



Appeal Decision

Site visit made on 10 July 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/C1760/W/23/3325099

Land opposite Haydown Farm, Farley Street, Nether Wallop SO20 8EQ

- 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 Ms Elizabeth Prince, Haydown Farm Developments No.2 Limited against the decision of Test Valley Borough Council.
 - The application Ref is 22/03350/FULLN.
 - The development proposed is erection of 2no. detached dwellings together with garages, access, landscaping and associated infrastructure.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council's second reason for refusal relates the effect of the proposal on bats due to the loss of trees. Additional information has been submitted with the appeal, including an updated walkover survey undertaken by the appellant's Ecologist. This confirms no direct evidence of bat activity associated with the trees on site, and Trees 7 and 10 have been marked as having a 'low suitability bat roosting'. Tree 11 is marked as having a 'moderate suitability for bat roosting'. On this basis the Appellant's Ecologist recommends that necessary management works to Trees 7 and 10 should only be carried out with an informed and appropriate risk management scheme. Tree 11 can be retained as part of the appeal proposal. The Ecologist also states that an appropriate lighting strategy should be employed to avoid impacts to bat species.
3. The Council is satisfied that the additional information and any requirements arising from this could be dealt by conditions if the appeal succeeds. I have also considered the additional information and have no reason to disagree.
4. Accordingly, the main issue is the effect of the proposal on the character and appearance of the area, including designated heritage assets.

Reasons

5. The appeal site comprises a paddock ('the Paddock') opposite Haydown Farm in the village of Nether Wallop. The Paddock is located on the eastern side of Farley Street and is delineated from the highway by a post and rail fence and some landscaping. Therefore, there is a degree of visibility across the Paddock from parts of Farley Street. To the rear of the site is a belt of trees and beyond this is a public right of way (Nether Wallop 2).

6. Haydown Farm and its associated Farmhouse and Barn as well as Chapel House to the north are Grade II listed. These are also located within the Over and Middle Wallop Conservation Area ('the Conservation Area'). The Paddock is outside of but adjacent to part of the eastern boundary of the Conservation Area.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. The National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
8. Nether Wallop Conservation Area was designated on 6 March 1980 and Over Wallop Conservation Area followed on 6 August 1981. The Conservation Areas were reviewed, and the boundaries were formally amended in 2008. Collectively, the conservation areas include most of the villages of Nether and Over Wallop as well as the area around the A343 crossroads referred to as Middle Wallop. The Wallop Brook is an important natural feature in its own right and within the Conservation Areas and also links these villages. These villages are collectively known as 'Wallops.'
9. The Wallops are occupied by a mix of buildings of varying ages and styles, but mainly traditional designs including a number of timber-framed thatched cottages. There is also a strong sense of enclosure formed in part by the number of cob walls and the well-established hedgerows, mature gardens, trees and other green spaces which reinforce the strong rural character.
10. Most notably, Haydown Farm is identified as a character area in itself within 'Middle Wallop' in the southern part of the Conservation Area. This character area incorporates Haydown Farm and its setting on the Wallop Brook. The key attributes of this character area are: the historic farm complex at the southern entrance into the Conservation Area; the retention of its historic setting adjacent to the Wallop Brook; and the important open space in the north of the character area.
11. Although the paddock has been excluded from the Conservation Area since 2008 and is not specifically referenced (as an important open space) in either the Village Design Statement or the Conservation Area Appraisal, this still forms part of its immediate environment and setting. In particular, the paddock contributes to the rural, pastoral landscape of the Wallop Brook valley and is a small open space/break in development along the east side of Farley Street.
12. Haydown Farmhouse is the oldest building in the Conservation Area, its age, form, architectural character and use of traditional materials all contribute to the architectural and historical interest and significance of this building. The associated Barn range at Haydown Farm is located about 15m north of the listed farmhouse and dates to between the early to late Eighteenth Century. The architecture and form of the Barn are simpler relative to the Farmhouse.

13. The listed Farmhouse and Barn range hold group value, as together these buildings define the historic farm of the traditional farmstead and provide context for each other.
14. The gardens, Wallop Brook, the north field, Farley Street and the Paddock form the primary setting of Haydown Farm and its listed buildings. The listed buildings and yard as a group define the historic form of Haydown Farm as a traditional farmstead. The wider setting is formed by the ribbon pattern rural development of the Wallop settlements in the river valley and the surrounding rural, agricultural landscape. The farmstead group and surrounding rural landscape provides historic context to understand and appreciate the interest and significance of the listed buildings at Haydown Farm.
15. The Paddock forms part of the historic holding associated with Hayford Farm, which has been retained while other parts were sold off during the early-mid 20th century. Despite Haydown Farm not having been in significant agricultural use since the late 1960s and benefitting from more recent planning permissions for alterations, the Paddock is a reminder of its historic agricultural use and also has a strong physical and visual relationship with Haydown Farm because of its location directly opposite. The rural setting of Haydown Farm, which includes the Paddock, is also important to understanding its context and purpose.
16. The historic form of the farmstead as a group can be appreciated from parts of the public right of way - Nether Wallop 2, including when looking across the Paddock from a point approximately level with the entrance gate and from along parts of Farley Street. Whilst these are not identified as important views they contribute to the understanding of the listed farm buildings and the traditional farmstead as a group.
17. Drawing on the above reasons, the significance of the Conservation Area derives from its historic and architectural interest and rural character and setting. This includes Haydown Farm and its listed buildings, which are within the southern part of the Conservation Area and contribute to its special interest, character and appearance.
18. Because of its historic, physical and visual relationship to the setting of Haydown Farm, the Paddock positively contributes to the significance of its listed buildings and the Conservation Area.
19. The proposed scheme is for the construction of two detached, four bedroom dwellings with double garages. Each dwelling would incorporate an independent access and driveway off Farley Street and would be served by rear gardens that back onto the tree belt to the east of the Paddock. This arrangement is broadly consistent with the existing pattern of residential development along Farley Street, which includes some more recent examples of infill development.
20. Based on the 'Supporting Landscape Information' the proposed scheme is landscape-led. To this end, the layout retains an area of paddock to the north, to support habitat creation and wildlife. This part of the Paddock is heavily screened and therefore not readily perceptible from Farley Street. Nevertheless, this along with the spacing arranged between the proposed dwellings, would maintain some views to the listed buildings of Haydown Farm from public right of way, Nether Wallop 2 to the east.

21. Also, the majority of the hedges and trees within the Paddock are to be retained and enhanced with additional native hedge and tree planting which will reflect the overall character and pattern of the local landscape. Accordingly, I consider the proposal to be acceptable in terms of the landscape character of the area. As such, I find no conflict with Policy E2 of the Test Valley Borough Revised Local Plan 2016 ('Revised Local Plan'), which seeks to protect, conserve and enhance the landscape character.
22. In terms of design, the proposed dwelling at Plot 1 is acceptable because its overall form and style reflect the appearance of traditional village dwellings (e.g. the tall roof, and use of dormers). However, the proposed dwelling at Plot 2, because of its sizeable gables resulting from their width, which is emphasised by the wide windows and horizontal banding, would appear disproportionately wide relative to the overall breadth of this dwelling. Therefore, I share the Council's concern that the appearance of this dwelling would be akin to a modern suburban estate dwelling. Because of this and its siting close to the highway, this dwelling would dominate the otherwise rural character of the Paddock.
23. Therefore, and notwithstanding the attention to the proposed layout and landscaping, the scale and nature of the proposed development, would permanently alter the size, character and appearance of the Paddock. This would be particularly apparent from Haydown Farm and its listed buildings, from along parts of Farley Street and in views from along public right of way, Nether Wallop 2.
24. Developing around the Haydown Farm in the manner proposed would be harmful to its setting. In particular, the proposed development in terms of its scale and siting would dominate and dilute the experience of the approach to the listed buildings at Haydown Farm, when travelling north along Farley Street.
25. For the above reasons, in my view, the proposal would bring about a medium level of less than substantial harm to the significance of Haydown Farm and its listed buildings because it would result in the permanent loss of part of its historic, physical and visual setting. Because Haydown Farm is an important part of the Conservation Area, there would also be a low level of less than substantial harm to the historic and visual setting and significance of the Conservation Area.
26. Based on the evidence and my visit, the proposal would have a neutral impact on the setting of Chapel House due to the existing intervening landscaping and the buffer that the retained part of the Paddock would offer.
27. The Framework says that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework also states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. These heritage requirements of the Framework are broadly consistent with Policy E9 of the Revised Local Plan.

28. There is no certainty that because the Paddock is within the settlement boundary, dwellings here would reduce pressure to deliver housing on other more open sites in the countryside.
29. Whilst the reduction in nitrate loading is a benefit, the Council advise that this is likely to occur irrespective of the appeal scheme coming forward because nitrate mitigation has already been agreed as part of a consented scheme at Haydown Farm.
30. The retention of part of the Paddock as a landscape feature and the proposed landscaping, including along part of the nearby Public Rights of Way, are in part, to limit the harm to nearby designated heritage assets. Even so, I acknowledge that the management of existing landscaping and the provision of new planting would provide some enhancements to the landscape quality of the site and area. This would also bring some biodiversity benefits.
31. The appellant asserts that the appeal site is in a settlement with an ageing population, where the Housing Needs Survey and other documents demonstrates a desire for more homes. Therefore, it is suggested that the proposed dwellings would allow family members to live closer to one another, and provide day to day support. However, there is no certainty that the proposed dwellings would be occupied by local residents.
32. Nevertheless, the proposal would deliver two energy efficient family dwellings. This would positively contribute towards the Council's 5-year housing land supply and boost the delivery of homes. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of the area, which includes local services and facilities such as the Primary School.
33. Overall, the social, economic and environmental benefits arising from the proposal are important. However, given the modest scale of this proposal (two dwellings), I attach limited weight to such benefits.
34. Despite finding the harm to be less than substantial, I still attach significant weight to this. Such harm can be outweighed by public benefits. Having given limited weight to the public benefits identified in this instance, this is not sufficiently forceful to outweigh the less than substantial harm that I have identified.
35. Consequently, the proposal would result in harm to the significance of nearby designated heritage assets (the listed buildings at Haydown Farm and the Conservation Area). This would be contrary to Policy E9 of the Revised Local Plan which, amongst other things, says that development affecting a heritage asset will be permitted provided that it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance and setting. The proposed development would also fail to accord with those parts of the Framework which seek to conserve and enhance the historic environment.

Other Matters

36. Because the Paddock is located within the settlement boundary, in principle, Policy COM2 of the Revised Local Plan supports development here. However, this is subject to compliance with other policies of the Revised Local Plan, which

is not the case in this instance because of the policy conflict I have already identified.

37. I have taken account of other nearby infill developments which have been supported on greenfield sites within the Conservation Area. However, the scheme before me is for a larger quantum of development (2 dwellings) and these would be located directly opposite listed buildings. As such, these existing developments are not directly comparable to the scheme before me. In any event, I have found that the proposal would cause less than substantial harm to designated heritage assets and conflicts with the development plan. Therefore, these existing developments do not alter my findings on the main issue.

Conclusion

38. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR