

Appeal Decision

Site visit made on 2 September 2024

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/N1730/W/23/3329328

Land at Hook House Hotel, London Road, Hook RG27 9EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended (the '1990 Act') against a refusal to grant planning permission.
 - The appeal is made by HPI against the decision of Hart District Council ('HDC').
 - The application ref. is 23/01225/FUL.
 - The development proposed is described on the application form as the 'siting of 3.no traveller pitches and a utility day room'.
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Decision

1. The appeal is dismissed.

Preliminary matters

The proposal and the dispute

2. Notwithstanding the description of development reproduced in the banner heading above, as set out in HDC's decision notice of 15 August 2023, the proposal is for 3 pitches and 3 day rooms. HDC refused permission for 5 reasons. The fifth related to the absence of evidence in respect of approaches to energy efficiency. HDC do not, however, maintain an objection to the scheme in that respect (subject to the imposition of a suitably worded condition in the eventuality that the proposal is otherwise acceptable).

Statutory context

3. Various duties apply to my determination of this appeal. Notably, as the site falls near to grade II listed Hook House (the 'listed building'),¹ section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 as amended is relevant. The general biodiversity objective also applies.² Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended sets out that proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.
4. The development plan here includes policies of the Hart Local Plan Strategy and Sites (adopted April 2020, the 'LPSS'), of the Hook Neighbourhood Plan (made as part of the development plan in February 2020, the 'HNP'), saved policies of the Hart Local Plan (Replacement) 1996-2006 (adopted originally

¹ List entry no. 1273214.

² Section 40 of the Natural Environment and Rural Communities Act 2006 as amended.

in December 2002, the 'HLP') and policy NRM6 of the Regional Strategy for the South East (published originally in 2009, the 'RSS'). I have had regard to various other material considerations, including the National Planning Policy Framework ('NPPF'),³ Planning Policy for Traveller Sites ('PPTS'),⁴ and the Planning Practice Guidance.

Planning context

5. Each proposal turns on its merits. Nevertheless both the site and its surroundings have an extensive planning history and have recently experienced significant change. In respect of the site, the proposal follows unsuccessful appeals in 2018 and 2024.⁵ The former was for 6 dwellings, the latter for 4. There was also a withdrawn application in 2021 for the formation of a vehicular access to the site. Permission was also refused for the erection of 6 dwellings in 2017, with an associated appeal being withdrawn.
6. In May 2016 HDC granted permission for the change of use of Hook House from a hotel to a dwelling.⁶ The appellant says that has been implemented, and it may have been. Nevertheless there are representations before me of 3 July 2023 from Ken Stewart, stated to be the owner of Hook House Hotel. At the time of my site visit the listed building was also in operation as a hotel.
7. Turning to the surrounding area, the 2024 Inspector's decision refers to a building associated with the listed building, the Coach House, as 'occupied as a separate dwelling'.⁷ In 2016 HDC granted permission for up to 550 houses on land to the north and east of the site.⁸ Much, if not all, of that development has been completed.
8. In 2015 HDC granted permission for 4 dwellings to the south-east of the listed building between its access and London Road (A30),⁹ which I took particular note of during my site visit. Lastly in 2013 HDC granted permission for a supermarket to the west of the site, now occupied by Sainsburys (in modified form compared to the original scheme).¹⁰

Evidence

9. The proposal is supported by a Planning, Design & Heritage Statement ('PDHS').¹¹ At appeal the appellant submitted an earlier Heritage Impact Assessment ('HIA').¹² The HIA pre-dates application ref. 16/01599/FUL, to which the 2018 appeal related, and refers to a scheme for 8 dwellings. Similarly, via their statement of case, the appellant has referred to an Acoustic Consultancy Report ('ACR').¹³ The ACR was considered by the Inspector who determined the 2024 appeal. HDC are aware of both

³ The latest iteration of which was published on 20 December 2023.

⁴ The latest iteration of which was published on 19 December 2023 following the judgement in *Smith v SSLUHC & Ors* [2022] EWCA Civ 1391.

⁵ Ref. APP/N1730/W/17/3167100 and APP/N1730/W/23/3323771.

⁶ Ref. 16/00751.

⁷ Paragraph 5 of their decision.

⁸ Permission ref. 14/00733/MAJOR.

⁹ Ref. 15/01542.

¹⁰ The original permission being ref. 13/01145/MAJOR.

¹¹ Prepared by Mark Leedale Planning, ref. LR/14/198, May 2023.

¹² Prepared by John Moore Heritage Services, ref. 3559, 16 June 2016.

¹³ Prepared by Sound Analysis, ref. 426-FAC-ATN-1, March 2017.

documents. As such, and given the detailed planning history to the site, there is no reason to discount either from my assessment of the scheme.

The site

10. The site is an irregular, roughly right-angled, parcel of land of some 0.17ha.¹⁴ It has been left largely to its own devices for many years. The site was once owned in conjunction with the listed building. The boundary between the two, beside the lawn in front of the listed building, is now defined by an immature and patchy line of trees (in contrast to a ditch and more established hedgerow to the north of that lawn).¹⁵
11. The site has a relatively narrow frontage to London Road to the south (A30) where access is proposed. That access would track close to the current plot boundary of Hook House to the east, ultimately arcing north-eastwards to serve the proposed plots in the northern section of the site.¹⁶ The pitches, occupied by 'mobile homes' or static caravans and day rooms, would be located close to the rear boundaries of various properties along Webb Close (part of the development of up to 550 homes nearby).

The proposal

12. The scheme is not in outline. Whilst it may theoretically be reasonable to condition certain matters, elevations of the proposed mobile homes are marked as 'for indicative purposes only'.¹⁷ That may be as they are intended to be of a standardised design. Day rooms would be simple structures faced in brick topped with plain concrete tiles with a footprint of some 36 square metres ('sqm').¹⁸ Whilst day rooms are commonplace at traveller sites, they are nonetheless relatively substantial in this instance.
13. There also appears to be some discrepancy between the plans before me. Day rooms are annotated as 6.5m long. Although there are no annotated dimensions of the mobile homes or static caravans illustrated on plan no. MLP/04, they appear to be shown as just under 16m long and around 6m wide, suggesting a footprint of some 96sqm. On the block plan, however, the mobile homes are shown as less than twice the length of a day room. That instead indicates a length less than 13m. The consequence appears to be that one or more plan is inaccurate. If the indicative mobile home plan were to prevail, it appears that the site would be significantly more intensively developed than the block plan depicts.
14. If the foregoing figures are accurate, each pitch would be occupied by a mobile home and day room with a combined footprint of some 132sqm. In terms of footprint, and also floorspace, that appears significantly in excess of individual dwellings along Webb Close. Even entirely setting aside the foregoing figures, the scheme appears to represent a relatively intense development of the northern element of the site compared to its surroundings. My view in that respect is reinforced by considering the practical way in which the pitches and site would likely be used.

¹⁴ Plan no. MLP/01.

¹⁵ As shown earlier in the photograph at page 10 of the appellant's statement of case.

¹⁶ As shown on the supporting, apparently unreferenced, Block Plan.

¹⁷ Plan no. MLP/04.

¹⁸ The relevant plan annotating their dimensions as 6500 by 5500mm.

15. Often, if not invariably, traveller pitches accommodate vehicles and touring caravans (the latter alluded to via HDC's proposed condition 6). They are somewhat part-and-parcel of travellers' nomadic way of life. There is no indication of where space for touring caravans or any vehicles would be provided for on the supporting plans. It is therefore challenging to understand how the site would operate as a whole. In all likelihood, some touring caravans or vehicles would practically be stationed from time-to-time at the area intended to be left undeveloped to the south of the site close to the A30. In short, the plans are both ambiguous and potentially do not fully reflect the likely effects of the proposal in practice.

Traveller pitch provision

16. Responding to the judgement in *Smith* footnoted above, for the purposes of the PPTS 'travellers' includes gypsies and travellers, or Gypsies and Travellers, and travelling showpersons. In respect of pitches as opposed to travelling showpersons' plots, HDC's position is that there remains an unmet need for 21 pitches over the LPSS plan period (2014-2032). I understand that figure, which the appellant does not counter, derives from a Gypsy and Traveller Accommodation Assessment of 2020 ('GTAA'). On the evidence before me it appears only two pitches at or near Farnham Lodge have been permitted in pursuit of the overall need for 23 established via the GTAA.¹⁹
17. Little progress has therefore been made addressing travellers' needs. The supporting officer report furthermore explains how the GTAA was commissioned in the context of the intention to bring forward a specific development plan document ('DPD') referred to in LPSS policy H5. There is no indication of any further progress there. That is significant, not only as the GTAA pre-dates the judgement in *Smith*, but also as in the absence of the DPD being submitted for examination policy H5 itself sets out that it 'will be considered out-of-date'.
18. I will return to the implications of that. I note here, however, that the provisions of paragraph 10 of the PPTS, and consequential implications of the absence of a five year supply of deliverable sites in that respect, differ from the relevant provisions of the NPPF in respect of housing generally.

Main issues

19. Against the background above, the main issues are (i) the effect of the proposal in respect of the setting of the listed building, (ii) whether the scheme would provide for acceptable living conditions for future occupants in respect of noise, and (iii) whether the scheme would suitably safeguard ecology on and off site.

Reasons

Heritage

20. The listed building was first listed in 1952. The list entry describes Hook House as originating in the late eighteenth or early nineteenth century and focuses principally on its materials and details. It describes how the listed

¹⁹ Planning permission ref. 20/00580/FUL.

building features red brick arranged in Flemish bond, with rubbed flat arches above sash windows. The listed building also features dentil eaves with a hipped red tile roof featuring small dormers reflecting a classical hierarchy and proportionality.

21. As a whole the listed building has the character of a grand country estate property. The wider landscape around Hook is punctuated with similar properties and estates reflecting growing affluence through the nineteenth century and notions of conspicuous architectural display of that era. Hook House was consciously orientated to face westwards towards and across the appeal site. There remain comparatively lengthy and open views in that direction relative to other orientations (including on account of historic service or ancillary buildings to Hook House being located to the east of it).
22. The PDHS is focussed principally on the effects of the proposal, the HIA providing greater detail in respect of significance. Consistent with my reasoning above, the HIA notes that Hook House emerged as an estate, and had some form of association with former agricultural buildings to the west (now lost to the supermarket). The 1867 map of the site reproduced at figure 3 of the HIA shows the likely extent of the grounds of Hook House at that juncture edged green. At that stage the grounds incorporate the majority of the appeal site, both much of the northern element where pitches are proposed, and the southern stretch towards what has become the A30 (with former agricultural buildings also accessed off the later).
23. The HIA, rationally, draws a distinction between the northern and southern elements of the site. The former presently includes a well and shed. The HIA notes that it formerly contained a swimming pool and tennis court, beyond a dry ditch or something approximating a ha-ha. Irrespective of its ownership over time, it is fair to say that the relatively open setting across the southern element of the site is more important to an historic appreciation of landscape context than the northern element. That openness remains despite a line of trees having been planted previously, and the presence of the supermarket in the distance. There is clear intervisibility between the two.
24. Insofar as relevant to this appeal, the significance of the listed building therefore derives not only from its materials and architecture, but also orientation and 'landscape' context (a context which is not purely confined to visual experience but alludes to the historic nature of the former surroundings to the listed building). Notwithstanding an intricate history to land use, boundary changes and surrounding development hereabouts, at present the current essentially natural and open nature of the appeal site contributes positively towards significance.
25. Particularly in respect of the southern element of the site, but not absent in respect of the northern element reflecting the mapping of 1867, the site contributes to an understanding and appreciation of the historic surroundings in which Hook House emerged. In turn the nature of the appeal site authentically reflects the broader intangible forces that shaped the context in which the listed building originated. I therefore agree with the position of the

previous Inspector who found that the site forms an important visual and historic part of the setting of the listed building.²⁰

26. In that context, and noting my reasoning in paragraphs 12 to 15 above, the effect of introducing, anachronistically, substantial built development and activity at the appeal site cannot rationally be described other than as detrimental to significance. That would meaningfully affect the open context in which the listed building is presently sited and which contributes to significance. It appears, notwithstanding some ambiguity, that position is accepted as being reasonable in the PDHS,²¹ and also in the HIA.²²
27. Although the proposal before me differs from previous schemes, both Inspectors who determined the 2018 and 2024 appeals found some degree of heritage harm (as the HIA indicates was the case in respect of appeals as far back as 1994 and 1995). The scheme cannot be said to be consistent with the expectations of section 66(1) of the LBCA Act or of NPPF 195. The latter, recognising that heritage assets are an irreplaceable resource, sets out that they should be conserved in a manner appropriate to their significance. It is for the decision-taker, however, to gauge the extent of any harm, in respect of which there are several relevant factors.
28. As above, the northern element of the site is relatively less valuable in terms of historic authenticity than the southern element. In respect of the southern element there would, notwithstanding my reasoning in paragraph 15, be less development and intensity of use there (along with some screening afforded by as yet relatively immature boundary planting). The setting of Hook House has also changed over time, including by virtue of the creation of the supermarket, 4 houses to the south-east, development at the Coach House, and by virtue of the development of homes in the wider area. Hook Parish Council observe that the setting of the listed building has been 'severely degraded' over time.
29. However the foregoing factors serve to moderate or qualify the extent of harm that would result rather than to obviate it. Moreover the existence of development detrimental to historic significance does not justify further harm. If anything, in my view, it places greater importance on maintaining that integrity and significance which remains. In that context it is fair to describe the harm arising as 'less than substantial' with reference to NPPF paragraph 205 (and perhaps tending towards the lower end of a spectrum of harm within that categorisation).
30. NPPF 208 nevertheless guides that, in such circumstances, the extent of harm should be weighed against any public benefits. LPSS policy NBE8 sets out how proposals that would lead to harm to significance will need to meet the relevant tests and assessment factors in national policy. NPPF 206 further establishes that any harm, not just that which is substantial, should require 'clear and convincing justification'. I return to that relative judgement subsequently.

Noise

²⁰ Paragraph 6 of their decision.

²¹ Paragraph 1.2.

²² Section 8.

31. LPSS policy NBE11 provides support, in-principle, for development that would not be subject to unacceptable levels of pollution. Supporting paragraph 312 explains how pollution, in the context of LPSS policy NBE11, may include noise. In broad terms, NPPF paragraph 135.f) sets out how planning should ensure a 'high standard of amenity for existing and future users'. PPTS paragraph 13.e) sets out how policies related to travellers should provide for 'proper consideration of the effect of local environmental quality (such as noise...'.
32. HDC's objection to the scheme in respect of noise relates to the proximity of the site to the supermarket service yard, close by to the west, a functional, noise-generating element of that retail use. Noise arises there principally by virtue of plant equipment, vehicle manoeuvring and unloading. NPPF paragraph 193 articulates the agent of change principle, in that the onus is on an applicant to provide suitable mitigation to avoid unreasonable restrictions to neighbouring uses; noise is capable of being a statutory nuisance pursuant to section 79 of the Environmental Protection Act 1990 as amended.
33. The appellant cites the following extract from the officer report associated with application ref. 13/01145/MAJOR for the supermarket: 'the noise environment at the site and within the surrounding area is primarily governed by road traffic noise. Sensitive receptors identified include Hook House Hotel and residential dwellings located on the opposite sides of London Road...'. They note that after that permission the 4 dwellings to the south-east of the listed building were permitted.
34. The appellant further sets out that 'on this basis and whilst closer to the service yard than Hook House, the future residents of proposed the proposed development would have the same safeguards as were found to be acceptable on the grant of planning permission for proximate residential development... Any determination to the contrary would be wholly inconsistent with the views and consultations responses received in regard to the Sainsbury's application'.²³ I disagree.
35. Simply put at the time of application ref. 13/01145/MAJOR for the supermarket there were no dwellings at, or proposed at, the appeal site. Webb Close did not exist. Relative to the supermarket, the 4 dwellings permitted in 2015 are further away than the listed building itself. The position in the 2013 officer report therefore represents nothing by way of clear evidence to indicate that the noise environment at the appeal site would be acceptable for the use proposed.
36. Whilst on site I noted that service yard doors face away from the site and the acoustic barrier to it.²⁴ However there is no indication as to the effect of either insofar as the appeal site is concerned. I can therefore only hypothesise that acoustic mitigation there was to address the agent of change principle referenced above, potentially in conjunction with the construction of the supermarket or the construction of Webb Close.

²³ Appellant statement of case, paragraphs 5.20 and 5.21.

²⁴ Highlighted at paragraph 5.24 of the appellant's statement of case.

37. In that context it is relevant to note that the site is, effectively, between the service yard and the rear gardens of properties off Webb Close and also closer to the service yard access off the A30. Even if the acoustic mitigation around the service yard post-dates the construction of the supermarket, that does not provide any clarity in terms of noise levels that would be experienced at the appeal site specifically.
38. I have noted above that the ACR was considered by the Inspector who determined the 2024 appeal. In respect of this appeal the appellant says that the conclusions of the ACR 'are clear and are to the effect that the internal ambient noise levels are acceptable'. That is not the case.
39. As pointed out by previous Inspector, the ACR is based on a different layout with dwellings further away from the service yard than the scheme before them. That appears to remain the case.²⁵ The ACR also relates to a scheme for 8 dwellings.²⁶ ACR appendix C also looks to calculate the sound reduction index relevant to internal rooms in terms of anticipated sound levels. There is no evidence before me as to the noise attenuation characteristics of the mobile homes or static caravans proposed, or whether they would be comparable in that regard.
40. The onus falls principally on an applicant to substantiate their case.²⁷ In short a robust acoustic assessment has not been undertaken of current circumstances. In essence the appellant has relied on older, tangential documentation. I cannot therefore rationally conclude that the scheme would provide for suitable living conditions for intended future occupants in respect of noise. Compliance with the relevant provisions of LPSS policy NBE11, NPPF paragraph 135.f) has therefore not been demonstrated (nor has the logical corollary of compliance with NPPF paragraph 193).

Ecology

41. Having noted the general biodiversity duty above, criterion d) to LPSS policy H5 sets out that traveller sites should not entail unacceptable adverse impacts to the natural environment. More broadly, and in summary, LPSS policy NBE4 and HNP policy HK4 seek to ensure that all development takes appropriate account of biodiversity. Similarly NPPF paragraph 180.b) sets out how planning should contribute to and enhance the natural and local environment, including through minimising impacts on, and providing net gains for, biodiversity.
42. The proposal is accompanied by a Preliminary Ecological Appraisal ('PEA').²⁸ The site, now largely a tangle of overgrown vegetation, is described in the PEA as 'primarily of semi-improved grassland, with a patch of tall ruderal encroaching the grassland towards the southern end of the site and in the north western corner, and a patch of scattered trees in the southern corner'.²⁹

²⁵ Certainly in respect of what is shown at ACR appendix A as 'Block B'.

²⁶ Paragraph 13, noting that in respect of the 2018 appeal there was instead a 'lack of certainty about the supermarket being constructed' (paragraph 22 of that decision).

²⁷ Section 62(3) of the 1990 Act.

²⁸ John Wenman Ecological Consultancy, ref. R3267/a, October 2022 (updating a version of 4 May 2017).

²⁹ Paragraph 1.1.3.

43. There is also what the PEA describes as a dry ditch running east-west by the ownership boundary of the Listed Building, potentially a ha-ha historically (although, as in the HIA, that may be a latter retaining wall associated with changed ground levels hereabouts). Boundary features within the PEA are accurately described as hedgerows, aside from the frontage to the A30 where there is instead overgrown vegetation and a security fence.
44. The proposal is also supported by a Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan (the 'AIA').³⁰ The AIA explains how trees on site are protected by a Tree Preservation Order ('TPO').³¹ Although the AIA and nature of a TPO goes beyond ecological considerations, the former is nonetheless relevant in terms of the value of the site to biodiversity and the effect of the proposed development.
45. The AIA sets out how 2 cypresses ('T9' and 'T10') towards the north-eastern corner of the site, fairly graded category 'C' with reference to British Standard 5837:2012, are proposed for removal. Two dead trees, a further cypress ('T2'), and a copper beech ('T4'), are proposed to be removed in the interests of safety. Otherwise, subject to an appropriate construction methodology and protective measures for other trees, the scheme would not entail implications to other trees.
46. Acknowledging that the site does not fall within an area designated for its ecological value, the appellant's position is that the PEA is sufficient in that 'it does not conclude that there is ecology which would manifestly prevent development from taking place'. That statement is, however, oversimplistic.
47. Recognising that the wider area has been subject to various ecological investigations in association with other development, the PEA sets out that further survey work 'would be required to establish if reptiles are present'.³² Similarly, in respect of the proposed removal of the copper beech ('T4'), the PEA sets out how that 'may result in the loss of bat roosts and therefore further survey [should be undertaken] comprising a higher-level inspection of the features from a cherry picker'.³³
48. Paragraph 99 of ODPM Circular 06/2005 sets out that 'it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.' Evidently I cannot be satisfied on the appellant's own evidence that would be the case.
49. I am also not satisfied that ecology has been appropriately factored into the design of the scheme (a point which interacts with the discussion in paragraphs 12 to 15 of this decision). As such the proposal would not accord with the expectations of statute, nor with the relevant provisions of LPSS policies H5 and NBE4, of HNP policy HK4, and of NPPF paragraph 180.b).

³⁰ Martin Dobson Associates, ref. S23, 23 November 2023.

³¹ Ref. RD/17/00003.

³² PEA, paragraph 7.1.2.

³³ PEA, paragraph 7.2.1.

Whilst arrived at independently that is a position nevertheless consistent with the previous inspector.

Ecology off site

50. The proposal would result in the establishment of 4 pitches within the zone of influence around the Thames Basin Heaths Special Protection Area ('SPA').³⁴ The SPA comprises various sites of special scientific interest,³⁵ and is protected on account of the value of its habitat to wildlife reliant upon it (notably ground-nesting birds). Whilst not a precise correlation, particularly recreational pressure associated with additional population within the zone of influence has the potential to adverse the ecological integrity of the SPA.
51. In addition to the general provisions of LPSS policies H5 and NBE4, policy NBE3 sets out how applicants will be required to demonstrate that adequate measures will be put in place to mitigate the implications of a proposal (commonly by way of planning agreement or undertaking). That essentially draws from RSS policy NRM6.
52. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 as amended (the 'Habitats Regulations') requires that, before deciding to give any permission or other authorisation for a project which is likely to have a significant effect on a European site, a competent authority must make an appropriate assessment of its implications (including in combination with others).
53. The scheme is not supported by a robust approach to mitigation, or a contribution towards such. There is only a draft undertaking pursuant to section 106 of the 1990 Act before me, which appears to date from 2017. The absence of an appropriate approach to mitigation would bring the scheme into conflict with the policy provisions mentioned in the preceding paragraph. It is, however, the appellant's intention to enter into an associated obligation to secure ecological mitigation by way of unilateral undertaking.³⁶ There is nothing to indicate, by consequence, that suitable mitigation could not be secured in theory.³⁷

Other matters

54. The proposal would entail certain benefits, chief amongst them the provision of 4 traveller pitches in a District with a persisting and forecast lack thereof relative to needs. Evidence of needs may not accurately reflect current circumstances in the light of the age of the GTAA, LPSS policy H5 is out-of-date by its own standards, and there appears little evidence of progress in addressing provision here moving forward. That is a bleak outlook.
55. Although there is no indication as to any particular occupants, the disadvantages faced by travellers relative to others are significant and well documented.³⁸ The provision of pitches cannot easily be overstated in terms

³⁴ Established under the birds directive, EC Directive 79/409/EEC.

³⁵ In respect of which the duty at section 28(G) of the Wildlife and Countryside Act 1981 as amended applies.

³⁶ Statement of case, paragraph 5.26.

³⁷ With reference to NPPF paragraph 55, and noting that the Habitats Regulations do not require an appropriate assessment to be undertaken in the eventuality that permission is not to be given.

³⁸ Being mindful of section 149 of the Equality Act 2010 as amended in that context, notably section 149(1)(b).

of its importance in addressing those disadvantages. Seen through that lens, the scheme would be significantly socially beneficial. There would also be economic benefits, including in supporting employment during construction and as residents would bring trade to local services and facilities.

56. However any planning judgement is not reduceable to an equation. The benefits that would result are abstract and may arise in comparable form in respect of any similarly-located site (noting that both the PPTS and LPSS policy H5 provide for some flexibility in respect of the siting of traveller sites relative to existing settlements). There is, moreover, no particular evidence of need for traveller provision here specifically as opposed to elsewhere.
57. Moreover no one element of the NPPF, PPTS, or development plan overrides any other; they must all be considered holistically. With that in mind the scheme would result in heritage harm and the evidence before me is insufficient to conclude that the proposal would be acceptable either in terms of the living conditions of future occupants or in respect of ecology on site. Moreover the evidence before me related to the scheme design is on occasion ambiguous or tangential (as opposed to being specific and robust).
58. I cannot therefore rationally reach the view that the benefits of the scheme provide either 'clear and convincing' justification for the proposal, or that other material considerations collectively outweigh the harm that would result flowing from conflict with the development plan. That position would remain valid even if, in all other respects the proposal were acceptable (effectively otherwise entailing neutral effects). Cross referencing my reasoning in paragraphs 17 and 18 above even were NPPF paragraph 11.d) to apply, there would remain a clear reason for refusing permission.
59. As above, the appellant has referred to two pitches approved at Farnham Lodge, where they state that there was an acknowledged impact on a heritage asset. Whilst that may well have been the case, there is no information before me as to the issues there, the nature of the scheme or its relationship to historic significance, the circumstances of any intended occupants, or the nature of any evidence compared that which is before me. The permission for pitches at Farnham Lodge does not therefore carry weight in favour of this scheme. All I can take from it is that there is inevitably judgement inherent in determining the acceptability of a particular proposal. I have sought to exercise judgement fairly and thoroughly here.

Conclusion

60. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Tom Bristow

INSPECTOR