



Appeal Decision

Site visit made on 27 February 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02.05.2024

Appeal Ref: APP/H1705/W/23/3323328

West View Farm, Baughurst Road, Baughurst RG26 5LL

- 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 and Mrs Giles against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03332/FUL, dated 22 October 2021, was refused by notice dated 17 April 2023.
 - The development proposed is the erection of 3 no. detached dwellings with garages, parking and associated landscaping following the demolition of existing stables/barn.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 no. detached dwellings with garages, parking and associated landscaping following the demolition of existing stables/barn at West View Farm, Baughurst Road, Baughurst RG26 5LL in accordance with the terms of the application, Ref 21/03332/FUL, dated 22 October 2021, subject to the attached schedule of conditions.

Preliminary Matters

2. The description of development for the proposals changed within the course of the planning application as the appellants amended the scheme. I have therefore taken the description of development in the banner above from the Council's decision notice.
3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is the effect on the character and appearance of the surrounding area.

Reasons

5. The site is located within the countryside, as defined by the Basingstoke and Deane Local Plan 2011-2029 (2016) (LP). It includes a variety of equestrian structures and facilities, associated with the adjacent West View Farm. A number of residential properties sit between the appeal site and Baughurst Road.
6. The appeal scheme proposes large, detached houses within sizeable plots, which reflects the general character of Baughurst Road. This layout would retain a good level of space around the homes. As such, the dwellings would comfortably sit within the site and would not appear cramped or represent overdevelopment.
7. Whilst Baughurst Road is predominantly a ribbon settlement, I noted on my site visit that there are parts where there is a less linear pattern of development. This includes West View Farm itself. The proposed development would in-fill an area between neighbouring Manor Farm House and land where a new dwelling has recently been allowed on appeal, although this consent has not yet been implemented (20/00578/FUL). As such, locating the proposed linear development to the rear of existing properties would not be at odds with the overall existing development pattern.
8. I recognise that the scheme would introduce dwellings and associated residential paraphernalia onto land beyond the existing residential area of Baughurst Road. However, this is a brownfield site where there are already built structures. Also, the proposed curtilages would not extend beyond the footprint of the existing stables. Consequently, the countryside adjoining the site would remain untouched and open. In addition, the proposed boundary planting would help soften the proposed development within the wider rural landscape.
9. Taking all the above into account, the proposals would not have a significant urbanising impact and would not unacceptably harm the rural character and appearance of the wider area.
10. The proposal therefore meets the requirements of the Framework, Policies SS6, EM1 and EM10 of the LP, the Design and Sustainability Supplementary Planning Document (2018) and the Landscape, Biodiversity and Trees Supplementary Planning Document (2018). Taken together these require residential development on brownfield sites in the open countryside to be high quality, not visually intrusive within the landscape and to positively contribute to the sense of place and local distinctiveness.

Other Matters

11. I have considered several issues raised by local residents. I note comments regarding highway safety, traffic generation from the proposed development, the effect of light pollution on wildlife, loss of privacy to existing properties, lack of local facilities to support additional residents and the fact that the site is within an Emergency Planning Zone. However, these matters are not contested by the Council and therefore, in my judgement, none of this is of sufficient weight to alter the balance of considerations in this appeal.

Conditions

12. The Council's Committee Report proposed a number of conditions. I have considered these in light of the Planning Practice Guidance (PPG) and the tests set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the suggested wording.
13. In addition to the standard time limit condition (condition No 1), I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty (2).
14. I have included a condition requiring details of external materials to be approved by the Council, prior to commencement. This is to ensure the new dwellings properly reflect the character and appearance of the area (3). For the same reason, I have attached a condition requiring details of hard and soft landscaping (4).
15. To safeguard the living conditions of neighbouring occupiers during construction of the development, construction hours and hours for deliveries have been limited (5 and 6). For the same reasons, a Construction Method Statement must be submitted to and be approved by the Council prior to commencement (7).
16. I have attached a condition regarding water efficiency to ensure that the development delivers a level of sustainable water use (8).
17. A condition requiring bin stores to be provided is necessary to ensure convenience of arrangements for refuse and recycling collection and to ensure that no obstruction is caused on the adjoining highway (9).
18. Secure cycle storage is required to encourage active travel (10). In the interests of highway safety, a condition is imposed to ensure appropriate carparking and turning facilities are provided at the site (11).
19. Following comments from the Council's Environmental Health Officer, I have included conditions requiring the risks posed by contamination to be properly addressed as part of the development (12-14).
20. I have restricted certain permitted development rights relating to ancillary development within the curtilage of the new dwellings. This will mean sufficient controls are in place to help ensure that the proposal continues to respect the rural character and appearance of the area (15).
21. Following comments from the Council's Biodiversity Officer, and in order to provide a net gain for biodiversity, I have attached a condition requiring a Biodiversity Enhancement and Management Plan (16).
22. The Council originally proposed a condition to secure accessible housing standards in one of the three dwellings. It indicates that this is to comply with LP Policy CN3. This requirement would significantly exceed the policy requirement for 15% accessible and adaptable homes be secured within developments. In addition, the reasoned justification recognises that this requirement may not be appropriate for a development of 3 or less units. In

view of this, such a condition would not be necessary to make the development acceptable in planning terms. Given that it would not pass the tests for conditions set out in paragraph 57 of the Framework, I have not imposed it.

Conclusion

23. I conclude that the proposal would accord with the development plan and there are no material considerations that would indicate that the appeal should be dismissed. Therefore, for the reasons given, the appeal is allowed.

Rebecca McAndrew

INSPECTOR

Conditions Schedule

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: BB_01 Rev A - Location and Block Plan, BB_02 Rev A - Plot 1 Plans and Elevations, BB_03 Rev A - Plot 2 Plans and Elevations, BB_04 Rev A - Plot 3 Plans and Elevations
3. No development above damp proof course shall commence until details / samples of the materials to be used in the construction of the external surfaces of the external walls and roofs of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details samples.
4. Notwithstanding the approved plans, no development above damp proof course shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for soft and hard landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Works relating to construction, including demolition works or other preparatory works, shall take place only between 07:30 and 18:00 on Monday to Friday, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
6. Deliveries or collections of construction materials or plant and machinery shall be taken at or despatched from the site only between 07:30 to 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

7. No development shall take place, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall include details of: a) Measures to control the emission of dust and dirt during construction; and, b) A traffic management plan, to include a strategy for traffic management along the public right of way, which shall involve the erection of signs warning drivers of the presence of pedestrians and the need to give way, the implementation of a low-speed limit, and the use of banksmen. The approved CMS shall be adhered to throughout the construction period for the development.
8. Prior to the first occupation of the development, a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless a demonstration shows that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
9. No dwelling hereby permitted shall be occupied until refuse and recycling storage has been provided in connection with the respective dwelling, in accordance with details shown on drawing no. BB_01 Rev A. The refuse and recycling storage shall be maintained in perpetuity.
10. No dwelling hereby permitted shall be occupied until secure cycle storage facilities have been provided to serve the respective dwelling in accordance with details with details shown on drawing no. BB_01 Rev A. The cycle storage facilities shall be maintained in perpetuity.
11. No dwelling hereby permitted shall be occupied until the provision for the parking and turning of vehicles, including garages, to serve that dwelling have been made in accordance Drawing no. BB_01 Rev A. Thereafter, they shall be maintained for such purpose in perpetuity.
12. No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:
 - (a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance;
 - (b) if deemed necessary by the Local Planning Authority, a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study;
 - (c) if deemed necessary by the Local Planning Authority, a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works, together with details of future monitoring and maintenance. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified, it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority, together with a timetable for implementation. The approved remediation scheme shall be implemented in accordance with the approved details.

13. No dwelling hereby permitted shall be occupied until a verification report by a competent person (as approved under condition 12(c)) showing that any remediation required and approved under condition 12(c) has been fully implemented in accordance with the approved details has been submitted to and approved by the Local Planning Authority. Unless otherwise specified, the verification report shall include: (a) as-built drawings of the implemented scheme; (b) photographs of the remediation works in progress; and (c) certificates demonstrating that imported materials and or any materials left in situ on the site are free of contamination. The development shall thereafter be maintained in accordance with the details of future monitoring and maintenance approved under condition 7(c).
14. The development hereby permitted shall not be occupied until there has been submitted to and approved by the Local Planning Authority certificates demonstrating that a) sufficient sampling of imported material has taken place and b) the imported material is free from unacceptable levels of contamination. Sampling should take place in situ at a frequency of 1 per 100m³.
15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building, structure or other alteration permitted by Classes A to F of Part 1 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority.
16. Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall deliver a minimum of 0.29 Habitat Units and 0.66 Hedgerow Units as stipulated in the Biodiversity Technical Note on Biodiversity Impact Calculations by HAD dated 13/10/2022.

The BEMP will include the results of the provided Biodiversity Metric and the following:

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans to include species/faunal enhancement measures
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives

- f) An annual work programme (to cover an initial 5-year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
- i) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall include details of the legal and funding mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.