is the

sooner, and shall be thereafter retained and maintained in accordance with the approved details.

- 16) Tree Protection measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural impact assessment & method statement written by Harrison Arboriculture (document ref: 351149112/16/2020); to include Tree Protection Plan Ref: 351149112/16/2020 TPP Version 0.1 Rev A dated 15 December 2020).
- 17) No works other than site surveying shall take place until full details of a habitat creation, enhancement and management scheme to achieve the species enhancements and biodiversity net gain, as shown in the submitted DEFRA biodiversity offsetting metric, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved. The details shall include: - The recommendations given in Section 5 of The Ecology Co-op's Ecological Appraisal dated 7th Dec 2020 - The proposals for on-site habitat creation and enhancement to achieve the biodiversity net gain as shown in the submitted DEFRA biodiversity offsetting metric (including sources of planting stock and its origin). - The provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery) submitted; and - A management and monitoring plan (to include for the provision and maintenance of the submitted offsetting measures in perpetuity). The written approval of the Local Planning Authority shall not be issued before the arrangements necessary to secure the delivery of the agreed offsetting measures have been executed. The scheme shall be implemented in full accordance with the requirements of the scheme or any variation so approved and thereafter retained in perpetuity.
- 18) Notwithstanding the submitted Ecological Appraisal, no works other than site surveying shall take place until a Wildlife Protection and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following: (a) details of how mature trees and woodland habitats adjacent to the area of the proposed development will be protected during the construction works. (b) details of the timing/ecological watching brief/felling procedures required to address the protection of breeding birds, dormice, great crested newts and reptiles before and during any development works. A method statement to reduce the chance of disturbing any potential bat roosts if any trees are likely to be impacted by the proposed development should also be included. (c) details of mitigation proposals for mitigating any potential adverse effects on dormice, bats or birds and any features that they are dependent on. This is to include details of measures that will be taken to avoid light spillage along the potential bat commuter routes and dormice habitat. (d) provisions for the supervision and monitoring of the plan, including briefing construction personnel, and the name and contact details of the person responsible for this; No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation Plan, unless otherwise agreed in writing by the Local Planning Authority. No habitat or other landscape features that are to be retained as part of the

approved Wildlife Protection and Mitigation Plan shall be damaged or destroyed or removed without the prior written approval of the Local Planning Authority, for the duration of activities permitted by this planning consent. If a habitat or other landscape feature is removed or damaged in contravention of this condition, a scheme of remedial action, with a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the incident. The scheme of remedial action must be approved by the Local Planning Authority before practical completion of the development and implemented in accordance with the approved timetable.

- 19) No works other than site surveying shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the waste removal and construction period. The Statement shall provide for: i) the parking of vehicles of site operatives and visitors, ii) loading and unloading of plant and materials, iii) storage of plant and materials used in constructing the development, iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, v) wheel washing facilities, vi) measures to control the emission of dust and dirt during construction, vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 20) The dwellings hereby approved shall not be occupied until details of a scheme for the storage (prior to disposal) of refuse and recycling containers (1 number 240ltr refuse 2-wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box), and details of the refuse/recycling collection point(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before occupation or the use commences, whichever is the sooner, and shall be thereafter retained and maintained in accordance with the approved details.
- 21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no building, structure or other alteration permitted by Class A; B; C; D; E; or F; of Part 1; of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.
- 22) Prior to occupation of the dwellings hereby approved, details of electric vehicle charging provision shall be submitted to and approved in writing by the Local Planning Authority. Such details should include the specification, appearance and siting of any charging points. Where charging points are not proposed, details of parking areas which can be conveniently retrofitted at a later date shall be provided. This includes details demonstrating that that electrical connections within the site are suitable for future use for electric vehicle charging. The development shall be carried out and thereafter maintained in accordance with the approved details.

END OF SCHEDULE