



Appeal Decision

Hearing Held on 27 September 2022

Site visit made on 27 September 2022

by **S Edwards BA MA TCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: **APP/H1705/W/21/3287471**

Land West of Andover Road, Highclere

- 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 JPP Land Limited against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/03524/OUT, dated 15 December 2020, was refused by notice dated 14 October 2021.
 - The development proposed is 'outline planning application for the erection of 26 dwellings, including affordable housing, with associated public open space and landscaping, together with means of access from the A343'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline. The application form indicates that approval is only sought for access. Appearance, landscaping, layout and scale would therefore be reserved for subsequent determination. I have had regard to the drawings showing the proposed layout of the scheme only insofar as they indicate how the site could be developed.
3. The appellant has submitted planning obligations by Unilateral Undertaking (UU), signed and dated 27 September 2022, pursuant to Section 106 of the Town and Country Planning Act 1990, which would take effect should planning permission be granted. I shall return to the UU later in this decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area, with particular regard to the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - Whether the proposal would be major development in the AONB and if so, whether there would be exceptional circumstances to justify the proposal, and whether the development would be in the public interest.

Reasons

Character and appearance

5. The appeal site comprises a large agricultural field located to the south of the village of Highclere, within the North Wessex Downs AONB, which is characterised by the diversity of its landscape. The Landscape Character Assessment for the North Wessex Downs recognises 8 Landscape Character Types, which are further subdivided into 33 Character Areas across the AONB.
6. The site and its surroundings lie within the Highclere Parklands Landscape Character Area (8E), which forms part of the larger Lowland Mosaic Landscape Character Type. This is a mosaic of small irregularly shaped fields of arable/pasture, often with wooded margins or contained by mature hedging. Although the AONB Management Plan notes that this is one of the North Wessex Downs most densely inhabited areas, the hamlets and villages have typically grown in a linear fashion along the network of lanes and roads, which contribute to the pleasant rural feel of the locality.
7. Together with other well hedged fields that surround the village, the woodland areas and hedgerow trees, there is no doubt that the site forms a key component of the lowland mosaic which characterises the landscape of this part of the AONB. The site's strong association with its undeveloped surroundings enable this area to be experienced and viewed as one continuous landscape.
8. The site also makes an invaluable contribution to the setting of the village of Highclere as a dispersed rural settlement. Additionally, it acts as an important buffer beyond the southern edge of the more compact built up area of Highclere, which remains separated from the small cluster of development that has historically developed at the junction between Andover Road and Westridge.
9. As a result, the site provides a clear definition to the edge of the village and plays an important role in filtering development into the wider countryside, as well as safeguarding a tranquil setting which emphasises the locality's strong rural character and distinctiveness. By reason of its characteristics and siting within a valued landscape, the site has a high degree of sensitivity to change.
10. The Landscape and Visual Impact Assessment (LVIA) is accompanied by a number of views to and across the site from various public vantage points in the surrounding area. As well as these, I have used my own observations and impressions obtained whilst assessing the proposed development.
11. A large proportion of the field is proposed to be used to create publicly accessible open space, which would take the form of a 'village common', whilst the residential development areas would be confined to the northern and eastern parts of the site. However, this would nonetheless result in a substantial and permanent change to landscape character, as the contribution presently made by the agricultural field would be lost.
12. The appeal scheme would intensify development of the site to a substantial degree, particularly due to the significant built form associated with the number of residential units proposed. This would be exacerbated by the large areas of hardstanding required for the provision of access, parking and turning which, together with the domestic paraphernalia surrounding the development, would give the site a more suburban appearance. Not only would the resulting development erode the spaciousness of the appeal site and its contribution to its surroundings, but it would also have a major adverse effect on the area's landscape character.

13. Furthermore, the appeal scheme would harmfully consolidate the loose-knit pattern of development along the A343. The proposal would require the removal of a large section of mature hedgerow for the creation of access, and the presence of the development would therefore be evident within the street scene, despite the screening provided by the vegetation. For these reasons, the suburbanising effect of the development would have a substantial adverse effect on the landscape character of the surrounding area and the AONB.
14. The development would also have a detrimental impact on receptors passing the site along Westridge, which forms part of the Brenda Parker Way long distance walking route. Walkers in particular are currently able to enjoy filtered views across agricultural fields, which are interrupted by sporadic residential development. Whilst the new dwellings are proposed to be confined to the northern end of the site, the suburbanising effects of the development would inevitably cause harm to the experience for users of the Brenda Parker Way.
15. In this particular context, pedestrians and car users travelling along Westridge and Andover Road should be treated as receptors of medium sensitivity. The changes associated with the development would be perceived in close proximity to Westridge and Andover Road. Taking the scale of the proposal into consideration, the magnitude of change would be on the high end of the spectrum, and the development would therefore have a significant adverse effect on visual amenity. For these reasons, I disagree with the findings of the LVIA with regard to the degree of visual impact which would be caused by the development.
16. Generally the effects of the development on longer distance views within the AONB would remain relatively limited, and I accept that the proposed development, which would be largely screened by mature landscaping, would only affect a small part of the AONB. However, undeveloped fields enclosed by hedgerows such as the appeal site are valuable in maintaining the overall landscape character and scenic beauty of the AONB. The development would therefore add to the potential cumulative erosion of such features, and in turn have a significant adverse effect in diminishing the landscape character and scenic beauty of the AONB.
17. As a result, the proposal would be at odds with the aims of the AONB Management Plan and the Basingstoke and Deane Landscape Character Assessment¹, which seek to conserve the overall rural pattern of farmland and woodland with small scale settlement, whilst limiting increases in urbanisation through incongruous development.
18. Reference has been made to the development which has been approved by the Council on the adjacent site. However, this particular scheme is considered of limited relevance to the appeal proposal, as it relates to the redevelopment of a former piggery and is not of a comparable scale. Therefore, and despite its proximity to the appeal site, the circumstances of this development do not represent a direct parallel to the scheme subject to this appeal.
19. Drawing all the above together, the appeal scheme would suburbanise an important green gap which makes a significant contribution to the rural setting of Highclere and in doing so would cause irreversible harm to the intrinsic rural character and appearance of the surrounding area. Furthermore, it would fail to

¹ 2021.

conserve and enhance the landscape and scenic beauty of the North Wessex Downs AONB.

20. The proposed development would therefore conflict with Policy EM1 of the Basingstoke and Deane Local Plan - 2011-2029² (LP) and the North Wessex Downs AONB Management Plan. These seek to ensure that proposals are sympathetic to the character and visual quality of the area concerned. Development proposals in the AONB are required to be determined in accordance with national planning policy and criteria set out in the North Wessex Downs AONB Management Plan 2019-2024.

Whether major development in the AONB

21. The Council considers that the appeal scheme should be regarded as 'major development' in the AONB, but this is disputed by the appellant. The North Wessex Downs AONB Management Plan states that as a general guide to assessing the likely impact of development on the AONB, major development is defined as set out in the Town and Country Planning 'Development Management Order'. That is in circumstances where the number of dwellings to be provided is 10 or more, or the site covers an area of 0.5 hectares or more. This approach is however in contradiction with the definition of major development provided in Annex 2 to the National Planning Policy Framework (the Framework), which, as detailed in Footnote 75, is not applicable for the specific purposes of paragraphs 176 and 177 in this Framework.
22. The appellant has notably referred to an appeal decision³ for a residential scheme, where the Inspector took the view that the proposal did not represent 'major development' in the AONB for the purposes of applying national policy'. Having regard to the available information, no meaningful comparisons can be drawn with the proposal before me which, in particular, would affect a different settlement located within a different AONB. Whilst the Courts may not have questioned the Inspector's interpretation of major development, this appeal decision is therefore considered to be of limited relevance to the proposal before me.
23. Whether a proposal is 'major development' for the purposes of paragraphs 176 and 177 of the Framework is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The village of Highclere, which predominantly comprises residential development, lies within the AONB, and therefore a mix of open market and affordable housing would not, in itself, necessarily amount to a major development. That said, the proposal would constitute a significant extension on the edge of a very modest-sized village which, to a large extent, appears to have grown organically.
24. The development would take place within a part of the landscape, which makes an important contribution to the setting and rural character of Highclere, particularly by playing an important role in filtering development into the wider countryside. Although the proposed dwellings would be confined to the north-eastern part of the site, the quantum of development relative to the size of the

² Adopted May 2016.

³ APP/R3650/W/16/3165974.

village would be of a significant scale in this part of the AONB. Furthermore, and for the reasons detailed above, I find that the appeal scheme could have a significant adverse impact on the purposes for which the area has been designated. Therefore, it is my view that the proposal would constitute major development in the AONB.

Exceptional circumstances

25. Paragraph 177 of the Framework advises that permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. The Framework states that whether there are “exceptional circumstances” to justify major development in the AONB should include an assessment of:
- (a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - (b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - (c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

26. There is no doubt that the country is currently experiencing a housing crisis, which also manifests itself in the area administered by the Council, as notably reflected by the current housing land supply situation. Locally, the lack of affordable housing delivery is also having a significant adverse effect on affordability ratios. Having regard to the number of households which are currently on the Council’s housing register seeking social rented housing, including those with a verified local connection to Highclere, it is clear that there is a significant need for this type of accommodation within the Borough.
27. The appellant’s submissions are supported by detailed evidence of pre-application engagement with the local community. However, the figures provided as part of the Statement of Community Involvement refer to a total of 28 responses which were received through the website that had been created. This casts some doubts as to whether this is sufficiently representative to establish the existence of a specific and clearly identified unmet housing need within the Highclere area.
28. The appeal scheme would have a positive impact on the local economy, particularly during the construction phase of the development, and it may be argued that it would in the longer term support existing services and facilities locally, to which I ascribe some weight. However, there is no sufficient and unequivocal need for the provision of additional market housing in this particular location.

The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way

29. My attention has been drawn to the Council's spatial strategy and the negative effects that this has notably had on housing land supply. Whilst the settlement hierarchy and spatial strategy may be reviewed as part of the emerging Local Plan, these are considerations which can only be ascribed very limited weight at this moment in time, given that it still is at an early stage of preparation.
30. Whilst 30% of the Borough falls within the North Wessex Downs AONB, this does not necessarily mean that no development can take place within this designated area. For example, I note that a number of small scale developments have been approved in recent years by the Council in Highclere, a Tier 5 settlement (small villages) for which the LP sets out no housing requirements. This demonstrates that the development of the village presently takes places in an organic fashion and that the Council enables some development within the AONB.
31. Furthermore, and setting aside the parts of the Borough covered by the AONB, there remain significant areas which are not so constrained and may be more suitable for developments such as the proposal. However, limited information has been presented to demonstrate that there are no alternative sites which could accommodate the proposal outside the designated area, despite the fact that Highclere lies within relative proximity to the edge of the AONB. Furthermore, I have no compelling evidence to suggest that the identified need for the proposal could not be met in some other way.

Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated

32. The landscape strategy plan shows how the adverse effects arising from the development would be mitigated, notably through planting and soft landscaping. These measures could be secured by condition and as part of a subsequent reserved matters application. However, and as detailed above, these measures would only partially mitigate the harm which the development would cause to the North Wessex Downs AONB, particularly by reason of the permanent change of character that would occur within this valued landscape.
33. I note that the site is not currently publicly accessible, and does not therefore offer recreational opportunities. The proposed development would however enable the creation of a significant area of publicly accessible open space, which would also provide filtered views towards Clere Scarp and the wider landscape, beyond the existing built form and vegetation. The provision of public open space could enhance recreational opportunities locally, both for existing residents and future occupiers of the development, notably through the creation of a 'village common'. This space is also intended to serve as a permanent and significant landscape buffer between the proposed built form and the wider landscape of the AONB.
34. In addition to this, the appellant suggests that the long-term management of this area would enhance the natural beauty of the landscape. As a result of the proposal, there would also be a net habitat biodiversity gain of 92.42% and a new increase in hedgerow units of 17.06%, which can be regarded as important ecological benefits. A formal Biodiversity Habitat and Enhancement

and Mitigation Plan would secure the implementation of these ecological enhancements.

Conclusion

35. The appeal scheme would make an important contribution towards the delivery of market and affordable housing. I have no reason to doubt that the scheme could be implemented rapidly and in doing so would help reducing the housing land supply shortfall currently experienced by the Council. However, and whilst I have had regard to the benefits which would be associated with the proposal, the circumstances are not considered to be exceptional. There is no substantive evidence which demonstrates that the need in Highclere is in itself 'exceptional', in the sense of being unusual or rare. When weighed against the harm which the proposal would cause to the landscape and scenic beauty of the AONB, it has not been demonstrated that a development of this scale and in this location is in the public interest. Consequently, the appeal scheme would fail to comply with paragraph 177 of the Framework.

Other Matters

Representations made by interested parties

36. Other concerns have been raised by a number of interested parties, notably in respect of highway impacts, which I have noted. However, the Local Highway Authority did not raise any objection to the appeal scheme, subject to the imposition of a number of conditions and associated highway works which would be agreed and implemented as part of a Section 278 Agreement. There are no reasons for me to take a different view.

Planning Obligations

37. Prior to the Hearing, a Community Infrastructure Levy (CIL) Compliance Statement was submitted by the Council. In the event that planning permission were to be granted, the submitted UU would secure the provision of on-site affordable housing, at a rate of 40%. This would comprise 70% affordable rented/social renter housing and 30% intermediate housing, with transfer to a registered provider. Furthermore, 15% of the affordable housing would be required to meet enhanced accessibility and adaptability standards. This would accord with the requirements of LP Policies CN1 (Affordable Housing) and CN3 (Accessible and Adaptable Homes), as well as the Council's Housing Supplementary Planning Document (SPD).
38. The UU would also secure the provision of on-site open space, which would include a kickabout area and an equipped play area, along with measures for their future maintenance. Furthermore, the UU includes measures to secure the implementation of a Landscape Management Plan and a Biodiversity Management Plan. These would accord with the relevant LP requirements, as well as the Council's Planning Obligations for Infrastructure SPD, Green Infrastructure Strategy 2018-2029 and Landscape, Biodiversity and Trees SPD.
39. I have had regard to the requirements of Regulation 122 of the CIL Regulations 2010 (as amended), as well as national policy and guidance on the use of planning obligations. Overall, and having regard to the available evidence, I am satisfied that these obligations are 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.

Housing Land Supply

40. As noted above, the Council is unable to demonstrate a five year supply of deliverable housing sites, though there is some disagreement between the main parties regarding the current extent of the shortfall. The Council's latest Housing Land Supply Position, dated March 2022, indicates that there is a supply of 4.5 years.
41. The appellant's submissions however suggest that the shortfall is in fact noticeably greater, and include a detailed analysis questioning some of the assumptions made in relation to large sites commitments benefiting from planning permission and allocated sites in the Local Plan and Neighbourhood Plans. The deliverable supply of housing from April 2021 to March 2026 has accordingly been reduced, leading the appellant to conclude that the Council only has 3.26 years of housing land supply, which represents a considerable shortfall. In the absence of further evidence from the Council, I have used the appellant's figure as a benchmark for the purposes of this appeal.

Planning Balance and Conclusion

42. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing the landscape and scenic beauty of an AONB, which has the highest status of protection in relation to these issues. This also reflects the statutory purpose under Section 85 of the Countryside and Rights of Way Act 2000. The Framework adds that the scale and extent of development within designated areas such as AONBs should be limited, and permission for major development refused, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
43. The appellant has put forward a number of social, economic and environmental benefits in favour of the scheme. The provision of market and affordable housing would assist with reducing the housing land supply shortfall experienced in the area administered by the Council, a consideration to which I ascribe significant weight.
44. There would also be economic benefits associated with the proposal, firstly during the construction phase, and in the longer term, as future occupiers may support local facilities and services, to which I afford some weight. The benefits associated with the provision of public open space and net habitat biodiversity gain are ascribed moderate weight.
45. Against that, I have found that the scheme would cause unacceptable harm to the character and appearance of the surrounding area and, more significantly, that it would fail to conserve and enhance the landscape and scenic beauty of the North Wessex Downs AONB, to which I ascribe great weight. Furthermore, the proposal would conflict with the development plan as a whole, a matter to which I afford significant weight.
46. In circumstances where the Council is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 11d) of the Framework, as directed by Footnote 8, indicates that the policies which are most important for determining the application are considered out-of-date. The presumption does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

47. As detailed in Footnote 7 to the Framework, these areas include land designated as an AONB. The appeal scheme would fail to conserve and enhance the landscape and scenic beauty of the North Wessex Downs AONB, and the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The tilted balance set out in paragraph 11d) of the Framework is therefore not engaged in this instance.
48. As detailed above, there are no exceptional circumstances which would justify major development in the AONB in this instance, nor would the scheme be in the public interest. The benefits associated with the proposed development do not outweigh the conflict with the policies of the development plan when taken as a whole, and the substantial and permanent harm which I have identified with regard to the landscape character and appearance of the surrounding area and the AONB.
49. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Tabachnik KC	
Douglas Bond BA (Hons) MRTPI	Woolf Bond Planning
Louise Piper BA (Hons) MPhil MRTPI	Woolf Bond Planning
Andrew Smith BSc (Hons) MSc CMLI	Fabrik Limited

FOR THE LOCAL PLANNING AUTHORITY:

Tim Dawes BA Hons MRTPI	Planning Consultant
Catherine Daly	Principal Landscape Officer, Basingstoke and Deane

INTERESTED PERSONS:

Graham Falconer	Ward Councillor
Colin Wall	Highclere Society
John Stoker	Councillor for Highclere Parish Council
Barry Wall	Local resident