



Appeal Decision

Site visit made on 3 April 2024

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/H1705/W/23/3325916

Land adjacent to 7A Manse Lane, Tadley, Hampshire RG26 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Champion Group against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/00848/FUL.
 - The development proposed is the erection of a single dwellinghouse and alterations to access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading above is taken from the Council's decision notice as it more accurately identifies the location of the appeal site.
3. In December 2023 the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.

Main Issue

4. The main issue in relation to this appeal is the effect of the proposed development upon the character and appearance of the area, with particular regard to the Tadley Conservation Area (CA).

Reasons

Conservation Area

5. In so far as is relevant to this appeal, the significance of the Tadley CA derives from the domestically scaled and simple vernacular architecture framed by narrow, intimate lanes that provide a strong sense of enclosure. This contrasts with the interspersed open spaces including private gardens, the graveyard of the Tadley United Reform Church (TURC) and agricultural fields to the west. It is this spatial composition and architectural quality that is of historical and aesthetic value to the significance of the CA.

6. The appeal site comprises a parcel of land forming part of the undeveloped frontage to 6 recently constructed dwellings, now forming Cherry Close¹. It is identified as forming part of an 'Open Area of Townscape Significance' (OATS). The Tadley Conservation Area Appraisal (TCAA) 2004 indicates that this area is strongly evocative of the historic development of the settlement where buildings encroached onto what was once common land. The appearance of the OATS has fundamentally changed since the production of the TCAA from a field² to a more developed nature, through the laying of extensive and formal hardstanding, such that a degree of harm to the appearance of the OATS has already occurred.
7. Not immediately visible due to the contained nature of Manse Lane, the appeal site gently emerges into view, particularly when travelling in an easterly direction. From this vantage point it is seen as visually open and free from 3-dimensional development, reinforcing the townscape quality of enclosure punctuated with more open vistas. The appeal site therefore still makes an important and positive contribution to the character and appearance of the CA as described above and as set out within the TCAA.

Effect of the Proposal

8. The site of the proposed dwelling is to be retained as part of the previous planning permission (17/01619/FUL), as a soft landscaped area set behind a newly planted hedgerow³. The Council estimates the current proposal would instead lead to a loss of more than half of the open, verdant landscaping that was previously designed to be retained, resulting in a significant loss of open space. The appellant has not disputed this figure but suggests that it is not a case of quantifying the loss, but rather a matter of visual assessment and planning judgement.
9. It is clear from the evidence before me and my observations that the erection of a 2-storey dwelling with associated curtilage would result in the loss of a considerable area of the OATS. This would compound and exacerbate that already lost through the erection of the southern-most Cherry Close dwelling and the extensive swathes of hardstanding now forming access drives.
10. Even if the design of the proposed dwelling could be considered to be acceptable, the solid scale and mass of the development, would significantly erode the sense of spaciousness that is characteristic of this part of the street scene and the wider CA. Whether or not the proposed dwelling would align with the property behind, its visual enclosure of the site frontage would be particularly noticeable in westerly views adjacent the boundary with Lockwood. Here the containment of Manse Lane by the proposal, would curtail the currently open views that are possible across the appeal site towards the Cherry Close dwellings. Thus, the proposal would be harmful in both visual and spatial terms, urbanising the appearance of the site and exacerbating the harm already caused to the OATS as identified above.
11. The retention of an area of landscaped open space provided to the west of the appeal site and to the front of the Cherry Close dwellings would not overcome nor compensate for the adverse effects identified. I therefore concur with the

¹ Planning application reference 17/01619/FUL.

² As shown in the photographs supplied by an interested party.

³ Figure 1 of the Council's statement of case indicating the approved landscape plan for condition 5 of planning approval 17/01619/FUL.

findings of the previous Inspector in this regard⁴. Neither would the existing residential development to the north and east mitigate the visual and physical encroachment of the proposal on the OATS.

12. To the front of the proposed dwelling would be a garden. Laid out predominantly for the purposes of parking and turning and largely enclosed by a hedgerow, it would not form open space, nor retain a visual sense of openness⁵.
13. The Council is clear that the majority of the Cherry Close dwellings are sited on the former building lines of the now demolished No's 3-7 Manse Lane, and not within the OATS⁶. However, given that the southern-most dwelling did encroach upon the OATS, the previously approved scheme was considered to cause less than substantial harm to the character and appearance of the CA. This means that harm was identified to the OATS. However, that harm was considered to be outweighed by the public benefits of the provision of 6 dwellings. Thus, the previous permission has not established that built form within the OATS is acceptable in any circumstance.
14. I find that the proposed siting of the development is not informed by the local context as an undeveloped plot of land that is integral to the OATS. The encroachment of built development upon the OATS would significantly and permanently harm the aesthetic and historical value of the Tadley CA for the duration of its lifetime. The proposal would not preserve or enhance the character of the CA. Conflict is therefore found with Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2016 (LP). These policies seek amongst other things, to conserve or enhance the quality, distinctiveness and character of heritage assets through high-quality design that shows an understanding of the history of the surrounding area, objectives shared by the Heritage Supplementary Planning Document (2019).
15. The TCAA is a general statement of character, rather than specific policy or guidelines in respect of new development within the CA. I have not therefore concluded against this document.
16. In the language of the Framework, the harm to the significance of the CA would be less than substantial. This harm commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. I am therefore directed by paragraph 208 of the Framework, to weight the harm against the benefits of the proposal.

Heritage Balance

17. The proposed development would boost the supply of housing in an accessible location. Even if the site could be considered to be brownfield land, 1 dwelling would provide only modest economic and social benefits from construction work during the building phase and through the ongoing support of local services and facilities from future occupation.
18. It is not clear how the proposal would improve the visibility splays along Manse Lane given that the existing access to Cherry Close appears to have been laid out to achieve good visibility. Whilst there is an existing access to the appeal

⁴ As cited in the Council's officer report.

⁵ As indicated in the site layout drawing, number 16102.41-A.

⁶ As set out in the Council's officer report.

site as it no longer appears to serve a specific purpose, its improvement would not be of any particular benefit.

19. A biodiversity net gain (BNG) metric or calculations of the appeal site's current or future biodiversity value, with or without the proposed development have not been presented as part of the appeal for me to consider BNG as a benefit.
20. Consequently, when giving considerable importance and weight to the special regard I must have to the desirability of preserving or enhancing the character and appearance of the CA⁷, I find that the significant harm that would arise from the proposal would not be outweighed by the modest public benefits. Conflict would occur with paragraph 206 of the Framework, as any harm to the significance of the designated heritage asset would not have clear and convincing justification.

Other Matters

21. Paragraph 226 of the Framework sets out that for decision making, local planning authorities which have an emerging local plan at Regulation 18 or 19 stage including both a policies map and proposed allocations towards meeting housing needs, will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 4 years' worth of housing, (with a buffer if applicable) against the housing requirements set out in adopted strategic policies, or against local housing need where the strategic policies are more than 5 years old. This replaces the previous requirement to demonstrate a minimum of 5 years' worth of housing supply.
22. Undisputed by the appellant, the Council has advised that the emerging plan is at Regulation 18 stage⁸ and that it has a housing land supply (HLS) in excess of the required 4 years⁹. Therefore, in relation to paragraph 11d of the Framework, the Council's HLS position would not trigger the presumption in favour of sustainable development.
23. Even if I was able to conclude that the Council was required to, and could not demonstrate a 5 year HLS, paragraph 11d) indicates that permission should be granted unless: 11d)i the application of policies in the Framework that protect areas or assets of importance provides a clear reason for the development proposed or, the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole 11d)ii.
24. Footnote 7 of the Framework identifies designated heritage assets (such as CA's) as one of the areas that paragraph 11d)i relates to. Therefore, the policies in the Framework that protect areas of particular importance provide clear reasoning for refusing the development proposed. Even if that were not the case, the adverse impacts of granting planning permission would not be outweighed by the benefits. Either way, the presumption in favour of sustainable development would not apply.
25. Both parties reference the nearby Grade II listed building of the TURC (Ref: 1092441). As a statutory consideration, I am required to have regard to this

⁷ As set out in Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).

⁸ The appellant was given opportunity to comment on this matter during the appeal process, but no response was received.

⁹ As set out in the Council's Updated Housing Land Supply Position (Feb 24).

property in determining this appeal. From the information before me, including the list description and my visit, I consider that given the location and siting of the Church in relation to the appeal site, beyond the existing built form and mature planting, it would have very little if any, intervisibility with the proposal. As such, I consider that the Church does not form part of the setting of the appeal site. The lack of harm in this regard is however, neutral in the planning balance.

26. The Council considers that The Gables and The Manse are NDHA's. There are several ways in which NDHA's may be identified, including during the planning application process. The Planning Practice Guidance is clear however, that decisions to identify NDHA's are based on sound evidence¹⁰.
27. From my observations, The Gables appears to be a 20th century chalet style bungalow, such that I could not consider it as a NDHA. Although the name The Manse clearly infers a relationship with a Church, likely to be that of the TURC, its significance as an NDHA is unclear given the deficiency in the evidence presented. Even if it could be considered as an NDHA, The Manse is separated from the appeal site by residential development and established landscaping including evergreen species, such that the proposal would be unlikely to affect its setting. In any event, given my findings in respect of the main issues, this matter is not determinative to the appeal, such that I am not required to consider it further.
28. Although the proposed development has evolved with a view to addressing concerns raised in respect of a previously withdrawn iteration for development¹¹, this scheme would result in harm to the OATS and the character and appearance of the CA for the reasons given.
29. The lack of harm to protected species and technical objections from statutory consultees are neutral matters, weighing neither for nor against the proposal. The provision of a satisfactory residential environment for future occupiers is to be expected of all new development.

Overall Balance and Conclusion

29. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise. Whilst there would be benefits associated with the proposal, there are no material considerations of such weight, including the provisions of the Framework, to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. For these reasons, and having had regard to all other matters raised, the appeal is dismissed.

M Clowes

INSPECTOR

¹⁰ Paragraph: 040 Reference ID: 18a-040-20190723.

¹¹ Planning application reference 21/03183/FUL