



Appeal Decision

Site visit made on 1 September 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/C1760/W/22/3293740

Land to the west of Rose Cottage, Houghton, Hampshire SO20 6LH

- 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 the Trustees of The Captain Busk Grandchildren Settlement against the decision of Test Valley Borough Council.
 - The application Ref 21/01960/FULLS, dated 14 June 2021, was refused by notice dated 25 August 2021.
 - The development proposed is described as 'Creation of 8no. self-build dwellings with landscaping, parking and access. Demolition of existing stable'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for an award of costs was made by Test Valley Borough Council against the Trustees of The Captain Busk Grandchildren Settlement. This application will be the subject of a separate Decision.
3. Since the Council issued its decision the Houghton Neighbourhood Plan (NP) was made. I have therefore had regard to this document as part of the development plan as it is incumbent upon me to base my decision upon the most up to date planning policy. All parties have had an opportunity to address this change in their submissions, including the designation of the appeal site as a Local Green Space.
4. The appellant submitted late evidence with their final comments including additional biodiversity surveys. They also submitted a planning obligation with evidence of title. This information was cross copied to the Council for comment. The reasonableness of this is addressed in more detail in my decision relating to the Council's application for an award of costs.
5. The appellant has suggested that the drawings before me detailing the floor plans and elevations of the individual houses are illustrative. This is because the final designs would be worked up by future self or custom build occupants. However, as the application before me has been made in 'full', I have considered the drawings as detailing firm proposals of the design, scale and appearance of the eight houses proposed.
6. During its consideration of the application the Council omitted to consult Historic England (HE). It was therefore instructed to do so with the response from HE circulated to the main parties for their comments.

Main Issues

7. Due to the NP being made I have added an additional main issue relating to the designation of the appeal site as a Local Green Space. The Council's reasons for refusal do not specify the settings of which listed buildings it considers the proposal would adversely affect. This is however clarified in its statement as Wisteria Cottage, Freemantle Farm and Firtree Cottage. The appellant submitted additional biodiversity surveys with their final comments. After reviewing these the Council is content that the appeal scheme would be unlikely to present a risk to Great Crested Newts or roosting bats. I have no reason to disagree given that these conclusions were reached by Ecologists.
8. Thus, the main issues in this appeal are:
 - Whether the proposal would be inappropriate development within a Local Green Space (LGS);
 - Whether the appeal site is a suitable location for the proposed development with reference to the spatial strategy in the Local Plan (LP)¹;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would preserve or enhance the character or appearance of the Houghton and Bossington Conservation Area;
 - Whether the proposal would preserve the setting of Wisteria Cottage, Freemantle Farm and Fir Tree Cottage, which are Grade II listed buildings;
 - The effect of the proposed development on foraging and commuting bats; and
 - Whether the proposal would make adequate provision for affordable housing.

Reasons

Whether the proposal would be inappropriate development within a LGS

9. The entire appeal site is designated as a LGS in the NP². Policy HTN9 of the NP is concerned with development in LGS, and states that it will be managed in a manner consistent with that applicable to designated Green Belt. The National Planning Policy Framework (the 'Framework') sets out the manner in which development in the Green Belt should be managed.
10. The Framework explains that openness is an essential characteristic of the Green Belt. In this respect, it would be rational to undertake a discrete assessment of what effect the proposal would have on the openness of the LGS. However, the parties have not approached the matter in this way, with the appellant focusing their assessment on whether the proposal would be inappropriate development.
11. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and that new buildings should be regarded as inappropriate development unless they are an exception listed in Paragraphs

¹ Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029

² LGS3: Land between Drayton Corner and Fir Tree Cottage

- 149 and 150 of the Framework. The appellant has suggested the proposal would meet the exceptions listed under Paragraph 149 e) or f).
12. Paragraph 149 e) lists limited infilling in villages as an exception. Houghton is a village because it has a church and is a discernible cluster of buildings larger than a hamlet. The matter therefore turns on whether the proposal would be 'limited' and 'infilling'. Neither of these terms are defined in the NP or Framework.
 13. The appeal site is broadly divided into two paddocks. At the time of my site visit they were being used for the keeping of horses. From the smaller southern paddock, it is possible to see several properties within the village at close range. The paddock is also loosely positioned between Freemantle Farm and sporadic structures to the west. Immediately to the south is a small track and Fir Tree Cottage and the northern boundary is marked by a post and rail fence and stables. As a result, development in the southern paddock would have the feel of infilling and could be limited in scale and extent.
 14. The northern paddock is positioned in a location where the village tapers off into the countryside. Rose Cottage and Wisteria Cottage are set in spacious plots and the land to the west and northeast is generally open. The northern boundary adjoins Drayton Corner, but this building does not read as a physical part of the village given the distance and intervening openness provided by the appeal site. As a result, developing the northern paddock for housing would not amount to infilling. Thus, the proposal as a whole would not be infilling. Moreover, I would question whether eight houses would be limited in the local context. In coming to this view, I have considered the appeal decisions referred to by the appellant³, but they have not altered my findings given that this is a site-specific matter to be considered on the ground.
 15. Paragraph 149 f) of the Framework lists limited affordable housing for local community needs under policies set out in the development plan as an exception not constituting inappropriate development. The reference to affordable housing needs to be read in the context of the Framework as a whole. To my mind, it is a reference to affordable housing as defined in the Glossary to the Framework. The appeal scheme would involve a financial contribution towards off site affordable housing provision but would not provide eight affordable homes in accordance with the Framework's definition or local policies. Nor would the homes be secured for a local community need because the houses are intended to serve the borough's wider need for self and custom build housing. As a result, the proposal would not meet the exception.
 16. In conclusion, the appeal scheme would be inappropriate development. Therefore, for it to be acceptable within the terms of Policy HTN9 and the Framework, the appellants will need to demonstrate there are very special circumstances. This is a matter to which I will return.

Whether the appeal site is a suitable location with reference to the spatial strategy

17. To ensure housing is in the most sustainable locations, the Council has adopted a spatial strategy based around the settlement hierarchy in Table 7 of the LP and settlement boundaries defined on inset maps. Strategic development is directed to Major and Key Service Centres with smaller development directed

³ APP/B1930/W/20/3249093 and APP/J1915/W/19/3230243

to Rural Villages. Some minor development is permitted in the countryside. The settlement boundaries are used to distinguish the different categories of land in the hierarchy. The appeal site is outside the settlement boundary of Houghton and in countryside.

18. The appellant has suggested that the settlement boundary of Houghton was at one point proposed for expansion as part of the Local Plan review and this would have included the appeal site. However, this was not pursued. Given the land use of the appeal site and its position and boundary treatment, the current settlement boundary is logically drawn.
19. Policy COM2 of the LP states that development outside the boundaries of the settlements in the hierarchy will only be permitted if it is appropriate in the countryside as set out in other stated local plan policies, or it is essential for the proposal to be in the countryside. The evidence before me does not demonstrate that the proposal would be appropriate in the countryside when applying Policies COM8-COM14, LE10 or LE16-LE18 of the LP. For example, the proposal is not community led, affordable housing or the re use of rural buildings. It therefore gains no support from Policy COM2 a).
20. In respect of the second limb of Policy COM2, the appellant submits that there is a shortage of self and custom build plots in the borough, and this makes it essential to build in the countryside to provide this type of housing. For reasons I go into, I accept that there is probably a moderate shortage of self and custom build plots. However, it has not been demonstrated with substantive evidence that it is *essential* to provide self and custom build plots in the countryside to address the shortage because other options are not practical. For example, I have not been presented with anything to suggest self and custom build housing could not be accommodated as part of suitable housing schemes, such as allocations, as encouraged by the PPG⁴, or on windfall sites within settlements. Nor does the evidence before me demonstrate that self-builders cannot compete with other developers to secure plots. Thus, it has not been demonstrated the Council's approach to self-building is out of date, although I acknowledge the evidence points to an undersupply which may suggest it has some current limitations.
21. In conclusion, the proposal would not be a suitable location for the appeal scheme when applying the spatial strategy in the LP, which is a carefully drafted and considered statement of policy. It has not been demonstrated the Council's spatial strategy is out of date and there is no requirement for the development plan to have a discrete self-build policy. Instead, the proposal would harmfully undermine the objectives of the strategy and thus the relative certainty that should flow from a planning system that is genuinely plan led.

The effect on character and appearance of the area

22. Save for the stables, the appeal site is largely undeveloped. The thick hedges around the boundary of the appeal site and its land use as grazed paddocks provide the site with a rural and verdant character. The hedge may not be in a historic position, but it nevertheless has a mature presence. The bucolic appearance of the appeal site adds to the setting of the village, especially the area around Church Lane and the Boot Public House, which is largely defined by historic properties in generously vegetated plots which taper off into the

⁴ Planning Practice Guide - Paragraph: 025 Reference ID: 57-025-20210508

countryside as the gaps between buildings increases. The undeveloped nature of the appeal site also adds positively to the verdant appearance of the river valley corridor.

23. The rather regimented approach to building and plot sizes would provide the scheme with a suburban character as would the cul-de-sac layout. The latter is probably unavoidable if the hedge is to be retained to the extent proposed. But the parallel nature of the access road would be suburban and untypical in this part of the village. This would be the case despite some examples in the village of different access configurations. The suburban character would be compounded using repeated detached house types and the provision of garages and large driveways. Neither the layout nor architecture of the scheme would evoke the sense of a farmstead or courtyard as suggested by the appellant.
24. A suburban character would be jarring in this instance because the area around Church Lane and The Boot Public House has a more traditional, organic and historic layout. In this respect the formal squares would appear odd and incongruous and the failure to orientate some of the houses to frame and engage with the road would jar with the prevailing layout of the immediate area. Some buildings in the village are side on to the road, but most are not. Therefore, the orientation of five properties in this way would jar with the general pattern of development.
25. The appeal scheme would inherently erode the site's open and rural character. This impact would be particularly apparent due to the site access, with extensive visibility splays, breaching the existing boundary hedge, which is a strong and positive feature in the street scene and landscape setting of the village. This impact is not justified because other access points have been provided elsewhere in the village, especially as the proposed access would appear as a formal suburban road junction. It is unlikely that new planting could fully mitigate the erosion of the hedge and the presence of the houses. For these reasons, I do not share the view of the Council's Tree Officer that removal of some of the hedgerow would be unlikely to result in a significant visual impact.
26. Given the important contribution the appeal site provides to the rural setting of the village, as acknowledged through its designation as a LGS, the erosion of the site's open and verdant character would harm the rural landscape setting of Houghton. This impact would be significantly compounded by the suburban character of the proposal.
27. The plots within the appeal scheme would be of a similar size and smaller than many of the existing plots near to the appeal site, such as Wisteria Cottage and Rose Cottage. Moreover, the proposed houses and garages would nearly span the widths of their respective plots and therefore appear relatively close to one another when compared to the existing properties to the east. As a result, the layout would be comparatively cramped despite the low density of the scheme and the generous rear gardens. This would leave little space for planting between houses and no meaningful sense of the village tapering off into the countryside, both of which are existing positive characteristics. Accordingly, the proposal would jar with the form and settlement pattern of the village. Moreover, development in the past around Church Lane and the Boot Public

House has been sensitive, limited and incremental, whereas the appeal scheme would not be, harmfully altering this part of the CA.

28. The proposal would not have a wide visual envelope. It is likely to be screened in views from public footpaths and Church Lane due to the presence of intervening landscaping and buildings. However, the houses would be reasonably large and set on land that is higher than the lane. As a result, they would have a considerable presence despite the retention of the hedge along much of the eastern boundary of the appeal site. The proposal would therefore appear as a stark and assertive development from views along the lane.
29. In coming to this view, I have carefully considered recent changes nearby, including recent infill developments⁵. However, those schemes are either in the settlement boundary, set back from the road or away from the more sensitive and unaltered location in and around Church Lane. As a result, there is no inconsistency between my findings and the approvals previously granted.
30. In conclusion, the proposal would significantly harm the character and appearance of the area, including the semi-rural landscape setting of the village. In so doing it would be at odds with Policy E2 of the LP and Policy HTN4 of the NP, which seek to secure development that does not have a detrimental impact on the appearance of the immediate area and landscape character and protects the key characteristics of Houghton.

Whether the proposal would preserve or enhance the character or appearance of the Houghton and Bossington Conservation Area (CA)

31. The CA is focussed on the village of Houghton, which is generally arranged in a north south axis along the river valley. The village originally comprised of several separate estates, and this has resulted in a polyfocal settlement pattern. Infilling at various degrees of sensitivity has taken place but the separate historic clusters are still evident providing a broad, dispersed and spacious linear character to the west of the river. The settlement is modest in size and surrounded by open countryside. Hedges and trees within the village add a discernibly verdant and rural character and provide a strong linking element between buildings. Thus, the CA has aesthetic, historic and evidential value and significance as a repository of period building styles, bygone lifestyles, local character and a traditional village form.
32. Historic maps demonstrate that the part of the village around the Boot Inn has seen some infilling, but it has been comparatively little and generally sensitive. As a result, this area retains an historic rural feel and grain with a picturesque quality. In fact, the form of this part of the village from the early 19th Century is still very apparent and easy to discern. Many historic buildings have survived, and this provides a rich mix of period architecture of different sizes and styles. The verdant river valley setting, architectural quality and historic form of this part of the settlement combine to create a special character that adds to the significance of the CA as a whole.
33. The appeal site contributes positively to the significance of the CA as it is an intact and surviving historic field as shown on historic maps going as far back as 1842. Its openness and use also provide a rural context to Church Lane and a verdant setting to the CA due to the presence of boundary trees and hedges.

⁵ 13/01458/OUTS and 18/01627/RES, 17/00121/FULL and 16/00642/FULLS

34. As already explained, the appeal scheme would seriously harm the rural character of the appeal site, erode the boundary hedge and introduce a stark suburban development. This would harmfully erode the rural character of the CA as a whole and introduce unsympathetic infilling in a location that is remarkably well preserved. Thus, the proposal would harm the aesthetic, historic and evidential value and significance of the CA. In so doing the proposal would not encroach on any important views identified in the Conservation Area Appraisal, but this does not make the harm that would occur acceptable.
35. In addition, I share the view of the Council's Conservation Officer that the proposal would be architecturally mediocre with some of the buildings appearing awkwardly pastiche due to a pick and mix approach to detailing. This includes the incoherent use of bulky wide spans, barn hips and balconied porches. This inappropriate detailing would not echo the simple vernacular and cottage style that is preeminent in this part of the CA. Plot 5 would have some promise with cottage style windows and a humble form and material pallet. However, others would have the sense of being rather generic house types superficially altered with differing external materials and fenestration in an unsuccessful attempt to make the scheme appear organic.
36. I therefore conclude that the proposal would have the significance of the CA. Its character or appearance would not be preserved. The proposal would therefore be at odds with the expectations of Policy E9 of the LP and Policy HTN5 of the NP.

Whether the proposal would preserve the setting of listed buildings

37. Freemantle Farm and Fir Tree Cottage have value as a repository of rural vernacular building styles and ways of life. This provides historic value and significance. They are also intermingled with landscaping and other historic buildings and boundary treatment that together provide an aesthetic value and significance. The verdant semi-rural edge of village setting is important to how the buildings are experienced and adds to their significance.
38. Although in a semi-rural setting, the buildings are generally experienced as being part of the village and are seen in the context of other buildings, although these tend to be historic in scale and appearance. As a result, it may be possible to sensitively develop the appeal site without harming the way these structures are experienced. However, for the reasons already set out, the appeal scheme would be an unsympathetic and assertive suburban insertion that would compete with, and detract from, the setting of these listed buildings.
39. Wisteria Cottage is set outside and slightly away from the main built form of the village and is experienced in a semi-rural setting that helps frame its vernacular style. This aloof verdant setting aids the way the aesthetic and historic value and significance of the listed building is experienced. The appeal scheme would expand the village beyond this property and, for the reasons already given, do so in a stark, unsympathetic and assertive way. This would harm the way Wisteria Cottage is currently experienced.
40. In conclusion, the proposal would harm the setting and significance of listed buildings. Their setting would not be preserved. The proposal would therefore be at odds with the expectations of Policy E9 of the LP.

The effect of the proposed development on bats

41. The appellant's initial submissions indicated that the appeal site is suitable habitat for foraging and commuting bats. As a result, further surveys were submitted. Best practice⁶ referred to by the Council suggests there should be one survey per season⁷ and this is not disputed by the appellant, who has submitted the results from three activity surveys. The surveys were conducted in May, September and October. This is not in accordance with best practice as it missed out the summer season. It is unclear why a survey did not take place.
42. The appellants suggest that the September survey is sufficient because of a warm summer that endured into third month, prolonging the transition of bats moving from summer to hibernation roosts. However, the Council's Ecologist does not share this view and explains that the summer survey is required to capture the movements of different species and the differing annual cycle and maternity seasons. I favour the Council's evidence on this matter as it is supported by best practice. As a result, I am not satisfied that the submitted surveys are comprehensive and therefore the impact on bats is unclear. There are no exceptional reasons to secure additional surveys through the imposition of planning conditions.
43. Notwithstanding this, the submitted surveys recorded barbastelle bats, which are a rarer species. This could increase the importance of the site and therefore further surveys may be required to explore this matter as suggested by the Council's Ecologist. In addition, I share the concerns of the Council's ecologist that the 16m buffer along the western boundary of the site, proposed to protect mature trees and foraging habitat in this area, would be within residential gardens. This could diminish the effectiveness of the buffer as it would be difficult to prevent future occupants managing their gardens in ways that would not optimise the value of the space to foraging bats. Mitigation is also suggested in the form of native aquatic planting to provide pond habitat and suitable foraging opportunities for bats. However, it is not evident that the sustainable drainage features would hold a permanent body of water and thus create a suitable pond habitat.
44. In conclusion, the appellant has failed to demonstrate through surveys and mitigation that the proposal would avoid or mitigate any impact on bats. As a result, it would be contrary to Policy E5 of the LP, which seeks to secure proposals that demonstrate this.

Whether the proposal would make adequate provision for affordable housing

45. Houghton is a designated rural area as confirmed in the Council's Affordable Housing Supplementary Planning Document. Therefore a threshold for affordable housing below ten homes is permissible when applying Paragraph 64 of the Framework. Thus, Policy COM7 of the LP seeks up to 20% affordable housing provision on schemes of 6-9 dwellings. It is unclear why affordable housing could not be provided on site in this instance, which is the preference set out in Paragraph 63 of the Framework. Nevertheless, the Council appear content with a financial contribution.
46. The Council has set out what it considers the Gross Development Value of the scheme to be and based on this it considers a financial contribution of around

⁶ Set out by the Bat Conservation Trust

⁷ Spring – April/May, Summer – June/July/August, and autumn – September/October

£382,988.58 would be equivalent to 20% provision of affordable housing. The submitted planning obligation makes provision for this by defining the affordable housing contribution and requiring its payment prior to occupation. The Council has not raised objections to this part of the planning obligation, which is necessary to meet the requirements of the development plan, directly related to the proposal and fair in scale and kind given the evidence base. Thus, the proposal would make adequate provision for affordable housing and therefore a conflict with Policy COM7 would not occur.

Other Considerations

47. Although the appeal scheme is being advanced as a 'self-build' proposal, I have some doubts whether this would be the case. This is because self-builders have not had primary input into the final design of the scheme as required by the Planning Practice Guide (PPG)⁸. Nevertheless, the planning obligation would require the provision and occupation of the houses as self-build dwellings and therefore I have adopted this approach for the purposes of my assessment. Accordingly, the proposal would help to address the provisions of the Self Build and Custom Housebuilding Act 2015 (as amended⁹), which includes a duty on Council's to give enough permissions to meet the identified demand, that being the number of entries on the self-build register.
48. The Council submits that the number of self-build dwellings that it has approved meets the identified demand in the relevant base periods and therefore the weight to be afforded to the self-build nature of the proposal as a benefit is limited. The Council reached this conclusion following a review of the relevant CIL forms¹⁰ (Form 7 Part 1) that it has received. In completing these forms, the developer self certifies that the project will be self-build and in doing so are granted a self-build exemption. This is however subject to Part 2 of the form which requires the developer to demonstrate this with evidence within six months of completion of the self-build project.
49. There are some limitations in the Council's approach as Form 7 Part 1 simply self-certifies the developer's intent, which is not the same as completing a self-build project. However, Form 7 Part 1 is a signed declaration, so the developer is indicating a strong intention to self-build. The Council's approach is not at odds with the PPG¹¹ and is reasonable given that most self-build projects will have three years to start and may not finish for some time after that. Given this time lag, it is reasonable in the first instance to base the number of self-build permissions on the number of exemptions granted through the submission of Form 7 Part 1. As a result, it is not essential to have the evidence submitted under Form 7 Part 2 for a proposal to be considered a self-build project for the purposes of my assessment.
50. That said, some additional analysis of the Form 7 Part 1 submissions would be prudent to ascertain their accuracy and to check how many are ultimately followed up with Form 7 Part 2. In this respect, the appellant has reviewed the Council's figures and identified several instances where the developer actually ticked 'no' when asked whether they were applying for a self-build exemption.

⁸ Paragraph: 016 Reference ID: 57-016-20210208

⁹ By the Housing and Planning Act 2016

¹⁰ Community Infrastructure Levy (CIL) Form 7: Self Build Exemption Claim Form – Part 1

¹¹ Paragraph: 038 Reference ID: 57-038-20210508

51. The Council has included replacement dwellings in its figures where the developer has signed Form 7 Part 1. I see no issue with this in principle as such projects can be a way of meeting the self-build needs of those on the self-build register, which is ultimately the aim of the legislation. However, further analysis is required to ascertain whether these projects could have met the demands of those on the self-build register¹². This assessment does not appear to have been undertaken by the Council. Instead, the appellants assessment suggests that most of the replacement dwellings did not address the needs of potential self-builders on the register.
52. In addition, the projects which the CIL Form 7 Part 1 relate to may be for a proposal approved under a different base period. For example, the twenty-seven CIL forms received between 31 October 2016 and 30 October 2017 could relate to self-build applications approved before the 31 October 2016 and therefore outside that base period. As a result, some cross checking would be required and does not appear to have occurred. It is also unclear whether self-build permissions granted prior to the 30 October 2017 should be counted in any event, as they predate the end of the first base period¹³. It must also be noted that an approval at land at Ash House has also been double counted and it is unclear whether the twenty-five entries listed at the start of the self-build register from 30 October 2016 were carried over into the first base period. These factors cast doubt over the Council's analysis.
53. Therefore, whilst I accept that the number of Part 1 forms received can be a useful start point in assessing the number of self-build permissions and is an approach that accords with the PPG, some further analysis is prudent. The appellant has done this and concluded that only around 61% of the Council's purported self-build permissions should actually be counted (38 out of 62). The analysis is detailed and appears reasonably accurate.
54. The appellant also suggested a lower percentage figure of 3% could be applied if only self-build projects secured through a condition or obligation are counted. However, I do not consider this to be appropriate because it is not a method required by the PPG. I accept the approach would give certainty¹⁴, but there may be circumstances where an applicant secures permission for a new house, but a self-builder ultimately delivers the project.
55. Overall, the evidence before me indicates the Council has not delivered as many self-build permissions as it suggests. It is plausible that an under provision of around 33 plots could have occurred between October 2017 and March 2022. Thus, the appeal scheme would make a useful contribution towards addressing this, which is a matter of significant weight in its favour given the duty on the Council to grant enough permissions.
56. The proposal would result in benefits to the construction industry and future residents may spend locally and generally support facilities nearby as well as the vitality of the local community. They could do so without having to travel far and from a site that is not isolated. These are benefits of moderate weight as there is little before me to suggest eight households would have a significantly positive impact on local services and facilities. For example, there

¹² By, for example, being offered for sale

¹³ Councils have three years from the *end* of each base period to approve enough self-build plots

¹⁴ And is probably required for the self-build aspiration to be given positive weight in an assessment of a planning application

is nothing to suggest local services are failing for lack of patronage. The proposal would also provide a sizeable financial contribution towards affordable housing, although it is unclear what this would deliver. Overall, the benefits of the appeal scheme would be of significant weight.

Other Matters

57. Various other concerns relating to highway safety, living conditions and flooding have been raised by interested parties, which I have noted. However, given my overall conclusion it has not been necessary for me to address these matters further. Similarly, my overall conclusion that the appeal should fail means it would have no effect on any European Sites, including the Solent and Southampton Water SPA and the Mottisfont SAC, and therefore it is unnecessary to consider this matter further either.

Planning Balance

58. The Framework states that inappropriate development in the Green Belt should not be approved unless there are very special circumstances and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This approach should also be the basis for assessing a proposal on a LGS, which is tantamount to being Green Belt, because this is what Policy HTN9 of the NP envisages as supported by Paragraph 101 of the Framework, which states that policies for managing development within a LGS should be consistent with those for Green Belts.
59. The appeal scheme would be inappropriate development, which is by definition harmful. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. Thus, this is also the level of weight that should be given to the harm to a LGS from inappropriate development. In addition, the proposal would be at odds with the spatial strategy in the LP, significantly harm the character and appearance of the area and result in less than substantial harm to designated heritage assets. The latter is a matter of considerable importance and weight. The appellant has also failed to demonstrate an adverse impact on bats can be avoided or mitigated.
60. Weighed against this, the benefits of the proposal are collectively of significant weight. As a result, the other considerations would not clearly outweigh the body of harm I have identified. As a result, the very special circumstances necessary to justify the development do not exist. Given this conclusion there is no need to undertake a separate heritage balance as usually required by Policy E9 and Paragraph 200 of the Framework. Even if I am wrong in respect of attaching substantial weight to the harm to the LGS, the combined force of the harm I have identified, and the subsequent conflict with the development plan as a whole, would still outweigh the collective benefits.

Conclusion

61. The proposed development would make adequate provision for affordable housing but would erode a LGS, be at odds with the spatial strategy in the LP, significantly harm the character and appearance of the area, result in less than substantial harm to designated heritage assets and has failed to demonstrate that an adverse impact on bats can be avoided or mitigated. The proposal would be contrary to the development plan as a whole and there are no other

considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR