



Appeal Decisions

Hearing held on 17 October 2023

Site visit made on 17 October 2023

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal A Ref: APP/N1730/W/23/3325419

Nyasaland, Crondall Road, Crookham Village, Fleet, Hampshire GU51 5SU

- 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 Richard Potts on behalf of Chartfield Homes (Nyasaland) Limited against the decision of Hart District Council.
 - The application Ref 22/02794/OUT, dated 9 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is outline application for the erection of five x four bedroom self-build/custom build dwellings with community allotments, parking and servicing and access to the public highway following removal of existing caravans and demolition of existing hut and barns.
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Appeal B Ref: APP/N1730/W/23/3318602

Nyasaland Crondall Road, Crookham Village, Fleet GU51 5SU

- 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 Richard Potts on behalf of Chartfield Homes (Nyasaland) Limited against the decision of Hart District Council.
 - The application Ref 22/01510/FUL, dated 11 July 2022, was refused by notice dated 5 October 2022.
 - The development proposed is a replacement Dwelling with access from Crondall Road following demolition of existing dwelling on site.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. The planning application for Appeal A was submitted in outline form with all matters reserved for future consideration, with the exception of access. Whilst the drawings indicate the siting of the dwellings, the appellant confirms that these are illustrative only. I have determined the appeal on that basis.
4. During the hearing, the appellant submitted a draft unilateral undertaking (UU), pertaining to the provision of an area of a Suitable Alternative Natural Greenspace (SANG) and a financial contribution towards the funding of Strategic Access Management and Monitoring (SAMM); allotment specification and ownership; and, securing the dwellings as self-build plots in relation to

Appeal A. The appellant was given additional time following the hearing to enable them to have further discussions with the Council to reach an agreement on the terms of the UU. A certified copy of the executed UU was subsequently submitted 2 November 2023. I have determined the appeal on the basis of this copy.

5. Given the UU makes provision for suitable provision for an area of SANG and a contribution towards the funding of SAMM the Council confirm they withdraw reason for refusal 5 in their decision notice for Appeal A. I shall address this further in my decision.
6. Immediately prior to the hearing and during the hearing, the appellant sought to submit an updated walkover survey, acknowledging the survey submitted with the appeal was the incorrect version. The appellant had sufficient time between the submission of the appeal and reasonable time prior to the hearing to submit the updated version. The Council noted the survey was the incorrect version in their Statement of Case, which should have prompted the appellant at the time to submit the correct version. However, they did not do so. Given the need for the Council to sufficiently review the updated survey, including the likely need to seek specialist advice from their ecologist, less than two days to do this is not reasonable. Consequently, the request to submit the survey was declined as to accept it would prejudice the Council's position in that they could not reasonably provide an adequate response in such a short period of time.
7. Following the lodging of the appeals, a revised version of the National Planning Policy Framework (the Framework) has been published and this is a material consideration which should be taken into account from the date of its publication. I have therefore determined the appeal in light of the revised Framework. Comments were sought from the parties on this matter at the hearing.

Main Issues

8. In respect of Appeal A, the main issues are:
 - Whether the development is in a suitable location for housing, having regard to the Council's housing strategy;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the provision of affordable homes; and
 - The effect of the development on biodiversity.
9. In respect of Appeal B, the main issues are:
 - Whether the development is in a suitable location for housing, having regard to the Council's housing strategy; and
 - The effect of the development on the character and appearance of the area, including trees.

Reasons

Appeal A and Appeal B - Location

Previously Developed Land

10. The appeal site comprises a caravan with a porch extension and two, large, metal clad barns of an agricultural design, a dilapidated workshop and surrounding overgrown grassland. There is no dispute between the parties that since the caravan has been extended, it is now considered to be a dwelling, albeit it is in a state of disrepair and currently vacant. I find no reason to conclude otherwise. At the time of my site visit, there was an additional static caravan on site that appeared to be occupied. The buildings are set within an area of hardstanding, which at the time of my visit, was partly used for the storage of piles of rubble. Surrounding the buildings is open, overgrown grassland. There are no physical boundaries between this grassland and the buildings.
11. Policy SS1 of the Hart Local Plan, adopted 2020, (the HLP) states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites. There is no dispute that the appeal site is located outside any defined settlement and is not an allocated site in the development plan. The appellant contends that the site is previously developed land.
12. The glossary to the National Planning Policy Framework (the Framework) defines previously developed land as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.' There is no dispute that the dwelling (caravan with porch extension) is a permanent structure and amounts to previously developed land. The question is whether the entire site, for both Appeal A and Appeal B, amounts to previously developed land.
13. There is no legal definition of 'curtilage'. I have been referred to the Court of Appeal decision in *Dyer v Dorset CC* [1988] 3 WLR 213. *Dyer* provides authority that the term 'curtilage' bears its restricted and established meaning connoting a small area forming part and parcel with the house or building which it contained or to which it was attached. The term 'curtilage' is constrained to an area about a building; 'the area attached to and containing a dwellinghouse and its outbuildings'. The size of that area is a matter of fact and degree. It has since been established that the test is not whether the land and building together form part of the same unit. The correct test is whether the land is so intimately associated with a building that the land forms part and parcel of the building.
14. The dwelling was originally granted planning permission to be occupied by an agricultural worker in association with the agricultural use of the land at that time. It is a standalone structure with no demarcated garden area or external private amenity space. The area immediately surrounding the dwelling, including the hardstanding, the buildings and the surrounding grassland is contiguous with each other, with no physical boundaries separating them. Therefore, there is a reasonable argument that they form part of the same unit. However, the test is whether the land is so intimately associated with a building that the land forms part and parcel of the building.
15. Part of the hardstanding would no doubt be used for the parking of vehicles in association with the dwelling, although given the extent of the area of hardstanding it would certainly not all be used as such. The buildings and the extensive surrounding grassland do not appear to be used in any way

associated with the dwelling. It therefore cannot be said that the vast majority of the hardstanding, the buildings and surrounding overgrown grassland are so intimately associated with the dwelling that they are part and parcel of it.

16. The fact that the buildings can be seen from the dwelling has no bearing on whether they form part of its curtilage. Moreover, whilst it is not clear what the lawful use of the barns are, that does not automatically mean they must have a residential use associated with the dwelling and therefore fall within its curtilage. There is no evidence to support such a use.
17. Therefore, I do not consider that all of the appeal site, for both Appeal A and Appeal B, falls within the curtilage of the dwelling. Indeed, little, if any, of the land beyond its footprint is considered to be its curtilage. Consequently, whilst the appeal sites do include previously developed land, ie the dwelling, this forms a very small part of the appeal sites.

Replacement Dwelling

18. In respect of Appeal B, Policy NBE1 of the HLP restricts development outside settlement boundaries to certain forms of development. NBE1 g) allows replacement dwellings. The Council does not dispute that the proposal for Appeal B would amount to a replacement dwelling and therefore, in principle, it accords with Policy NBE1 g).
19. Policy SB01 of the Crookham Village Parish Neighbourhood Plan (as made in 2021) (NP) also restricts development outside settlement boundaries to certain forms of development. However, replacement dwellings are not included in the list of such permitted development. Therefore, it would fail to comply with the requirements of Policy SB01. The development permitted in Policy SB01 is a closed list because it clearly states '...development will only be supported where it serves or supports the following purposes or activities'. The word 'only' emphasises that this is a closed list and therefore any other purpose or activity not listed, such as a replacement dwelling, would not be supported by the policy.
20. I acknowledge the appellant's argument that there is therefore a conflict between the HLP and NP. However, the NP is simply more restrictive than the HLP. I note the NP was made after the HLP was adopted and is therefore the most up-to-date policy for the parish. Therefore, whilst, in principle, the development does not conflict with Policy NBE1 of the HLP, there is conflict with Policy SB01. The Inspector for the previous appeal decision¹ makes no reference to Policy SB01 of the NP in their decision. Therefore, I do not agree they found no conflict with it.
21. Taken as a whole, the development plan therefore does not support the principle of replacement dwellings outside settlement boundaries within Crookham Village Parish.
22. The appellant refers to paragraph 80 of the Framework, which states 'decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply...c) the development would re-use redundant or disused buildings and enhance its immediate setting.'
Notwithstanding the question of whether Appeal B would be an isolated home in the countryside, bearing in mind its proximity to neighbouring dwellings on

¹ Appeal ref: APP/N1730/W/21/3275073

the opposite side of Crondall Road, the proposal does not seek to re-use a building; it seeks to replace one. Therefore, this paragraph is not applicable to the proposal.

Conclusion

23. Overall, the appeal sites are located outside settlement boundaries, and whilst they include previously developed land, this only forms a very small portion of the sites. Consequently, the proposals fail to comply with the Council's strategy for housing growth in the district. As such, the proposals are contrary to Policy SS1 of the HLP and Policy SB01 of the NP. In respect of Appeal A, it would also fail to comply with Policy NBE1 of the HLP. Whilst I have found no conflict with Policy NBE1, in respect of Appeal B, it nevertheless fails to comply with Policies SS1 and SB01 and the housing strategy for housing growth in Crookham Village Parish.

Appeal A and Appeal B - Character and Appearance

24. The site is located within the open countryside, adjacent to the settlement boundary of Crookham Village. Crondall Road abuts the eastern boundary of the site and comprises residential properties of various design and scale. The Exchequer public house on the opposite side of the road is within proximity of the site. The built-form lining either side of Crondall Road is linear, reinforcing the rural context of the area.
25. The metal clad buildings and the surrounding grassland provides the site with an agricultural appearance, albeit it is no longer used as such, which makes a positive contribution to the surrounding rural setting. Although the dilapidated condition of the dwelling and the workshop contribute to the unkempt appearance of the site, their modest size and scale have limited impact on the landscape. The trees and hedges that bound the site with Crondall Road largely screen the existing buildings from views from the road, although in winter months when the trees are not in leaf the buildings would be more prominent. It is also prominent from Public Right of Way 11 (PRoW11) to the north of the site.
26. In terms of Appeal A, all of the existing buildings would be replaced. Although the details of siting are reserved for future consideration, the indicative plans submitted with the appeal indicate that the dwellings would be set within the site, accessed via a single access road. This would create a small enclave of development that would be in marked contrast to the predominantly linear form of development found along this stretch of Crondall Road.
27. In addition, the existing built-form is located within the centre of the site. The proposed development would encompass a much larger portion of the site, encroaching further onto land that is otherwise free from built-form. Moreover, the introduction of five dwellings on to a site that currently only has a single, small dwelling, would create a significantly greater domestic appearance, not just by the buildings themselves but also the access road, parking and turning areas and the residential curtilages that would no doubt contain various domestic paraphernalia. This would significantly diminish the rural character of the site and the wider area.
28. I acknowledge the land surrounding the dwellings and the allotments would be utilised for biodiversity net gain and would therefore likely improve the visual

appearance of this part of the site. However, I do not find that this improvement would mitigate the harm the development would have due to its diminishment of the rural character and appearance of the site and the area. The dwellings would still appear as an incongruous encroachment into the open countryside and would fail to reflect the existing pattern of development in the area.

29. In respect of Appeal B, the new dwelling would replace the existing dwelling and workshop. These existing buildings are both low-key, single-storey buildings. The proposed dwelling would have a ridge height of approximately 6.7m, which would be far higher than the buildings it would replace, albeit it would be of a dormer bungalow design.
30. The overall floorspace of the new dwelling would be approximately 40sqm greater than the cumulative floorspace of the existing dwelling and workshop. Therefore, the overall mass of built-form would be significantly greater. Moreover, it would be consolidated into one large building, rather than dispersed between two modest sized buildings that are notably distant from each other. Consequently, the new dwelling would reduce the openness of the site.
31. Furthermore, the new dwelling would have a significantly greater residential curtilage, which would likely lead to the introduction of domestic paraphernalia, garden sheds, landscaped gardens etc., which the existing dwelling does not have.
32. Overall, the proposed dwelling would fail to reflect the scale and mass of the existing dwelling it seeks to replace and would lead to a significant increase in the domestic character and appearance of the site, which would diminish its rural setting.
33. Whilst the two existing buildings it seeks to replace are both in a state of disrepair, I do not consider that this is sufficient justification for their replacement with a substantially larger building. Although landscaping may mitigate some of the visual impact of the dwelling, it would not be enough to adequately reduce the harm I have identified.
34. During the hearing, the appellant confirmed that the plan attached to the Tree Survey and Impact Assessment was incorrect as it was for the previously refused scheme. However, the survey and its findings are based on the current proposal and found there would be no unacceptable harm to the existing trees. The Council accepted this explanation during the hearing and offered no further objection in respect of the effect on trees. I find no reason to conclude otherwise.
35. The site is visible within Key View 09 identified in Policy NE02 of the NP, which is described as 'Views across open, elevated farmland of the Crondall Road settlement, north of the Canal crossing towards the Beacon Hill Ridge, provide a strong sense of place. To the south east there are distant views of approximately 2 miles and the pervading sense of tranquil countryside is reinforced by an important population of skylarks.' Given it is on the periphery of this view, the developments would have limited effect on it. There would still be uninterrupted views of the elevated farmland and the surrounding countryside.

36. I therefore find the developments would significantly harm the character and appearance of the area, contrary to Policies SD1, NBE2 and NBE9 of the NLP, which seek to promote sustainable development; ensure development respects the visual amenity of the District's landscapes; and, are of a high quality design and positively contribute to the overall appearance of the local area. In addition, they are contrary to Policies BE01 and BE02 of the NP, which seek to ensure development respects the local character and appearance of the setting and is appropriate to the nature, scale and location of the development. Moreover, they would be contrary to saved Policy GEN1 of the Hart District Local Plan 2009, which seeks to ensure development is in keeping with the local character. It would also fail to accord with the design objectives of the Framework.
37. Given the developments would not unacceptably harm Key View 09, I find no conflict with Policy NE02 of the NP.
38. The appellant contends the Inspector in the previous appeal found no conflict with Policy BE02 of the NP. However, there is no evidence before me to indicate that this policy was presented to the Inspector for him to consider. It is presented to me in the appeals before me and so I must conclude against it.

Appeal A – Affordable Housing

39. Policy H2 of the HLP states 'On major developments (i.e developments where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more) the Council will require 40% of the new homes to be affordable housing.'
40. I acknowledge not all of the appeal site would contain built-form. Nevertheless, Policy H2 does not distinguish between the built-form and non-built-form parts of a site. In the context of H2, 'the site' should be read as meaning the site containing the proposed development. In this instance, at the very least, this includes the proposed dwellings, their associated gardens, parking, access road, turning areas, the allotments and the SUDS pond (as indicated on the indicative plans). I accept the surrounding land that would be utilised for biodiversity net gain could reasonably be excluded from the site. However, the remaining site would nevertheless far exceed the 0.5 hectare threshold for the provision of affordable housing.
41. Nevertheless, this is somewhat of an academic point; the application is in outline form with all matters but access reserved for future consideration. Therefore, it is entirely reasonable to consider the whole site edged in red to be 'the site' for the purposes of Policy H2.
42. Consequently, as none of the dwellings are proposed to be affordable homes and no contributions towards affordable homes in lieu of on-site provision has been proposed, the proposal would fail to make an adequate contribution towards affordable housing. As such, it would fail to comply with Policy H2 of the HLP.

Appeal A - Biodiversity

43. Given the existing barns, overgrown grassland and natural boundaries to the site, there is a reasonable likelihood that they provide habitats for protected species. A Walkover Survey was undertaken in July 2022 by All Ecology. The results of the survey indicate there is evidence of a number of species present on the site, including badgers and barn owls. However, the survey area did not

cover the entire site. It appears to only focus on the existing buildings and their immediate surroundings. There is no indication that it covered the wider, overgrown grassland.

44. As I have referred to earlier in my decision, the appellant sought to submit an updated survey immediately prior to the hearing. However, for the reasons I have already set out, this was not accepted.
45. Therefore, in the absence of a suitable survey that covers the entire site, it has not been sufficiently demonstrated that the proposal would not cause unacceptable harm to biodiversity. The appellant has suggested that an updated survey could be the subject of a pre-commencement condition, were I minded to allow the appeal. However, Paragraph 99 of Circular 06/2005² is clear that a precautionary approach should be taken in respect of protected species, and surveys should be undertaken prior to the grant of planning permission, to take full account of the presence of protected species, which are an important material planning consideration. Whilst ecological surveys can be carried out under conditions attached to a planning permission, this should only be done in exceptional circumstances. There is no evidence before me to suggest there are any such exceptional circumstances.
46. Consequently, it would be unreasonable to condition a further survey as this information is required from the outset to make an informed decision, consistent with the guidance in paragraph 99 of Circular 06/2005. In the absence of the updated survey, I am unable to determine what proposed mitigation measures would adequately safeguard or compensate for any harm caused to protected species by the proposal.
47. I find therefore that, in the absence of a suitable walker survey covering the appeal site, it is not possible to ascertain the effect the development would have on biodiversity. Therefore, the proposal would fail to comply with Policy NBE4 of the HLP, which seeks to conserve and enhance biodiversity.

Other Considerations

Appeal A - Self-Build

48. With regard to appeal A, the five dwellings would all be self-build dwellings. The only policy reference to self-build housing in the development plan that I have been referred to is within Policy H1 of the HLP. Criterion d) of Policy H1 states that on developments of 20 or more dwellings, 5% of plots should be for self or custom build homes. Given the proposal is for five dwellings, this is not applicable. As there is no further reference to self-build homes within the development plan, the appellant argues that paragraph 11d) of the Framework should therefore be engaged.
49. Paragraph 11d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There is no dispute the Council has a healthy supply of deliverable

² Biodiversity And Geological Conservation – Statutory Obligations And Their Impact Within The Planning System, ODPM 2005

- housing sites. The question is whether there are no relevant development plan policies.
50. Whilst there are no policies that explicitly reference self-build homes, with the exception of Policy H1, that does not necessarily mean there are no relevant policies to consider the proposal against. For example, Policy SS1 of the HLP refers to 'New Homes'. It relates to all new homes, regardless of type or tenure. As I have done above, and indeed so have the appellant's, the proposal can be squarely considered under Policy SS1. Therefore, this policy is relevant.
 51. Moreover, the question is not whether there are relevant development plan policies for every aspect of a development. Even if I accepted the appellant's argument that there are no policies relevant to self-build homes, there are clearly policies relevant to other aspects of the development, for example, policies relating to design and biodiversity. Therefore, it cannot be said that there are no relevant development plan policies. As such, paragraph 11d) is not engaged.
 52. I note my conclusion on this matter is contrary to the findings of the Inspector in the appeal³ referred to me by the appellant, who found that there were no relevant development plan policies relating to self and custom build housing and therefore applied paragraph 11d). However, whilst I have not been presented with the evidence that was before the Inspector in that appeal, I am not bound by their decision, albeit I acknowledge it is a significant material consideration.
 53. In terms of existing self-build and custom homes provision within the district, the Hart District Council Authority Monitoring Report 2021/22 (AMR), published 2022, confirms the supply of self-build and custom build housing exceeds the current demand, having regard to the demand for each base period having to be met within three years. In addition, the Council confirmed during the hearing that the development referred to in paragraph 2.55 of the AMR was recently granted planning permission, therefore providing an additional 6 self-build and custom housebuilding plots.
 54. I note the significant difference between the level of demand for self-build and custom housebuilding plots in the district compared to other neighbouring local authorities, with neighbouring authorities having a substantially higher demand. The appellant argues this is a clear indication that the level of demand identified by the Council is incorrect. The Self Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a local register of self and custom-builders who wish to acquire suitable land to build their own home. There is no evidence before me that the Council do not publicise their register. In addition, The Self-build and Custom Housebuilding Act 2015 and the Planning Practice Guidance (PPG) clearly set out that the onus is on the individuals/associations to register their interest. Therefore, the Council appear to meet their statutory requirements.
 55. During the hearing, the appellant argued there was a discrepancy between the demand identified in the 2019/2020 AMR, the 2020/2021 AMR and the 2021/2022 AMR. Paragraph 7.27 of the 2019/2020 AMR identifies a total demand of 15 plots. Paragraph 2.35 of the 2020/2021 AMR identifies 12

³ Appeal ref APP/R1845/W/21/3284761

individuals and 2 associations on Part 1 of the register, totalling 14 plots. Paragraph 2.45 of the 2021/2022 AMR identifies 13 individuals and 3 associations on Part 1 of the register. Whilst there is a slight difference in demand, this could reasonably be accounted for by way of those on the register obtaining a self-build custom housebuilding plot or simply taking themselves off the register. There is no evidence before me to suggest the level of demand identified in the AMR is incorrect. In terms of supply, the 2021/2022 AMR indicates there has been a surplus of plots granted planning permission for each given base period since 2019/2020, with the most recent surplus being 8 plots. Therefore, based on the evidence before me, I am satisfied that the Council is meeting the demand for self-build and custom housebuilding plots.

56. The details of which individual sites have been identified as self-build and custom plots by the Council is not clear and I note the appellant's Freedom of Information request to the Council for such information. I do not accept that the Council's failure to provide the requested information is to be interpreted as an admission that the figures in the AMRs are incorrect. It would be wholly inappropriate for the Council to manufacture the figures by taking into account sites that do not meet the definition of a self-build and custom housebuilding plot.
57. The PPG states that 'in considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.' The Council confirm they contact people after planning permission has been granted to enquire whether the dwelling will be a self-build or custom home, even if the planning application made no such reference. The appellant argues that this does not meet the guidance set out in the PPG. The PPG states that 'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period.' Therefore, the Council need only ensure there are enough serviced plots that could be used to meet the demand for self-build and custom housebuilding in their area. There is no requirement that the plots can only be counted as such if they are granted planning permission on the basis that they are to be self and custom build plots.
58. The PPG does not prevent the retrospective assessment of the supply of plots. Providing the site is a serviced plot and the dwelling that is ultimately built meets the definition of a self-build or custom dwelling, it matters not whether the Council ascertained this after permission was granted or indeed whether the permission was granted on the basis it was for such a home. For example, outline planning permission with all matters reserved for future consideration could be granted for a dwelling, with no reference to it being, or indeed intention for it to be, a self-build or custom build home. Once permission has been granted, the owner may then decide to build a self-build or custom home or sell the plot and then the new owner may wish to build a self-build or custom home. Such information would only be available after planning permission was granted and therefore it is not unreasonable for the Council to make such enquiries.

59. I have had regard to the appeal decision in Holyport⁴, referred to me by the appellant. In that appeal, the Council had a significant shortfall in the supply of self-build and custom housing building plots. This is in marked contrast to the appeal before me whereby I have found that the Council are currently meeting the demand. Therefore, I cannot draw any direct comparison with the appeal before me that would weigh in its favour.

Other Matters

Appeal A - Thames Basin Heaths Special Protection Area

60. The appeal site is located within the 400m-5km 'zone of influence' of the Thames Basin Heaths Special Protection Area (SPA). Notwithstanding the submission of the UU and the SANG provision and SAMM contributions, the appeal will be dismissed for reasons not related to the SPA. Accordingly, it is not necessary for me to conduct an Appropriate Assessment under the Habitats Regulations⁵.

Planning Balance

61. Whilst Appeal A is for self and custom build dwellings, based on the evidence before me, the Council is meeting the current demand for self and custom housebuilding plots, thus reducing the weight I attribute to this. In addition, the provision of allotments would be a benefit to the area, improving personal well-being, encouraging sustainable foodstuffs and making a positive contribution to the green infrastructure of the District. However, individually or cumulatively, these benefits do not outweigh the significant conflict with the housing strategy, the harm to the character and appearance of the area, the lack of affordable housing provision and harm to biodiversity.
62. I acknowledge the Council raise no objection in terms of residential amenity, flood risk and drainage, and highway safety and parking. However, these are neutral matters that neither weigh in favour of nor against the proposals.

Conclusion

63. For the reasons given above, having considered the development plan as a whole and all material considerations, Appeal A and Appeal B are dismissed.

A Walker

INSPECTOR

⁴ Appeal Refs: APP/T0355/W/22/3309281 and APP/T0355/W/23/3314990

⁵ The Conservation of Habitats and Species Regulations 2017.

APPEARANCES

FOR THE APPELLANT:

Richard Potts	Appellant
Andrew Black	Andrew Black Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Miller	ET Planning
Kathryn Pearson	Hart District Council

INTERESTED PERSONS:

Max Clark	Local Resident and Representative of FACE IT
Cllr. David Jackson	Parish Councillor
Cllr. Tina Collins	District Councillor
Chris Body	Local Resident
Michael King	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of a letter dated 16 August 2023, including a list of those sent to, notifying interested parties of the appeal being lodged and to be heard via the hearings procedure – submitted by the Council
- 2 Drawing no. 19182 P410 B, Proposed Site Area Allocations - submitted by the appellant.
- 3 Appeal Decision APP/T0355/W/22/3309281 and APP/T0355/W/23/3314990 – submitted by the appellant.

DOCUMENTS SUBMITTED AFTER THE HEARING

- 1 Section 106 Unilateral Undertaking, signed and dated 2 November 2023 – submitted by the appellant.