



Appeal Decision

Site visit made on 6 February 2023

by James Blackwell LLB (Hons) PGDip

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/H1705/W/22/3306690

Land off Pyotts Hill, Old Basing, Basingstoke RG24 7NX

- 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 Mr and Mrs John Baker against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/02502/OUT, dated 28 July 2021, was refused by notice dated 30 March 2022.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Old Basing Conservation Area Conservation Area. In line my statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving this heritage asset and its setting.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, including whether the development would preserve or enhance the character or appearance of the Old Basing Conservation Area;
 - the effect of the development on trees;
 - the effect of the development on biodiversity;
 - risk from contamination; and
 - the effect of the development on flood risk.

Reasons

Character and Appearance

4. The appeal site comprises an undeveloped plot of grassland, scrub and woodland, which is located at the southern end of Pyotts Hill. As mentioned, the site is also within the Old Basing Conservation Area (CA). Although there is linear residential development running along both sides of the road just to the north, the plot forms an open and verdant gap in the landscape, just before the road reaches the River Loddon to the south.

5. The River Lodden Corridor comprises a broad linear strip of partially wooded landscape between the edge of Lychpit and Old Basing. Given its undeveloped nature, the appeal site contributes to a landscape buffer between the built up development running along Pyotts Hill and this wooded area. Its importance to this buffer is readily apparent on the approach to the river when travelling from the northern end of Pyotts Hill, as clear views of the woodland corridor can be gained from this direction. This means the site makes a valuable contribution to the semi-rural credentials of this section of the settlement, and in turn, to the overarching significance of the CA.
6. The development would introduce a new dwelling to the appeal site, together with a separate detached garage, access and associated garden. This would partially erode the landscape buffer in this transitional zone, which would detract from the semi-rural character of this part of the CA. Indeed, much of the verdancy which is attributed to the open and undeveloped nature of the land would be lost. Any boundary fencing and domestic paraphernalia would also add clutter to the site, which would amplify the loss of openness in this location.
7. As a result, the development would harm the character and appearance of the area, and in turn, would fail to preserve or enhance the character or appearance of the CA. In this instance, I consider these harms would be less than substantial. This is partly due to the overhead lines running through the site, which have already partially eroded its rural character. Nonetheless, this in itself should not justify further harm to the site's character. As per the National Planning Policy Framework (2021) (Framework), great weight must be attributed to any harm to a heritage asset, in this case the CA, irrespective of whether such harm is "less than substantial" or otherwise.
8. The development would therefore conflict with Policy EM10 of the Basingstoke and Deane Local Plan (2011 – 2029) (Local Plan), which requires new development to positively contribute to local distinctiveness, sense of place and street scene. The development would conflict with similar character objectives set out in Policy OB&L7 of the Old Basing & Lychpit Neighbourhood Plan (2015–2029) (Neighbourhood Plan). The development would also contravene Policy EM11 of the Local Plan and Policy OB&L6 of the Neighbourhood Plan, which together seek to preserve or enhance the quality of the borough's heritage assets, in a manner appropriate to their significance. Finally, the development would conflict with the overarching design and character principles and objectives set out in the Council's Design and Sustainability SPD (2018) and the Old Basing Village Design Statement (2005).
9. I find no direct conflict with Policy EM2 of the Local Plan, which seeks to preserve strategic gaps between settlements in the Council's area. However, this factor does not affect my overall conclusions with regard to character and appearance and harm to the CA.

Trees

10. The appeal site contains a number of trees and hedgerow, which add a significant degree of verdancy to the site, which in turns contributes positively to the semi-rural character of the area. This verdancy is particularly apparent along the frontage to the site, as many of the site's trees run along its boundary with the highway. Whilst the appeal application only seeks outline

permission, it is likely that the development would necessitate the removal of some of these trees.

11. The appellant has not submitted any arboricultural survey or other relevant information to detail the health or quality of the existing trees and hedgerow, nor has any information been prepared to demonstrate how retained trees would be protected. Irrespective of the protection status of these trees, I am therefore unable to conclude whether the proposal would have an adverse impact on the trees and hedgerow within the site. In turn, the proposal could harm the verdant credentials of the site, which would be to the detriment of the prevailing character of the area.
12. The development would therefore conflict with Policy EM1 of the Local Plan, which says development must respect, enhance and not be detrimental to the character or visual amenity of the landscape, paying particular regard to trees, ancient woodland and hedgerows. The development would conflict with Principle T1 (Site Survey Requirements) set out in the Council's Landscape, Biodiversity and Trees Supplementary Planning Document (2018), which says a tree survey should be undertaken as part of an initial site investigation, where trees are on or within falling distance of a development site. The development would also conflict the Framework, which places great emphasis on the protection of trees and other green infrastructure.

Biodiversity

13. The appeal site is undeveloped, and comprises a mixture of woodland, grassland, and mixed scrub, which acts as supporting habitat for a variety of fauna and species. Given that the development would introduce a new dwelling with associated access and areas of hardstanding, it follows that parts of these habitats would be lost. This is confirmed by the Biodiversity Metric submitted by the appellant.
14. The appellant has indicated that the loss of habitat would be adequately offset by offsite planting, which would result in an overall biodiversity net gain. However, whilst this may well be a conceivable solution, no legal agreement has been submitted to secure any offsite planting. In turn, I cannot be certain that compensatory measures for the loss of habitat would be properly secured.
15. The appeal site is also located within the River Lodden Biodiversity Protection Area (BPA). The supporting text to Policy EM4 of the Local Plan notes that "BPAs are smaller specific areas deemed to represent primary opportunities for habitat improvement and restoration in the borough and they include areas of degraded or former key habitat types, areas that serve as an important buffer around existing habitats and areas that have a high potential to create links between existing key habitats". This text therefore highlights the importance of the site with regard to habitat potential, which means it is especially important to ensure any loss of habitat is appropriately compensated.
16. In turn, and without compensatory measures being properly secured, I am left with no option but to conclude that the development would harm the biodiversity of the site. It would conflict with Policy EM4 of the Local Plan, which says proposals will only be permitted if significant harm to biodiversity can be avoided. The development would conflict with objectives set out in the Council's Landscape, Biodiversity and Trees Supplementary Planning Document (2018), which says BPAs should be used to help inform net gains for

biodiversity. The development would also conflict with the overarching biodiversity objectives of the Framework.

Contamination

17. Evidence suggests that the site is located on a former landfill. Indeed, it was licensed for the disposal of inert and domestic waste between 1967 and 1974. This means the site could be particularly sensitive to risks from pollutants or contamination.
18. The appellant has not submitted any substantive evidence to demonstrate that the site would be suitable for residential development in this regard, and instead alleges that this issue could be addressed adequately by condition. However, on account of the heightened risk of ground contamination in this instance, it is appropriate for any such impact to be properly assessed prior to determination.
19. Indeed, Policy EM12 of the Local Plan highlights that “where there is likely to be some pollution related impact, quantifying this is vital to determining whether or not proposed development could acceptable or not”. The Policy goes on to say that “where the development would be sensitive to pollution, all information relating to the likely impacts should accompany any application for development. The absence of sufficient supporting information may lead to an application being refused”.
20. Given the risk of contamination and the lack of supporting evidence, the proposal would breach the requirements of this policy. The development would also conflict with the Framework, which makes it clear that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks from land instability and contamination.

Flood Risk

21. The appeal site is located within Flood Zones 1, 2 and 3, and is bounded by the River Lodden to its south-east. As set out in the appellant’s Flood Risk Assessment¹ (FRA), there is also an unnamed ordinary watercourse running through the site, which is a tributary of the River Lodden.
22. Whilst the FRA indicates that the site would “mostly” remain unaffected in both 1:1000 and 1:100 year flood events, it does show that parts of the site, particularly towards the northwest and southeast boundaries, could experience flood depths of between 1 and 1.1 metres during such events. When taken as a whole, the site is therefore vulnerable to flooding.
23. Given these risks, the FRA recommends that any development is located outside of the areas of the site which fall within Flood Zones 2 and 3. It also says the proposal should avoid a 5 metre buffer on each side of the ordinary watercourse, and a 3 metre buffer of the Thames Water sewer which runs along the site’s front boundary.
24. Owing to these constraints, the area left for development is limited. The indicative location of the new dwelling would broadly meet these parameters, however its built footprint is shown very close to the limits of these site constraints. This could be problematic at the rear of the new dwelling, where

¹ Stage 1 Flood Risk Pre-App Technical Note, Ambiantal Environmental Assessment,

the immediate garden area would encroach into the 5 metre buffer of the ordinary watercourse. Whilst I appreciate the application is outline only, this would potentially leave very little room for any areas of hardstanding or other types of ancillary development in and around the dwelling. The garage would also be located within the Thames Water sewer buffer, as would the site access.

25. Notwithstanding the appellant's contention that the development will incorporate soakaways and a sustainable drainage system, the Lead Local Flood Authority (LLFA) has raised concerns with the extent of information submitted. In particular, it has highlighted that the appellant has not provided any additional information on the surface water management proposal. This means it is unclear which drainage strategy the applicant is seeking for approval.
26. Given the site's vulnerabilities with regard to flooding, it is entirely appropriate for detailed drainage proposals to be required before determination of the application. Indeed, this information is needed to demonstrate that the proposal could feasibly come forward, without exacerbating flood risk.
27. On account of these factors, I consider that the submitted information is insufficient to demonstrate that the proposed development would not have an unacceptable impact with regard to flood risk. In turn, the proposal would currently conflict with Policy EM7 of the Local Plan, which says any development within areas of flood risk from any source of floodings will only be acceptable if it is clearly demonstrated that it is appropriate at that location. This includes a requirement to attenuate surface water run-off so that the run-off rate is no greater than the run-off prior to development taking place. The development would also conflict with the flood risk provisions of the Framework, which say development in any areas at risk of flooding should be avoided, by directing development away from areas at highest risk (whether existing or future).

Other Matters

28. The Council cannot demonstrate a five-year supply of deliverable housing, which means its policies relating to delivery of housing are out of date. Paragraph 11(d)(ii) of the Framework (tilted balance) is therefore engaged. Nonetheless, paragraph 219 of the Framework is clear that due weight should still be given to existing policies according to their degree of consistency with the Framework.
29. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area, highlighting the need for it to be visually attractive and sympathetic to local character and surrounding built environment. On this theme, paragraph 131 emphasises the importance of trees to the character of an area. Paragraph 159 seeks to direct new development away from areas most vulnerable to flooding. Paragraph 174 places great importance on the preservation of the natural environment. Paragraph 183 says a site must be suitable for development, taking account of ground conditions and any risks from contamination, and paragraph 189 highlights the importance of heritage assets as an irreplaceable resource, and says these should be conserved in a manner appropriate to their significance.

30. The Framework therefore reflects the content of the Local Plan and the Neighbourhood Plan with regard to character and appearance, heritage, trees, biodiversity, contamination and flood risk. Even accounting for the Framework's objective of boosting the supply of housing and the Council's housing land supply position, the conflict between the proposal and the relevant policies should therefore be attributed significant weight in this appeal.
31. The proposal would contribute a single dwelling to the Council's housing stock. Whilst any increase is desirable, the net addition of one dwelling would only be a modest contribution in this instance. In turn, and on account of the various harms identified, including harm to a heritage asset (to which great weight must be attributed), the adverse impacts of the development would significantly and demonstrably outweigh the scheme's benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development would not apply in this instance.

Conclusion

32. The development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR