

Appeal Decision

Site visit made on 10 September 2024

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th October 2024

Appeal Ref: APP/H1705/W/23/3331292

Land at Rectory Road, Oakley, Basingstoke RG23 7ED

- 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 Woodward against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/01684/FUL.
 - The development proposed is the erection of two 4-bedroom houses, together with the formation of a new access, garages, and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024, the Government published a consultation on 'Proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system'. A Written Ministerial Statement (WMS) entitled 'Building the homes we need' was also published at the same time. The main parties were given the opportunity to comment on these publications, and I have considered their comments raised in my decision.
3. In relation to nutrient neutrality, referred to in Refusal Reason 3, the Council has advised that subsequent to its decision on the application, the appellant submitted to them a nitrates calculation as well as a proposed mitigation scheme which would take the form of credits under the Eastleigh Scheme. The Council has subsequently advised that it has considered this submitted mitigation and does not now raise any queries or concerns. I will, however, return to this matter below.
4. I have a statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to the duty imposed by section 72(1) of the Act which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area including the Church Oakley Conservation Area and the setting and significance of nearby listed buildings; and
- whether or not the proposal would represent an appropriate mix of dwellings.

Reasons

Character and appearance

6. The appeal site is a parcel of grassland to the north of Rectory Road which is located within an historic streetscape. The site has mature hedging to its rear and adjoining the entrance to Park Farm with a relatively low hedge and railings to the roadside. It is located within the Church Oakley Conservation Area (the Conservation Area).
7. The Conservation Area centres on historic properties and plot boundaries mainly located in a linear and sinuous fashion along Rectory Road which are set in a farmland landscape. The Conservation Area Appraisal (2004) (CAA) describes the settlement as a rural community where both traditional buildings and farmland contribute to the area's character. The appraisal describes the settlement form, key historic buildings with their varied mix of building styles and materials, the important contribution made by hedgerows and the integral relationship of buildings and spaces, together with important views. It notes that the irregular layout of buildings creates an historic settlement of varied appearance and significant visual interest, and that open spaces within the settlement make a significant contribution to the rural character of the area. Based on the CAA and my observations, I consider that the significance of the Conservation Area is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them.
8. The CAA Map illustrates that the appeal site is part of an area of farmland which runs through to the road. The CAA highlights that this area, lying between The Rectory (now Oakley House) and St Leonards Centre, *'reinforces the rural and open character of the hamlet'* (page 8/9). It also identifies an important general view taking in the appeal site. Furthermore, the map shows that the site is surrounded by a cluster of listed and other notable historic buildings.
9. My visit corroborated some of the findings of the CAA, in particular, the important contribution made by open fields, gardens and other green spaces to the historic settlement form and its rural character. The appeal site is one such significant green, open space and its undeveloped nature in such a central position within the historic settlement elevates its importance. The site is close to St Leonard's Church, St Leonard's Centre and several surrounding historic dwellings and farm buildings which are grouped around it. They also share interconnected views with the appeal site. I also noted that the elevated position of the churchyard and White Cottage directly opposite allow particularly close views across the appeal site. Whilst I

recognise that some of these interconnected views are filtered or partially severed by mature boundaries adjoining the appeal site, especially the eastern boundary adjoining Park Farm entrance, the height and density of boundaries can change over time. They should not, therefore, be regarded as permanent obstructions to views. The roadside boundary to the appeal site is a characteristic feature of the area which adds to the sense of enclosure along Rectory Road, with historic railings embedded within the hedge suggesting an added historic significance to this boundary.

10. Modern farm buildings are, in my view, a recognised feature of many rural areas. Nevertheless, the farm buildings near to the appeal site are well set back from the road frontage, currently screened by mature boundaries, and have little impact on the appeal site and the appearance of the street scene along Rectory Road. Therefore, in the immediate vicinity of the appeal site, despite the presence of these agricultural buildings, there is little evidence of modern dwellings or other development, reflecting the sensitive nature of the site and making it particularly vulnerable to harmful change.
11. Drawing all of this together, the appeal site is an important open space within the historic settlement which contributes to its irregular built form and how the buildings are appreciated and experienced. It, therefore, makes a valuable and positive contribution to the character and appearance of the Conservation Area, and its significance as a designated heritage asset.
12. The CAA map referred to identifies several listed buildings near to the appeal site. St Leonard's Church (a Grade II* listed building, Ref.1301811), is described in the listing description as a medieval church and mentions the materials, form and architectural detailing of the building as well as its prominent tower and finely detailed finish. I have noted already the elevated position of the churchyard which allows prominent views of the church within the settlement as well as a strong visual connection with the appeal site.
13. Also nearby are the Grade II listed buildings of Well House (Ref.1339570), Barn Cottage and the Barn House (Ref.1092905), Manor Cottages (Ref.1301842) and Oakley House (Ref.1092904). These are a mix of vernacular dwellings and converted barns dating from the 17th century. Based on the evidence before me, including the list descriptions, I consider that the special interest and significance of these listed buildings mainly derives from their age, historic fabric, form, architectural features and their function.
14. The appeal proposal may not physically impact on the listed buildings themselves. However, in relation to this appeal, the special interest and significance of this group of listed buildings can be experienced from Rectory Road, including interconnected views towards and across the appeal site. Even considering the distance of some of these listed buildings from the appeal site and several property boundaries filtering these views, for the reasons explained above, the site positively contributes to the way these heritage assets are seen and understood.
15. The appeal proposal would comprise the erection of two, four-bedroom dwellings with a new access centrally placed in the hedged frontage, together with a shared garage and landscaping. The dwellings would be of

two storeys with hipped roofs, one building faced in brick and render with a slate roof and the other faced in brick with tile hanging and a clay tiled roof.

16. The proposed built form would result in the loss of most of the open field which I have identified as helping define the form of the historic settlement and the way that its surrounding buildings are seen and appreciated in their landscape setting. Furthermore, the massing of the built form, extending practically across the full width of the appeal site, would contrast with the open, spaciousness of the surrounding grain of this part of the settlement and the distribution of buildings. Despite the proposed variation in material and design, overall, both dwellings would be very uniform in their siting and form. They would appear to be modern and suburban in style rather than drawing inspiration from the varied design, siting or massing of nearby historic buildings. Consequently, even with the set back of the buildings on the site, the use of traditional materials and proposed landscaping, the development would look incongruous and out of place in its context amid the historic streetscape.
17. The officer report mentions that to achieve the required visibility splays the front mature hedge would need to be removed and a new hedge planted behind an estate fence with brick piers at the entrance. Therefore, the whole site would be opened up from the frontage whilst the hedge is established. This, together with the creation of a new access, opening up views of the site would, to a degree, add to the urbanising effect of the development.
18. The proposed development would not harm rural views out of the settlement due to the presence of the nearby farm buildings. Therefore, I have no compelling evidence that there would be any wider harm to the surrounding character and appearance of the area. However, it would be harmful to the irregular layout and grain of the historic settlement along Rectory Road, and the way that the buildings are appreciated in their context. It would therefore have a significantly harmful effect on the character and appearance of the Conservation Area and on the contribution that the setting makes to the significance of nearby listed buildings. It would not, therefore, meet the expectations of the Act.
19. Paragraph 205 of the Framework advises that when considering the impact of proposals on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification. I find the harm in the context of the significance of the heritage assets, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Paragraph 207 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. The development would provide two dwellings which would contribute towards housing land supply. A boost to housing supply is an important Framework consideration in favour of the development. The site would be within an established residential area, which the appellant suggests has a good range of services and facilities and is in an accessible location. The

development as proposed would also have some social and economic benefits during construction and occupation and would contribute to the vitality of local services and facilities. However, given the size of the development proposed, these public benefits would be modest in scale, and I attribute them limited weight.

21. Furthermore, the appellant suggests that the scheme would be of high-quality design, provide satisfactory amenity levels for occupiers, cause no adverse harm to neighbouring amenities, and parking and access would be acceptable. Also, that there would be environmental benefits derived from new planting and biodiversity enhancements and the buildings would incorporate energy efficiency measures. These aspects of the proposal generally represent good planning expected in all cases, and therefore as positive features of the development I attribute them limited weight.
22. Given the above, I conclude that the overall limited weight that I attribute to the public benefits would be insufficient to outweigh the level of harm to designated heritage assets, which collectively I consider to be significant and to which I attach great weight. As such, the proposal would not comply with the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. Consequently, the proposal would not comply with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan (2016) (BDLP) and the Church Oakley Conservation Area Appraisal, in so far as they seek to conserve or enhance the significance of heritage assets.

Mix of dwellings

23. BDLP Policy CN3 requires that market housing development should contain a mix of house types and sizes to address local requirements with the mix also suitable to reflect the character of the site and surrounding area. The Framework also requires Council's to provide a mix of housing reflecting demographic trends and local demand. The Council's Housing Supplementary Planning Document (2018) (SPD) states that development should focus on a mix of two and three bedroom houses with only a limited requirement for four bed homes. This document indicates¹ that in the vicinity of the appeal site there is a need for smaller units.
24. Both proposed dwellings would have four bedrooms which would not reflect the mix advocated in the SPD. The subtext to Policy CN3 recognises that it may not be appropriate to meet the requirements of this policy for developments of three dwellings or less. However, I have found that the proposed larger houses would not reflect the character of the surrounding area. If the development of the site was to be considered compatible with the general area, there is no clear reason why a scheme with a smaller dwelling or dwellings could not be designed appropriately. There is therefore no sufficient or convincing justification for the provision of four bed units when the policy approach requires smaller units.
25. The appeal scheme would not represent an appropriate mix of dwellings. It would therefore be contrary to BDLP Policy CN3, the SPD, and the Framework as described above.

¹ Figure A3.2

Other Matters

Protected species

26. The site lies within the Zone of Influence of the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) being situated within the catchment of the River Test. Internationally protected sites are subject to legal protection under sections 61 and 62 of the Conservation of Habitats and Species Regulations (2017) (as amended), which implements the requirements of European Habitat Directive and European Bird Directive into UK law.
27. The Solent is internationally important for its wildlife, which includes waders and wildfowl including 10% of the world's population of Brent Geese. The area also hosts plants, habitats and other animals which are of both national and international importance. The conservation objectives are to ensure that the site is maintained or restored as appropriate and ensure that it contributes to achieving the favourable conservation status of its qualifying features and the aims of the Wild Birds Directive.
28. Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from housing and agricultural sources, and that these nutrients are causing eutrophication at designated nature conservation sites which include the SPA and SAC. In accordance with advice from Natural England 'Advice for Achieving Nutrient Neutrality in the Solent (June 2020)', the proposal is required to demonstrate nutrient neutrality with the nutrient loading generated being offset from the development and this is the amount of nitrogen that would need to be addressed.
29. Although the Council has advised that it has no queries or concerns with the appellant's submitted mitigation, I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on these designated sites. However, there is no need for me to consider the implications of the proposal on the protected site and undertake an Appropriate Assessment because the scheme is unacceptable for other reasons.

Planning Balance

30. At the time of making its decision the Council advised that it could not demonstrate a 5-year housing land supply position and considered the proposal accordingly. The Council modified this position in its appeal statement following the revisions to the Framework in December 2023 to state that it had a Framework compliant supply of housing land. Therefore, the Council believes that its planning policies for new housing should be considered up-to-date and that Paragraph 11d) of the Framework is not engaged.
31. The appellant maintains that the Council is not able to demonstrate a Framework compliant supply of housing land. The appellant has also cited several recent planning appeals including a site at Watermill Bridge, Addover², which take account of the revisions to the Framework in December

² APP/H1705/W/23/3326191

2023, and suggest that the policies for the delivery of housing are still out of date.

32. If I was to be persuaded that the appellant is correct, that would trigger the presumption in favour of development as set out in paragraph 11d) of the Framework. This indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for the development proposed or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
33. Footnote 7 of the Framework identifies designated heritage assets as assets of particular importance. I have found that the harm to the designated heritage assets would not be outweighed by the public benefits, and this provides a clear reason for refusing the development. Consequently, this disengages the presumption in favour of sustainable development as set out in paragraph 11d and the scheme should be determined under a normal planning balance.
34. I have already noted that the proposal would result in two new dwellings, which would add to the overall stock and choice of residential dwellings and support the supply of homes, a Framework requirement. The scheme would also support the vitality of the community, including supporting local services and facilities, and would provide some construction jobs. Future occupants would also help sustain local businesses. However, given the size of the development proposed, these benefits would be modest in scale, and I attribute them limited weight in support of the proposal.
35. Given the proximity of the appeal site to the settlement boundary and the presence of nearby dwellings, the site does not appear isolated in the context of paragraph 84 of the Framework. It would also be in a reasonably accessible location to nearby shops, facilities and public transport and has the potential to support those local services and facilities in accordance with paragraph 83 of the Framework. The settlement is also relatively close to larger urban centres nearby.
36. I also recognise that permission has been recently granted for a relatively large housing site to the north of the appeal site³. On this latter matter, there is no clear indication that this site has any similar heritage constraints. The situations appear different, and I am not satisfied that this permission to the north has similar locational characteristics to the relatively intimate appeal site before me within the confines of an historic streetscape. This other permission, therefore, should afford only limited weight in support of the present scheme.
37. I have also taken account of the appellant's comments regarding the location of the appeal site outside the settlement boundary and conflicts with the policies for the location of development as set out in the development plan. In this case this did not form one of the reasons for refusal and therefore I have not needed to consider it as a determinative matter in my considerations. However, even if I were to be satisfied by these arguments,

³ APP/H1705/W/21/3269526

then this would attract limited weight as an objection given the clear heritage harm and the conflict with the development plan as a whole.

38. I have also taken account of the Government's Written Ministerial Statement and consultation on the Framework seeking to deliver more homes, and the comments made in relation to them.
39. However, for the reasons stated above, I conclude that the proposal would have a significantly harmful effect on designated heritage assets which should be attributed great weight. I have also concluded that the scheme would not represent an appropriate mix of housing. These are matters that weigh heavily against the scheme.
40. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Overall, the cumulative benefits of the proposed development, which include the matters I have highlighted above, are clearly worthwhile but nevertheless carry limited weight in favour of the scheme. However, these benefits would not be of sufficient magnitude to outweigh the harm and related policy conflicts that I have identified. That harm would be very significant and permanent and such that the scheme would not be in accordance with the development plan when considered as a whole.

Conclusion

41. For the above reasons, and having taken all other matters raised into account, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR