
Appeal Decision

Site visit made on 12 March 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal Ref: APP/H1705/W/23/3323841

Land at Grange Meade, Bugmore Lane. Easting: 460452; Northing: 140991.

- 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 Mr and Mrs D Rampton against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 21/03193/FUL.
 - The development proposed is the erection of one new dwelling and garage with associated landscaping and the reinstatement of a historic access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. The parties' views have been sought on the potential relevance of the revised Framework. Of note are the changes made at paragraph 77 that, in circumstances where a Council has an emerging local plan that has reached Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, indicates that the housing land supply requirement reduces from five to four years. I have determined the appeal in light of the revised Framework and the parties' representations on it.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with reference to the Preston Candover Conservation Area; and
 - ecology.

Reasons

Character and appearance

4. The appeal site is a former tree nursery within the Preston Candover Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5. The significance of the Conservation Area (CA) derives, in part, from the mixture of vernacular and polite architecture, with dwellings of various styles principally built to provide housing for agricultural workers associated with the surrounding farmland. Given the intrinsic agrarian origin of the settlement, its CA extends to incorporate surrounding fields and copses. The Conservation Area Appraisal (CAA) recognises the important contribution that the hedgerow bound, bucolic landscape around the CA makes to its significance and to the significance it draws from its setting.
6. The appeal site, given its tree coverage and extensive hedge on its front boundary, makes an important contribution towards the significance of the CA. This is regardless of its relatively modern use as a nursery for predominantly non-native tree species, and whether it was previously connected to the notable nearby farmsteads in terms of function or ownership. Whereas it may be that the site does not facilitate views into or out of the village due to the trees, it forms an important separation gap within the CA.
7. The proposed development would introduce new residential built form within the site with the associated loss of a significant number of trees. Despite that they cannot be easily seen due to their location, the trees have value as a part of the collective unit. Thus, their loss in combination with the proposed development would weaken the visual quality of the wooded area as a whole, thereby resulting in the detrimental urbanisation of this important sylvan and verdant space. The trees that would be lost are not specifically identified as important by the CAA, but the CAA nonetheless points out that the absence of such should not be taken to indicate that the land within the CA is not of value.
8. The development would be noticeable in proximate views from Bugmore Lane, as the existing hedgerow would be punctured to create the new access point into the property. A significant length of hedge would be translocated to allow for visibility splays, which would be an inherently contrived response along what survey mapping indicates is an historic boundary. Whereas details of the method to achieve this, together with an after-care plan could be secured by planning condition, breaking up the hedgerow with an engineered access would diminish the contribution that it makes to the character of the area. Albeit details of the access gate could be secured by planning condition, the formalised entry point with its gate and hardstanding, would likely exert a clear developed residential character upon this rural part of the CA.
9. While replacement planting and a management plan for the retained trees could be secured by planning condition, I am not persuaded that it would successfully mitigate the proposal's harmful effect on the character of the area, given the degree that would be lost through the development. I note the appellant's comments regarding the relevant procedural routes should tree removal be required at a later date. However, once the development exists, it would likely be difficult for the Council to resist such reasonable requests.
10. My attention is drawn to other residential properties near the site, including those with the driveway taken off Bugmore Lane. Still, the appeal site is an important verdant space in its own right, and the significant loss of its undeveloped character would not be justified by these other dwellings.
11. As such, the proposal would lead to less than substantial harm to the CA. The Framework advises that where proposals would lead to less than substantial

harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

12. The benefits associated with the proposal would arise from the delivery of a house, increasing the choice of homes and contributing to the supply of housing within the borough. There would be further benefits as future occupiers could support local services and the community within the village. In addition, the proposal would deliver a substantial biodiversity net gain. However, taken together, these benefits would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage asset.
13. Thus, overall, I conclude that the proposed development would have an unacceptable effect on the character and appearance of the area, with reference to the Preston Candover CA. As a consequence, the proposal would be contrary to Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan (2011 to 2029) 2016 (LP). These policies support high quality development that is sympathetic to the character and visual quality of the area concerned, and conserves or enhances the quality of the borough's heritage. Further, the proposal would conflict with the Framework, where it supports high quality design that is sympathetic to local character and history, conserves and enhances the historic environment.

Ecology

14. The Landscape, Biodiversity and Trees Supplementary Planning Document 2018 (SPD) states that a minimum buffer of 20m should be provided between the edge of the woodland/tree belt and the development. The appellant contends that the trees on site do not form a woodland, however as the buffer set within the SPD applies to woodlands and tree belts without caveat, it is applicable in this case. Buffer zones protect the woodland/tree belt from pruning pressure due to heavy shading and perceived danger and protect the ecology of the woodland/tree belt, due to dumping of garden rubbish, light and noise pollution.
15. The appellant asserts that the 20m buffer required by the SPD is more stringent than that required by Natural England in relation to ancient woodlands. Be as it may, the SPD has been adopted by the Council to support the LP natural environment policies following public consultation, so the weight to be attached to this document is a matter of planning judgement.
16. The Preliminary Ecological Appraisal Report concludes that the habitats on site are generally of low ecological value. Nevertheless, I have not been provided with compelling evidence to demonstrate that the proposed incursion into the 20m buffer would not adversely affect the ecology of the woodland/tree belt, due the domestic activity associated with the occupation of the new dwelling.
17. The Arboricultural Appeal Statement CBA11517 v1 demonstrates that the health of the retained trees on site would not be compromised by the proposed development and advises that the dwelling has been located to maximise the opportunity for sun throughout the day. However, it remains that there is little evidence to demonstrate that the ecology of the woodland/tree belt, albeit modest, would not be affected following development.
18. Accordingly, I conclude that the proposal would have a harmful effect on ecology, in conflict with LP Policy EM1, which amongst others seeks to protect

trees and hedgerows and their function as ecological networks. Further, the proposal would be contrary to the SPD, which seeks to prevent harm to ecology. The proposal would fail to accord with the Framework, which seeks to conserve and enhance the natural environment.

Other Matters

19. Lower Farmhouse, Barn, and Barn and Stable are Grade II listed buildings located near the site. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building. There is no dispute between the main parties that the proposal would have a neutral impact on the settings of these listed buildings and, consequently, it would not detract from their significance. Based on the evidence before me I see no reason to disagree.
20. Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from housing and agricultural sources, and that these nutrients are causing eutrophication at designated nature conservation sites which include the Solent and Southampton Water Special Protection Area and Ramsar and Solent Maritime Special Area of Conservation.
21. As such, I cannot rule out, in the first instance, that the proposed development would cause likely significant effects on the integrity of this Special Protection Area and Special Area of Conservation through increased residential use and associated nutrient discharge. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate Appropriate Assessment. As the appeal is being dismissed for other reasons, I have not done so.

Planning Balance and Conclusion

22. Given the harm that would arise to the CA and ecology, I find that the proposal would conflict with the development plan read as a whole.
23. The Council's Draft Local Plan Update was published for Regulation 18 consultation on 22 January. In line with paragraph 226 of the Framework, the Council would be required to demonstrate a four-year supply of deliverable sites other than the minimum of five as set out in paragraph 77 of the Framework. There is dispute between the parties in relation to the Council's supply of deliverable sites for housing, which the appellant asserts would be at 3.67 years.
24. Even if I were to accept the appellant's position in relation to the Council's housing supply, the provisions of paragraph 11d) i. of the Framework should be applied. It states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. This includes policies relating to CA's. Given such, I have not gone on to consider the scheme against the requirements of paragraph 11d) ii).
25. Set against the conflict with the development plan, the proposal would contribute to boosting the supply of homes within the Borough and would support the local services and community. The proposal would also deliver a substantial biodiversity net gain. These benefits attract moderate weight in favour of the scheme, but would not justify the harm to the CA and ecology.

26. Drawing this together, I conclude that there are no material considerations of sufficient weight, including the provisions of the Framework, to indicate that a decision should be taken otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR