



Appeal Decision

Site visit made on 17 September 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Appeal Reference: APP/H1705/W/23/3333310

Land to the South of Myhaven, Woods Lane, Cliddesden, Hampshire, RG25 2JG

- 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 P Carpenter against the decision of Basingstoke and Deane Borough Council.
 - The application Reference is 22/03290/FUL.
 - The development proposed is the erection of 28 new dwellings following the demolition of Newland Lodge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Further to the submission of amended drawings with the appeal, increasing the buffer zone between proposed gardens and adjacent trees and hedges, the Council has confirmed that it no longer wishes to pursue its fourth reason for refusal on ecological impact. The appellant has also made an amendment to Unit 1, removing the detached garage and slightly altering the footprint of the proposed dwelling away from the existing tree in the northwest corner of the site. Taking account of the relationship of Unit 1 with existing properties, along with the existing screening on the western boundary and noting that the proposed buffer zone will mean the garden areas are further from adjacent properties, I am satisfied that no party would be prejudiced by my acceptance of these amendments.
3. In its appeal statement, in addition to its previous reasons for refusal, the Council explains that the proposed development would not constitute an exception to the general policy of restraint for housing in the countryside and that there is no justification for departing from the development plan policies to establish the principle of development. It consequently considers the development to be contrary to Policies SS1 and SS6 of the Basingstoke and Deane Local Plan 2011-2029 ('the Local Plan'). I have taken this into account in my main issues below.
4. During the course of the appeal, the appellant has submitted a unilateral undertaking dated 17 April 2024. This includes provision for affordable housing, open space, play area, landscape management and biodiversity net gain. The Council has confirmed that it agrees with the content of the undertaking, other than a small drafting correction to paragraph 3.8. This overcomes the Council's

fifth reason for refusal, though I will return to consider relevant matters arising from the obligations in the undertaker later in this decision.

5. Given the time that has elapsed from the submission of the appeal, I wrote to the main parties seeking updated information and comments on several matters, including the latest housing land supply position, the recently adopted Cliddesden Neighbourhood Plan 2022-2039 ('the Neighbourhood Plan'), the appellant's unilateral undertaking, the Council's suggested conditions and the Government's consultation on a revised National Planning Policy Framework ('the Framework') and the Written Ministerial Statement (WMS) 'Building the homes we need' dated 30 July 2024. I received responses from both parties which I have taken into account in my consideration of the appeal.

Main Issues

6. Taking the above matters into account, the main issues are:
 - (i) Whether the proposed development reflects the Council's development strategy;
 - (ii) The effect upon the character and appearance of the area;
 - (iii) Whether the proposals would preserve the setting of (i) the Cliddesden Conservation Area ('the Conservation Area'), (ii) nearby listed buildings at Cliddesden Down House, Manor Farmhouse and 10 Woods Lane and (iii) that of other non-designated heritage assets.

Reasons

Development strategy

7. The site, apart from the house and garden of Newland Lodge, is located outside of the defined Cliddesden Settlement Policy Boundary and therefore is considered to lie in the countryside under Policy SS1 of the Local Plan. The policy makes clear that housing on sites will only be permitted outside of the Settlement Policy Boundaries where it meets criteria set out in other policies or it is essential for the proposal to be in the countryside. The proposal does not accord with any of the criteria for which new housing may be permitted in the countryside as set in Policy SS6 of the Local Plan.
8. Therefore, the proposed development would be contrary to the strategic development aims of Policies SS1 and SS6 of the Local Plan. I return to these policies later in the decision.

Character and appearance

9. The majority of the site, currently used for alpaca grazing, is located to the south of the existing single and two storey houses on Wood Lane, including Newland Lodge, which would be demolished to provide access to the development. A modern residential cul-de-sac of two storey houses 'Cleresden Rise' lies to the west of the front portion of the site and an existing house and buildings at 'Mybarn' are located to the east. The majority of the remainder of the site is bordered by predominantly open land including paddocks and agricultural land to the east and west, and there is a covered reservoir to the south. A mature mixed hedge and tree boundary is located on the eastern and southern sides of the site. The southernmost part of the western boundary is

largely open whilst trees and a tall conifer hedge mark this boundary further northwards towards and adjacent to the Cleresden Rise properties.

10. The site is situated close to the southwestern edge of Cliddesden village. Open, predominantly agricultural, land rises gradually upwards to the south and southeast. The site and surrounds are located within the 'Basingstoke Open Downs'¹ and 'Basingstoke Down'² landscape character areas. Whilst the site itself is relatively flat and largely enclosed, the countryside in which it is located exemplifies characteristics of these character areas, including open, elevated, rolling landscape dominated by large arable fields, hedgerows and scattered woodland. Cliddesden itself is the largest settlement within these character areas. The nearest part of the M3 motorway is located to the northwest, beyond which is located the Basingstoke conurbation. Whilst these inevitably exert an urban influence upon the landscape character of the area, they are screened from the site itself and it is the predominantly rural characteristics that dominate the area to the south of the motorway.
11. Whilst the site is not identified as being part of a 'green finger' adjacent to Cliddesden, the existing open nature of the site itself plays a positive role in providing for a gentle transition, from the more remote areas of countryside beyond, into the village. Whilst the site and its surrounds are not nationally or locally designated for landscape quality, they form an attractive rural setting to the village.
12. With some exceptions, the existing prevailing pattern of development in the village is characterised by linear ribbons of development that extend outwards on roads from the central village core. The existing housing along Woods Lane, near to the site, is generally low density with some limited exceptions, including a few examples of development to the rear of frontage properties. Whilst the existing development on Cleresden Rise is one of these examples, the built form of the proposed development would extend considerably further to the south of this into the open countryside.
13. Whilst there are several exceptions to the general 'one plot deep' character of the village, it remains a prevailing characteristic of the layout and pattern of the existing village. This is reflected in Policy DD3 of the Neighbourhood Plan requiring that development proposals should reflect the predominantly linear character of the area. The appellant argues that the form of proposed development introducing a cul-de-sac of development from Woods Lane follows a linear character. Nevertheless, I do not consider that the introduction of a new spur of development of considerable size and scale, into open land to the rear of existing development, and deviating from the existing street pattern, is truly reflective of the linear character of development as sought by Policy DD3.
14. The overall development, extending well to the south of the Cleresden Rise development, would amount to a housing development of considerable size and scale, representing an urbanisation of the majority of the site, significantly eroding its contribution to the rural setting of the village. Despite the sympathetic materials and architectural design of the houses, the number of dwellings proposed, their spacing, the overall massing of the built form and the considerable extension of built form to the south, the proposal would result in an incongruous extension to the existing village that would be out of keeping

¹ Hampshire Integrated Character Assessment 2010

² Basingstoke and Dean Landscape Character Assessment 2021

with the prevailing settlement pattern and detrimental to the rural setting of the village.

15. Drawing on more detailed elements of the scheme, I share the concern of the Council that the proposed parking areas in front of plots 2-6, 25 and 26 would unacceptably dominate the front of the properties and would not allow for the provision of landscaping to reflect the rural edge of village location and characteristics of the site.
16. Taking account of all these factors and despite the individual architectural design of the proposed houses, the overall form and character of the development would be more one of a suburban cul-de-sac rather than a sensitive and appropriately scaled addition to the edge of the village. Despite the existing boundary screening to be retained and the proposed planting, I consider that the proposals would result in a particularly significant adverse long-term effect on the landscape character of the area and the rural setting of the village. Despite its limited prominence in nearby public views, this would not negate the adverse effects on landscape character, noting that the Framework seeks to recognise the intrinsic character and beauty of the countryside. Furthermore, there are locations, as noted below, where the development would be apparent in public views, especially during winter months.
17. In comparison to the appeal scheme, the recent development on Woods Lane to the northwest is considerably smaller, does not significantly project into the open countryside and is located closer to the central core of the village. Similarly, the recent development on Farleigh Lane is both of small scale and does not project as significantly into the open countryside. The development at Hoopersmead is something of an anomaly to the overall settlement pattern, but it is located on the other side of the village and in a different landscape context to the appeal proposal. These existing developments do not therefore weigh significantly in favour of the appeal development.
18. Although the site has mature screening around much of its boundaries, other than the conifer hedge, the effectiveness of this screening would be eroded in winter months. Although some distance away, views of the development would be possible from the rising land to the south and southeast, including in gaps in the vegetation along the existing public footpath that runs south-westwards of Cliddesden Primary School. Limited glimpses of the proposed development would be possible from Woods Lane where the new access is proposed in place of the existing dwelling, notwithstanding that the proposed housing itself would be well set back from Woods Lane. Limited views would also be likely to be possible during winter months from the public footpath leading to Fairleigh Road.
19. In such, albeit fairly limited views, the extension of the built development into the countryside would lead to significant adverse effects, given what would amount to a large-scale urban development of an existing open area of land that contributes to the existing setting of the village. Whilst existing development is already visible in medium to long range views, even with the Cliddesden Rise development, it is apparent that the intensity of existing development lessens towards the western edge of the village. The proposed development would substantially extend this part of the village to the south,

introducing a new limb of development, to the detriment of its visual setting and rural character.

20. Notwithstanding the matters considered above, I am generally satisfied that appropriate measures would be able to be put in place to safeguard existing trees and also that further planting would also be possible. However, these matters do not overcome the harm that would arise.
21. For the above reasons, I consider the harm arising would be greater than set out in the Applicant's Landscape and Visual Assessment. I find that the proposed development would result in significant harm to the character and appearance of the area, including the rural setting of the village. The development would not represent an appropriate design response to this sensitive rural location at the edge of the village. This would be contrary to the relevant design and landscape aims of Policies EM1 and EM10 of the Local Plan, Policies DD1, DD2 and DD3 of the Neighbourhood Plan and the Framework.

Heritage

Cliddesden Conservation Area

22. The Conservation Area adjoins the eastern boundary of the site. As well as the traditional buildings, providing evidence of the historic development of the village, the open space within it makes a positive contribution to its character and appearance, including the open land to the east of the site which contributes to the rural landscaped context of the village. The open grazing land within the appeal site itself forms part of the setting of the Conservation Area and contributes to its significance through its contribution to the open rural landscape setting of the historic part of the village. Whilst it is no longer in agricultural use, its openness and similarity to other agricultural land around the village also contributes to the historic understanding of the past agrarian economy of the village. This contribution is to a degree limited by its lack of visibility from within the historic core of the Conservation Area, although it is appreciable from the fields and paddock areas beyond the site's eastern boundary and other viewpoints as noted above.
23. Whilst the southernmost part of the site would remain open, the proposed development would lead to the built development of the site including the strong presence of the row of properties adjacent to the eastern boundary of the site. Whilst traditional materials and features are proposed and the proposed development would not be prominent in key views approaching and from within the Conservation Area, the erosion of the open character of the site would lead to the loss of this part of the existing open landscape around the historic core of the Conservation Area. The adverse effect on its rural setting would lead to an adverse effect on the significance of the Conservation Area considered as a whole.

Listed buildings

24. As the appeal relates to the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
25. **Manor Farmhouse** is an early 19th century grade II listed building on Farleigh Road, approximately 250m to the east of the appeal site. Its significance insofar as it relates to this appeal is primarily associated with its architectural

and historic interest including the use of traditional construction materials and construction techniques, and its historic farming associations including its proximity to former farm buildings. There is an historic association between the farmhouse and the southernmost part of the appeal site as records indicate that the farmhouse was historically occupied by a tenant farmer who farmed this part of the site.

26. Whilst it is visually and spatially separated, and has no existing association, given the historic functional connection, I consider that the southern part of the site forms part of the historic setting of the listed building and makes an, albeit limited, contribution to its significance through an understanding of its historic farming use. Despite the retention of open space adjacent to the south boundary of the appeal site and noting that the proposals would be unlikely to be visible from the listed building, the residential development and loss of general openness and rural characteristics of the site would erode, to an albeit limited degree, its historic functional relationship to the listed building. It would therefore be harmful to its setting and significance.

27. 10 Woods Lane is a grade II 18th century cottage located approximately 170m from the appeal site. Its significance is primarily associated with its architectural and historic interest as an 18th century domestic property, including its illustration of vernacular architecture. There is no intervisibility between the appeal site and the building, nor is there any evidence of any historic functional link. Although the proposed development would result in the urban development of the currently open site, the development along and adjacent to Wood Lane has already severed the link between the building and its rural surrounds. Whilst its setting extends beyond its curtilage, I do not consider that it extends as far as the appeal site. The proposal would therefore have a neutral effect on significance of this listed building.

28. Cliddesden Down House is a grade II listed building on Farleigh Road dating from the 18th century. Its special interest is primarily associated with its architectural and historic interest as a rural rectory, including its polite 18th century architecture. The appeal site is located approximately 240m to the west and is separated by existing fields, paddocks, hedging and trees. There appears to be very little or no intervisibility between the listed building and the appeal site. There is also no apparent historic functional relationship. Whilst the openness of the site contributes to the overall rural character of the area, for the above reasons I do not consider that it forms part of the setting of this listed building. Therefore, it would have a neutral effect on its significance.

29. Wall Cottage is a grade II 17th century house. Its special interest is primarily associated with its architectural and historic interest including its vernacular architecture and its evidence of traditional materials and construction techniques. Located in the core of the village, its setting does not extend as far as the appeal site and therefore the proposed development would have a neutral effect on its special interest. Whilst the evidence indicates that a former owner also once owned and occupied one of the fields that makes up the appeal site, this appears to have been for a relatively short period and the cottage itself does not appear to have been part of an historic farmstead, unlike Manor Farmhouse. Consequently, I do not consider that the appeal site forms part of its setting and the effect on its significance would be neutral.

Non-designated heritage assets

30. The Council's reasons for refusal also refer to the effect on non-designated heritage assets although little detailed justification is provided. I have considered, in particular, the effects on 1 & 2 Cold Harbour Cottages, Three Horses and Manor Farm Cottage. In each case, given their physical and spatial separation from the appeal site, the appeal site would not be within their setting and no harm would result to their significance. From the evidence, I am satisfied that no harm would arise to any other non-designated heritage asset in the village.

Conclusion on heritage effects

31. I have found that harm would arise to the setting and significance of the Conservation Area and that of the grade II listed Manor Farmhouse. The proposals would therefore be contrary to the heritage conservation aims of Policy EM11 of the Local Plan and Policy H1 of the Neighbourhood Plan.
32. Given that the development would not be located within the Conservation Area itself and would affect only part of the setting of Manor Farmhouse to a limited degree, I consider the harm to be less than substantial in both cases. Whilst the Framework does not set out a spectrum of less than substantial harm, I consider the harm to be at the lower end of less than substantial, but nevertheless of considerable importance and weight. Paragraph 206 of the Framework states that any harm to, or loss of significance of a designated heritage asset through its alteration or destruction, or from development within its setting, should require clear and convincing justification. I go on to consider this harm against the public benefits in the 'planning balance' below.

Other Matters

Housing land supply

33. Further to paragraph 226 of the Framework and the publication of the draft Local Plan in January 2024, it is agreed by the main parties that, for decision making purposes, the Council needs to demonstrate a minimum four year supply of deliverable housing sites against local housing need. The Council considers that it can demonstrate more than a four-year housing land supply drawing on its most recent Housing Land Supply Position Statement (March 2024) and the recent (May 2024) appeal decision in Cranesfield³ which concluded there was a 4.1 year supply. The appellant maintains that the supply is only 3.56 years. This is based on a housing land requirement of 850 dwellings per annum that was agreed by the Inspector in the Cranesfield appeal.
34. The main parties disagree on the extent to which certain sites will contribute to housing land supply, including but not limited to the sites at Upper Cufaudd Farm and Manydown. Several months have now passed since the Cranesfield appeal decision and in response to my recent request for any further information on the current position, the Council has not presented any significantly updated information on the progress of the key sites over and above that presented in its earlier appeal statement.

³ APP/H1705/W/23/3327082

35. Consequently, as far as this appeal is concerned there is some doubt and lack of clarity as to the latest position including the clear evidence required on the deliverability of key sites, including the most up to date position regarding the progress of and towards reserved matters applications, relevant developer's delivery intentions, anticipated start times and build out rates and other relevant matters.
36. Therefore, given the uncertainty on these matters, it is difficult to accurately establish the latest position for this appeal. However, if I were to take the appellant's figure of 3.56 years as a worst-case scenario then paragraph 11(d) of the Framework would be engaged. Consequently, given the uncertainty and for solely the purposes of this appeal, I have gone on below to consider the matters relating to the planning balance on this basis.

Planning obligation

37. The applicant's unilateral undertaking has been agreed by the Council subject to one minor amendment. It includes provision for affordable housing, open space, play area, landscape management and biodiversity net gain. Where relevant and appropriate, I have considered the obligations in my assessment of benefits in the planning balance below, but otherwise it has not been necessary to consider the detail of the obligations in any further detail due to my overall conclusions in the determination of this appeal.

Scheme benefits

38. The proposal would provide for 28 new dwellings (with one existing being demolished) of which 11 would be affordable, including rented units, first homes, shared ownership and accessible units. It also includes single storey and smaller dwellings for which there is a particular need. The scheme also appears to be capable of being implemented reasonably quickly. On the basis of the housing supply position presented by the appellant where there would be a moderate shortfall, the development would make a valuable contribution towards both general housing needs and the particular need for affordable housing. These benefits carry considerable weight. On-site open space, including an equipped play area and a 'kickabout area', would be provided. Whilst this would be likely to be attractively sited for incoming residents of the development and potentially those living in proximity, given its distance from the village centre, the lack of a pedestrian footway along Woods Lane plus its narrowness, and its location at the rear of the site, I find it unlikely that it would offer a viable area for use by residents generally in the village. It therefore carries modest positive weight.
39. The scheme would provide for over 49% biodiversity net gain, carrying moderate positive weight. During the construction period there would be likely to be some benefits to the local economy carrying modest positive weight.

Additional considerations

40. I have considered the 2022 appeal decision at Parsonage Chase, Minster-On-Sea. Whilst an orchard is a common theme, the full context and location of the respective sites appear as being quite different. It therefore has little bearing on the determination of this proposal. I have also considered the recently dismissed appeal⁴ for a smaller housing development further along Woods

⁴ APP/H1705/W/23/3321532

Lane. Whilst there are some similarities given the proximity of the sites to each other, that appeal followed the refusal to grant permission in principle and that site is located at the very edge of the village, adjacent to the road and within a strategic gap. It does not therefore have a particularly significant bearing on the outcome of this appeal. I do not have full details of the Cranesfield appeal scheme though from the commentary in the decision letter, its context does not appear to be truly reflective of that of the appeal scheme.

41. I have taken account of the proposed revisions to the Framework. These have been subject to consultation the outcome of which it not yet known and therefore, whilst noting the potential implications for the housing land supply requirement, the proposed revisions to the Framework carry only limited weight at this time. I have also taken account of the the recent WMS and its aim to build homes in the right places (noting the first preference for building on brown field land) and the delivery of more affordable housing.

Planning balance

42. The proposed development would result in significant harm to the character and appearance of the area and less than substantial harm to the setting of the Conservation Area and the grade II listed Manor Farmhouse. The proposal would not accord with the Council's development strategy, including Local Plan Policies SS1 and SS6, although taking the appellant's position regarding housing land supply, the conflict alone with these strategic policies would carry little negative weight. Notwithstanding this, and in spite of the contribution towards housing and affordable housing and other benefits noted above, the harm to the character and appearance of the area and to the setting and significance of designated heritage assets, along with the conflict with the other relevant policies as set out in my main issues, leads me to the conclusion that that there would be conflict with the development plan when considered as a whole.
43. As set out above, using the appellant's housing land figure as a worst-case scenario, paragraph 11 (d) of the Framework would be triggered.
44. With regard to designated heritage assets, paragraph 205 of the Framework makes clear that great weight should be given to an asset's conservation. Paragraph 206 goes on to advise that any harm to, or loss of, significance of a designated heritage asset, including from development within its setting should require clear and convincing justification. Under paragraph 208 of the Framework, the less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
45. In this case, based on the appellant's position regarding housing land supply, the contributions to the general housing land supply and towards meeting the need for affordable housing carry considerable weight. Further public benefits would arise as set out above, including from the public open space including equipped play area and 'kickabout area', from the proposed biodiversity net gain and from local economic benefits. These public benefits would outweigh the less than substantial harm to the significance of the designated heritage assets. I am satisfied therefore that there would be clear and convincing justification for the harm that would result to the significance of the designated heritage assets. Consequently, in the context of paragraph 11 of the Framework, the application of policies in the Framework relating to non-designated heritage assets do not provide a clear reason for refusing the

proposed development. I therefore turn to apply the overall 'tilted balance' in paragraph 11 (d) (ii) of the Framework.

46. The proposal would result in significant overall harm to the rural character and appearance of the area, including a considerable projection of urban development into the countryside. Despite the use of traditional materials and design features for the individual dwellings, the overall quantum, form and layout of the development, as proposed in this case, would be unacceptable in this rural edge of village location. The introduction of what would amount to a substantial residential cul-de-sac towards the edge of the village would not reflect the character of the village or its rural surroundings and I do not consider it, as a whole, to be a well-designed development. It would fail to appropriately recognise the intrinsic character and beauty of the countryside. Taking account of the approach of the Framework on these matters, including paragraph 139, this weighs particularly heavily and significantly against the development. Notwithstanding the separate public benefits balancing exercise, the harm to the setting and significance of the Conservation Area and Manor Farmhouse also weighs considerably against the proposals.
47. Against this harm, there would be considerable social benefits outlined above arising from the proposed market and affordable housing. Modest social benefits would arise from the open space and related provision. Moderate environmental benefits would result from biodiversity net gain and modest economic benefits would arise from the construction phase.
48. However, overall, the adverse effects upon the character and appearance of the area, including my concerns that it would not as a whole be a well-designed development, and to the setting and significance of designated heritage assets would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. It would also therefore conflict with the aim of Local Plan Policy SD1 to achieve sustainable development. Furthermore, as I have concluded the proposed development to be inappropriate, it would not gain support from Policy HD1 of the Neighbourhood Plan.

Conclusion

49. The proposed development would be contrary to the development plan and the other material considerations in this case do not suggest that the decision should be taken otherwise than in accordance with the development plan. Consequently, even taking the appellant's position of there not currently being a four-year supply of housing land, permission should be refused.
50. As my consideration of the appeal on the basis of there not being a 4 year supply of housing land has led to a conclusion to dismiss the appeal, given that this scenario is the most favourable for the appellant in engaging paragraph 11(d) of the Framework, it has not been necessary to consider in detail the implications in the event of the Council being able to demonstrate a 4 year supply. Doing so would also result in a conclusion to dismiss the appeal.
51. Therefore, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR