



Appeal Decision

Site visit made on 2 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/H1705/W/24/3345746

25 Heath End Road, Baughurst, Hampshire RG26 5LX

- 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 Peter Newton against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 21/02628/FUL.
 - The development proposed is the erection of a new mixed use building and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was originally advertised by the Council as a proposed part class F2 local community use, however this was altered to part Sui Generis use. A re-consultation was carried out on this basis. The Council determined the proposal on this basis and so shall I.

Main Issues

3. The main issues in this case are:
 - the effect of the proposed development on public safety, with particular regard to the Aldermaston Atomic Weapons Establishment (AWE) off-site emergency planning arrangements; and
 - whether sufficient information has been provided in relation to the proposed use.

Reasons

Public safety

4. The appeal site lies within the Detailed Emergency Planning Zone (DEPZ) area of AWE Aldermaston. Within this zone, development would potentially be adversely affected if a radiological incident with significant off-site consequences occurred at the AWE.
5. Policy SS7 of the Basingstoke and Dean Local Plan (2011 – 2029) (2016) (LP) requires that development in the land use planning consultation zones (DEPZ) surrounding AWE Aldermaston be managed in the interests of public safety. The policy sets out that development will only be permitted where the Off-Site

Nuclear Emergency Plan (OSEP) can accommodate the needs of the population in the event of an emergency.

6. The policy requires that development proposals will be considered in consultation with the Office for Nuclear Regulation's Directorate (the ONR) who will have regard to:
 - (a) the proposed use,
 - (b) the scale of development proposed,
 - (c) the location of the development, and
 - (d) the impact of the development on the functioning of the emergency plan through appropriate consultation with the multi agencies who have duties under the Radiation Emergency Preparedness and Public Information Regulations (the REPPIR).
8. The proposal would place 1 additional dwelling within Sector L of DEPZ, which the Council state is a highly populated area. Both West Berkshire and Hampshire County Council Emergency Planners have advised against the residential unit associated with the proposal, due to the location of this application in an already highly populated area and its distance from the AWE Aldermaston site.
7. The supporting text to LP Policy SS7 advises that the ONR's decision whether to advise against a particular development will be based on the extent to which the OSEP can accommodate the additional population. The ONR have advised against the development on the basis that the emergency planners have not provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.
8. Although small-scale, the proposal would increase demand on the resources available to implement the OSEP in the event of a radiation emergency. This demand would be above the needs of existing people requiring assistance in the event of an evacuation and would put increased pressure on rest centres. This additional demand on services could jeopardise the effectiveness of the plan as a whole in contradiction of the objective of LP Policy SS7.
9. The appellant refers to examples of nearby development¹. Little information is provided of these examples, however the Council set out that these developments are for a large number of dwellings or commercial proposals. Due to reasons of differing policy contexts and a bespoke emergency plan secured through a legal agreement, these examples are not directly comparable to the proposal before me.
10. Some fluctuations in population size and occupation are inevitable, and in instances such as extensions and changes of use to Houses in Multiple Occupation, may not require planning permission and so could be outside the control of the Council and ONR. In any event, it is understood that the Emergency Plan takes into account such fluctuations in existing occupancy. Again, based on the information before me, the proposal for a new residential unit is also therefore not comparable in this respect. As such, based on the information before me, I give little weight to these examples.

¹ Old Boundary Hall Site, LIDL Supermarket and Bishopswood Lane.

11. I conclude that, while the risk is very small and the size of the development modest, it would have an adverse effect on public safety with regard to the off-site nuclear emergency planning arrangements for the AWE. It would be contrary to LP Policy SS7. It would also be contrary to the Framework where it states decisions should promote public safety including appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

Sufficient information

12. As set out above, the Council advertised the proposal as partly 'sui generis'. The submitted (amended) design and access statement clarifies the sui generis use by setting out that '*The unit will be operated by a local beautician with working hours similar to the surrounding units.*' As such, the proposed beautician use is clear, and sufficient information has been provided to adequately consider the effects of the proposal. I note the Council has suggested a condition, should the appeal succeed, restricting the use to a beautician and there is no reason why this wouldn't provide sufficient clarity and confine the use of the unit appropriately.
13. LP Policy EP1 seeks to support the creation of jobs. Whilst the policy sets out the key employment sectors that the council is seeking to support in the borough, it does not set out that proposals outside of the key employment sectors would not be supported. The proposal does not therefore conflict with the economic growth and investment goals of this policy.
14. As such, I conclude that sufficient information has been provided to adequately assess the proposal. There is no conflict with the job creation goals of LP Policy EP1.
15. The Council also refer to LP Policies CN7 and CN8. These seek to support development proposals which provide or improve essential facilities or services, and seek to support development proposals relating to community, leisure and cultural facilities respectively. They make no reference to other development proposals. Given that the proposal is no longer for a (F2) local community use, these policies are not determinative in this instance.

Planning balance and conclusion

16. Set against the harm identified there would be limited social and economic benefits associated with the construction process and occupation of the proposed dwelling. The proposal would align with the Framework where it seeks to significantly boost the supply of homes and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement. However, a single additional unit would make little difference to the overall supply of housing and the support one extra household would provide to the local economy would also be insignificant.
17. The Framework seeks to ensure that promote public safety including appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. As such the conflict LP Policy SS7 should be given significant weight in this appeal. The Framework supports the efficient use of land. Nevertheless, given the conflict identified above, the development would conflict with the development plan as a whole.

18. The Council set out that it is falling short of the required housing land supply, put at 4.2 years. Therefore, having regard to Framework footnote 8, Framework paragraph 11d) applies.
19. The Framework supports the value of using suitable brownfield or land within settlements, and the efficient use of land, and I note a letter of support in this regard. As described above the benefits associated with 1 additional dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position.
20. Even if local residents now consider the site relatively harmless and the evacuation plan will probably never happen, the policy requirement and public safety goals of the Framework are clear. Similarly, even if a local Councillor saw no harm in the addition of a one bedroom flat and retail unit, the decision of the Council was to refuse the application.
21. Given that residential development can be accommodated nearby elsewhere in the borough outside the AWE or this sector, there is no substantive evidence that it causes the lack of housing land supply identified.
22. Given the importance given to the public safety in the Framework, I give significant weight to this matter. Consequently, the adverse impacts set out above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
23. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

B Phillips

INSPECTOR