

# Appeal Decision

Site visit made on 4 September 2024

**by Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> October 2024**

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**Appeal Ref: APP/H1705/W/24/3337500**

**Jolly Farmer, Farleigh Road, Cliddesden, Hampshire RG25 2JL**

- 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 Punch Partnerships (PML) Limited against the decision of Basingstoke and Deane Borough Council.
  - The application Ref is 23/00772/FUL.
  - The development proposed is erection of a four-bedroom detached dwelling (Use Class C3) utilising the existing access, including associated parking, and landscaping, and reconfiguration of public house car park and beer garden.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. It has been brought to my attention that during the appeal process the Cliddesden Neighbourhood Plan passed referendum and was made by the Council. As such, it now forms part of the development plan. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I have therefore assessed the appeal proposal against the relevant policies in the Cliddesden Neighbourhood Plan (2024) (NP). The main parties have been given an opportunity to comment on the relevant policies contained within the NP and therefore neither party would be prejudiced by me determining the appeal on this basis.

## Main Issues

3. In the context of the above, the main issues in this appeal are:
  - whether the proposal would be inappropriate development in a Local Green Space;
  - whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to the size of the garden space and the amount of direct sunlight it would receive;
  - the effect of the proposal on the character and appearance of the area, including trees and landscape character;

- whether the proposal would preserve and enhance the Cliddesden Conservation Area;
- the effect of the proposal on the setting and significance of nearby listed buildings; and
- the effect of the proposal on highway safety.

## **Reasons**

### *Whether inappropriate development*

4. Policy ENV2 of the NP designates the beer garden of the Jolly Farmer Public House as a Local Green Space. The appellant contends the designation to be at odds with Paragraph 106(b) of the National Planning Policy Framework (the Framework). Nonetheless, the evidence supporting the designation has recently been tested at examination. The NP has passed a local referendum and has been made by the Council. I therefore afford Policy ENV2 full weight in my decision.
5. Paragraph 107 of the Framework states that policies for managing development within a Local Green Space should be consistent with those for Green Belts. In this regard, Paragraph 152 of the Framework sets out that inappropriate development in the Green Belt is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. The same therefore applies to Local Green Space. Paragraph 154 of the Framework goes on to state that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a closed list of stated exceptions. Again, this policy requirement would extend to Local Green Space.
6. The exceptions set out at Paragraph 154 of the Framework include limited infilling within villages. The appeal site is within the village of Cliddesden. The proposed dwelling and its plot are a moderate size, and would be surrounded by existing built form, including No. 5 Chapel Walk, and The Old School House, The Jolly Farmer, and The Mount on Farleigh Road. Given this, it would constitute limited infilling and as such would not constitute inappropriate development in the Local Green Space.
7. I appreciate that the proposal would result in part of the Local Green Space being lost to development. Nevertheless, I have found that it would accord with the requirements of Chapter 13 of the Framework, and I have not been made aware of any specific development plan policy requirements relating to Local Green Space.
8. Given the proposal would not be inappropriate development, in this case, there is no need for me to consider its impact on openness.

### *Living conditions of future occupants*

9. There is a dispute between the parties as to the exact size of the rear garden that would serve the proposed dwelling. However, even at 120 sqm, it would be twice the minimum garden size set out in the Basingstoke and Deane Design and Sustainability Supplementary Planning Document (2018) (Design SPD) for a dwelling with three or more bedrooms. It would be positioned to the rear of the proposed dwelling and, although some of the space would have

a depth of less than 10 metres, this would not be at odds with the variety of plot sizes within the village, some of which are served by smaller and shallower rear gardens. The Council found that, given the positioning of the proposed dwelling and separation distances between it and the adjacent dwellings, subject to conditions, there would be no demonstrable impacts on the living conditions of the occupants of neighbouring houses. From the evidence before me and my observations on site, I am of the same view. The size and depth of the proposed rear garden space would therefore accord with the guidance set out in the Design SPD.

10. The appeal site contains several mature trees, which, given they are located within the Cliddesden Conservation Area, are protected from indiscriminate felling. The proposal is supported by an Arboricultural Impact Assessment and Method Statement<sup>1</sup> (AIA). The AIA proposes removing two groups of trees that are declining in their health. All other trees would be retained.
11. The proposed rear garden space would contain two of the retained trees, a 14 metre Sycamore (T6) and a 6 metre Hawthorn (T11). I saw on site that both these trees have reasonably dense canopies and, from the evidence before me and my observations on site, these canopies would shade a significant amount of the proposed garden space during the summer months. In coming to this view, I have taken into account that some sunlight may reach underneath the canopies at certain times of the day.
12. The proposed garden space would be generous relative to the minimum garden sizes set out in the Design SPD. Nonetheless, more than one third of the garden would be beneath tree canopy, which would conflict with the advice set out at Paragraph 6.24 of the Basingstoke and Deane Landscape, Biodiversity and Trees Supplementary Planning Document (2018) (Landscape SPD). While over 40 sqm metres of the proposed garden would be unshaded, the unshaded parts of garden would be fragmented, which would reduce the utility of the space and would likely restrict the passive and recreational activities that could take place in the garden space. Given this, I am of the view that the proposed garden would not receive reasonable levels of direct sunlight and that this would not be sufficiently compensated for by its generous size. It would therefore conflict with the advice set out at Paragraph 10.7 of the Design SPD.
13. The proposal would also not provide adequate space for retained tree T6 or adequate separation between it and the proposed dwelling. Whether or not the edge of the existing canopy of retained tree T6 would be at least 4 metres from the rear windows of the proposed dwelling, the AIA identifies retained tree T6 as a maturing tree, thus the canopy may expand further and closer to the house in the future as part of the tree's growth.
14. From the evidence before me and my observations on site, the existing canopy of retained tree T6 would finish close to the rear windows of the proposed dwelling that serve the kitchen and bedroom 3. This would restrict the amount of natural daylight received by these windows and subsequently these rooms during the spring and summer when the canopy is full. While the kitchen would have a secondary window, it would be small compared to the

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<sup>1</sup> Arboricultural Impact Assessment and Method Statement, The Jolly Farmer (PH), Fairleigh Road, Cliddesden, produced by Barrie Draper Arboricultural Consultant, Report Ref: 191222-AIA3, dated 21 March 2023.

window positioned close to the canopy and it is not clear whether this secondary window would adequately compensate for the limited light received by the primary window.

15. Accordingly, for the reasons above the proposal would conflict with Principle T3 of the Landscape SPD and the advice relating to providing buffers when incorporating trees into development.
16. Overall, although the proposed garden space would be a sufficient size and depth, it would not provide satisfactory living conditions for future occupants with regards to the amount of direct sunlight it would receive, which would reduce the utility of the space and likely the future occupants' enjoyment of it. The proposal would also not provide adequate separation between the proposed dwelling and retained tree T6, which, in the absence of evidence to the contrary, would lead to unsatisfactory living conditions for future occupants with regards to the amount of natural daylight received by the kitchen and bedroom 3.
17. The proposal would therefore conflict with Policy EM10 of the Basingstoke and Deane Local Plan (2011 to 2029) (2016) (Local Plan) in this regard, which seeks to provide a high quality of amenity for occupants of developments having regard to natural light and amenity space in accordance with the Design SPD.

#### *Character and appearance*

18. Farleigh Road is one of the main roads running through the village of Cliddesden. I saw on site that the section of Farleigh Road where the appeal site is located provides a transition between the more organic pattern of development in the south of the village and the linear arrangement of houses along the straight section of Farleigh Road to the north of Chapel's Walk.
19. This part of Farleigh Road comprises largely of detached properties, on generous plots, many historical, which are set close to the highway. On the opposite side of the road to the appeal site there are regular gaps between the buildings, which allow views of the wider countryside surrounding the village and provide a sense of spaciousness. Although there is a very limited visual connection with the countryside setting on the side of the road where the appeal site is located, there is a belt of mature trees running behind the buildings fronting Farleigh Road from the Jolly Farmer to the entrance of Chapel Walk. These trees, together with roadside and boundary hedges, and other planting in front and rear gardens, add a large degree of verdancy to the street scene. Overall, this section of Farleigh Road has a spacious and verdant character and strong visual links with the countryside to the east.
20. The proposed dwelling would be located in the corner of the beer garden and car park that serve the Jolly Farmer PH. It would be positioned between the Old School House and No. 5 Chapel Walk, resulting in three dwellings in a direct line. There are existing backland developments in the village, including the houses on Chapel Walk, which extend behind the appeal site. While the organic pattern of development in the south of the village has resulted in some arrangements comprising more than two buildings in a row, backland developments in the village are typically tandem arrangements made up of two dwellings, one behind the other.

21. The appellant has provided an example of what they consider to be a similar pattern of development to that proposed, accessed from Woods Lane. However, this group of dwellings and outbuildings, although not far from the appeal site, are in the south of the village where the arrangement of built form is more organic. Also, while the arrangement includes several buildings, it does not result in three consecutive dwellings in a direct line. The appeal proposal would therefore not strictly follow the existing pattern of development.
22. It may be that the plot of the proposed dwelling would be bigger than those found on some more modern housing estates. However, although its size would reflect some of the smaller plots within the village, the separation distances between the three dwellings, particularly between the proposed dwelling and No. 5 Chapel Road, would be appreciably less than the separation distances provided by other backland development in the village. As a result, despite the proposed dwelling being a similar scale to neighbouring houses, it would appear cramped and would erode the spacious character of this part of the village, drawing attention to and exacerbating the conflict with the existing pattern of development.
23. I appreciate that views of the proposed dwelling from Farleigh Road would be limited by the existing trees and other planting within the plot of the Old School House and the beer garden of the Jolly Farmer PH. I saw on my visit that there are glimpse views between the Jolly Farmer PH and the Old School House of No. 5 Chapel Walk. As a result of the proposal, these views would be replaced with glimpse views of the proposed dwelling. The proposed dwelling would be closer to Farleigh Road and likely more evident given that some of the existing trees, which currently intervene in these views, would be removed as part of the proposal.
24. Nevertheless, it is not uncommon in the village to see built development behind buildings fronting the highway, even along Farleigh Road. The proposed dwelling is moderate in size and its distance from Farleigh Road and The Old School House is greater than its distance from No. 5 Chapel Walk. Therefore, given its traditional design and materials, in the glimpse views afforded from Farleigh Road it would not appear out of place.
25. The proposed dwelling would likely be unexpected in views taken from the pub car park and beer garden. In these views, despite the greenery provided by the mature trees, the proposed dwelling would appear contrived and uncomfortable, closely surrounded by the properties on Chapel Walk, the Old School House, and the Jolly Farmer. This would result in significant harm to the character and appearance of the area, albeit this harm would be localised.
26. It has been put to me by the appellant that the proposal would add character to a not particularly attractive car park. However, in its current form the open car park with a simple tarmac surface is not detrimental to the overall character and appearance of the area.
27. In addition, the proposal would not provide adequate space or separation for retained tree, T6. Given this, despite the Conservation Area protecting retained tree T6 from indiscriminate felling, there would be a significant risk that the proposal would result in future pressure to extensively prune or

remove the tree due to the shading of the garden space and rear windows, leaf litter and potential damage to the dwelling.

28. It may be that this type of nuisance is subjective. Nonetheless, I note that as part of the appellant's case it is suggested that the canopy of retained tree T6 could be raised to help provide direct sunlight to the proposed garden space. This highlights the likelihood of future pressure to extensively prune or remove this tree. The absence of any comments from the Council's Tree Officer is a neutral factor in this case.
29. The trees on the appeal site can be seen from Farleigh Road above the roofs of the Jolly Farmer PH and Old School House providing a verdant backdrop to these properties and contributing positively to the local landscape character. The AIA states retained tree T6 as being of a moderate quality and value, and I saw on site that it is a good size and height. I have no substantive evidence before me to suggest that it would be unlikely to survive for many years.
30. Retained tree T6 forms part of a group of several trees and is positioned further back from Farleigh Road than other trees in the group, meaning its contribution to the street scene along Farleigh Road is limited. Changes to the form of retained tree T6 or the loss of retained tree T6 would therefore be less noticeable from Farleigh Road than if the tree stood alone and would not result in any appreciable harm to the street scene.
31. Notwithstanding this, in short views from the pub car park retained tree T6 is more distinct and therefore contributes to a greater degree to the verdancy and visual amenity of the immediate area, including the pub beer garden, car park and neighbouring properties. The loss of retained tree T6 in this regard would result in moderate harm to the visual amenity of this immediate area.
32. Accordingly, for the reasons above, the proposed development would result in significant localised harm to the character and appearance of the area. It would also likely lead to extensive pruning or loss of a retained tree, which would result in further moderate harm to the immediate area. The proposal would therefore conflict with Policies EM1 and EM10 of the Local Plan in this regard. These seek to ensure that proposals respect and enhance the character of the area and visual quality of the landscape by, among other things, having due regard to the density, scale, layout, appearance, architectural detailing, materials and history of the surrounding area, and the relationship to neighbouring buildings, landscape features and heritage assets. It would also be contrary to the associated provisions within Sections 12 and 15 of the Framework.

### *Conservation Area*

33. The appeal site is located within the Cliddesden Conservation Area (CCA). I have therefore approached this appeal in the context of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention be paid to the desirability of preserving or enhancing the character and appearance of the CCA.
34. The Conservation Area Appraisal for Cliddesden (2003) (Conservation Area Appraisal) explains that the special appearance of the CCA is derived from a varied mix of historic buildings of individual character. These are arranged in

an irregular pattern along three roads which together make a cruciform plan centred around the space defined by the pond. It goes on to say that the overall appearance of the Conservation Area is informal and highlights the importance of the integral relationship of key spaces, mature trees and hedgerows in the streetscape and the overall situation of the settlement within a rolling farmland setting. It also explains that open spaces are an essential component of the development and character of the Conservation Area with many important views, or the setting to key buildings being derived from the relationship of the buildings and the spaces formed around them.

35. The significance of the CCA, in so far as it relates to this appeal, is therefore the arrangement of the buildings, including the space around them, and how this relates to the evolution of the village, as well as the contribution of mature trees and hedgerows within the streetscape.
36. From the evidence before me, the original pattern of development along Farleigh Road was linear, and, whether associated with the Jolly Farmer PH or not, the land behind it and to the rear of the Old School House has, until recently, been open and predominately free of any permanent buildings. I also understand that previously there were views from the appeal site across open fields, similar to that still experienced on the opposite side of the road.
37. Although not specifically mentioned in the Conservation Area Appraisal or designated as an Open Area of Landscape Significance, in its current form, the appeal site makes a positive contribution to the CCA. Mature trees on the site add verdancy to the streetscape and provide a green backdrop to the Jolly Farmer PH and the Old School House. The absence of any buildings in views taken from the entrance to the pub car park on Farleigh Road over the boundary fence and hedge, hint at the open fields beyond that form part of the village's countryside setting. The car park and beer garden retain the historical openness to the rear of the Jolly Farmer and the Old School House. Albeit this openness has been partly eroded by the extension of Chapel Walk.
38. The proposal would introduce built form into a space that is largely free from permanent buildings and has been during the evolution of the village. Although the position of the proposed dwelling means it would not affect any remaining visual links with the countryside setting, its proximity to the surrounding buildings, particularly No. 5 Chapel Walk, would make it appear cramped and out of keeping with the existing pattern of development. The loss of part of the historical open space to the rear of the Jolly Farmer PH and Old School House and ensuing confined arrangement would result in moderate localised harm to the significance of the CCA. Furthermore, future pressure to extensively prune or remove retained tree T6 would add to this harm.
39. I appreciate that the recent extension to Chapel Walk has reduced the amount of open space to the rear of the Jolly Farmer and Old School House. Nonetheless, the appeal site is closer to these historic buildings, and its proximity to them and No. 5 Chapel Walk would result in a cramped arrangement, which, from the evidence before me, did not appear to be the case for the extension to Chapel Walk. This previously approved development is therefore not determinative in this case and would not justify the further loss of open space or the resulting harm to the significance of the CCA.

40. For the reasons above, I find the harm to the significance of the CCA would be less than substantial. As such paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
41. In terms of benefits, the proposal would provide an additional dwelling, which would make a modest contribution to the Borough's housing supply. It would also have some modest environmental benefits due to biodiversity net gains and energy efficiency measures, which could be secured by condition, as well as modest social and economic benefits resulting from its construction and its subsequent occupation. The removal of the existing garage and replacement of some of the tarmac hardstanding with shingle would improve the appearance of the pub car park and provide a small enhancement to the overall character and appearance of the area and significance of the CCA.
42. Paragraph 205 of the Framework gives great weight to the conservation of designated heritage assets including conservation areas. This is irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm. I must pay special attention to the desirability of preserving or enhancing the character and appearance of the CCA. Given this, the modest public benefits arising from the proposal, despite including a small enhancement to the overall character and appearance of the area and significance of the CCA, would not outweigh the harm I have identified.
43. Accordingly, the proposal would conflict with Policy EM11 of the Local Plan, which seeks to conserve or enhance the quality, distinctiveness, and character of heritage assets. It would also conflict with Policies EM1 and EM10 in this regard, which seek to ensure that proposals respect the local environment by, among other things, having due regard to the history of the surrounding area, and the relationship to neighbouring buildings, landscape features and heritage assets. It would also be contrary to the associated provisions of Section 16 of the Framework.

#### *Listed Buildings*

44. The proposed dwelling would be sited close to two listed buildings, including the Jolly Farmer PH, which is also located on the appeal site, and the Old School House, which lies adjacent to it. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to give special regard to preserving the buildings or their settings or any features of special architectural or historic interest which they possess.
45. The significance of the listed buildings derives from their architectural and aesthetic value and their contribution to the composition of Farleigh Road and the village as a whole. For similar reasons that the appeal site contributes positively to the CCA, its current spaciousness and verdancy contributes positively to the setting of the listed buildings. It is the spacious and verdant setting of the listed buildings that is significant in relation to this appeal.
46. Like with the CCA, the recent extension to Chapel Walk has already affected the setting of these listed buildings to a degree. However, this does not justify the introduction of further built form within the settings of these listed buildings, which would erode the openness and verdancy and consequently their significance. Future pressure to extensively prune or remove retained tree T6 would also add to this harm.

47. I find the harm to the significance of the listed buildings would be less than substantial. Nonetheless, the modest public benefit arising from the proposal, as set out above, would not outweigh the great weight I must afford to conserving the listed buildings.
48. Accordingly, the proposal would conflict with Policies EM1, EM10 and EM11 of the Local Plan in this regard. It would also be contrary to the associated provisions of Section 16 of the Framework.

### *Highway Safety*

49. Notwithstanding the Non-Residential Parking Standards set out in Table 2 of the Basingstoke and Deane Parking Supplementary Planning Document (2018) (Parking SPD), the Council considers 16 spaces to be an acceptable level of parking for the Jolly Farmer PH. While this falls short of the 28 spaces required by the Parking SPD, it would reflect the existing arrangement and would not result in the loss of any parking, which has been raised as a concern of interested parties. From the evidence before me and my observations on site, I am of the view that retaining the existing 16 spaces, in this case, provide appropriate parking provision to avoid the regular displacement of parked vehicles onto Farleigh Road.
50. The Transport Statement submitted as part of the application states that the proposed retained pub car park would be shorter but wider than the existing one. It explains that, at 27.5 metres by 16.6 metres, the retained car park would allow for two rows of parking and for up to 20 cars to park.
51. Based on the parking space dimensions for non-residential developments set out in Table B of the Parking SPD, full utilisation of this space would allow for two rows of 10 parking spaces, including a 6.2 metre aisle between the rows. However, this space could not be fully utilised for car parking as the row of parking spaces adjacent to the pub beer garden would need to accommodate space for vehicular access into the car park, stated to be 3.65 metres wide at paragraph 3.2 of the Transport Statement, as well as vehicular access onto the driveway of the proposed dwelling. Figure 3.2 of the Transport Statement also shows a gap in the parked cars to accommodate a pedestrian entrance to the pub beer garden. For these reasons, the proposed retained car park would not be able to accommodate 20 parking spaces.
52. Nevertheless, from the evidence before me, given the increased width of the retained pub car park, it is likely that the row of spaces adjacent to the pub beer garden could accommodate at least 6 vehicles. Therefore, the car park would continue to provide the 16 spaces it currently offers and there would be no reduction in the overall level of parking serving the Jolly Farmer PH.
53. Accordingly, the proposal would accord with Policies CN9 and EM10 of the Local Plan in this regard. These policies seek to ensure that development provides appropriate parking provision and does not have a severe impact on the safety of the local highway network.

### **Other Matters**

54. The proposal would provide an additional dwelling, which would make a modest contribution to the Borough's housing supply. It would also have modest environmental, social, and economic benefits resulting from a net gain

in biodiversity, energy efficiency measures and spending associated with its construction and subsequent occupation. There would be a small enhancement to the overall character and appearance of the area and significance of the CCA resulting from the removal of the existing garage and replacement of some of the tarmac hardstanding with shingle.

55. The appellant does not dispute that the Council can demonstrate a 4-year supply of available housing land and that, in this case, this means paragraph 11d) of the Framework would not be applicable. While it may be that the direction of travel under the new government gives added impetus to the need to urgently boost the supply of housing, the proposed changes to the Framework and other changes to the planning system are in draft and therefore may be subject to change before being adopted. As such, they carry limited weight in my decision.
56. The appellant refers to receiving more favourable pre-application advice on the appeal proposal before the formal planning application was made. Nonetheless, Planning Practice Guidance explains that pre-application advice cannot pre-empt the democratic decision-making process or a particular outcome, in the event a formal planning application is made. While the advice can be a material consideration, in this case, it does not lead me away from my conclusions on the main issues.

### **Planning Balance and Conclusion**

57. Overall, I have found that the appeal proposal would harm the character and appearance of the area and the significance of the CCA and nearby listed buildings that would not be outweighed by public benefits. It would also not provide satisfactory living conditions for future occupants, with particular regard to the amount of direct sunlight the garden space would receive.
58. The proposal would not be an inappropriate form of development within the Local Green Space, would provide satisfactory living conditions for future occupants in terms of the size of the garden space and would not compromise highway safety. However, this absence of harm would not outweigh or address the harm I have identified. Neither would the modest benefits arising from the proposal.
59. Even if paragraph 11d) of the Framework had been triggered, in this case, the application of policies in the Framework that protect heritage assets provide a clear reason for refusing the development proposed.
60. Accordingly, with regards to the above, I find the proposal would conflict with the development plan read as a whole. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

*Hannah Guest*

INSPECTOR