



Appeal Decision

Site visit made on 24 October 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/M1710/W/23/3332373

Land adjacent to Westbrook House, Howards Lane, Holybourne, Hampshire GU34 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by A Lyndon-Skeggs and D Webber on behalf of Farnham Park Estates Ltd against East Hampshire District Council.
 - The application Ref is 60102/FUL.
 - The development proposed is four new detached houses with attached garages and associated new access drive.
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Decision

1. The appeal is dismissed and planning permission for four new detached houses with attached garages and associated new access drive is refused.

Main Issues

2. The appeal site is not only within the Holybourne Conservation Area (CA) but also within the setting of a grade II* listed building, Holy Rood Church (reference 1179586) (the LB), accordingly I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
3. The main issues are therefore whether the proposed development would preserve the setting as it relates to the special interest of the LB, the extent to which it would preserve or enhance the character and appearance of the CA, and whether the proposal would provide adequate foul drainage.

Reasons

Heritage assets

4. The west tower of the LB is understood to date back to the Norman era and the church was extensively renovated in the late 19th century. Along with the churchyard and pond it creates a focal point within the CA. The CA covers London Road, Howards Lane, and Church Lane, where properties are generally detached and setback from the road mainly behind maturely planted hedges. Many of the properties which face onto Howards Lane and Church Lane are on spacious plots with mature gardens and trees that back onto the stream which runs through the heart of the CA towards London Road from the pond by the LB. This provides a strong connection with the surrounding countryside and instructs the rural character of the LBs setting and surrounding CA.

5. This bucolic character is further instructed by the mature trees around the churchyard and stream where traditional vernacular properties are only glimpsed through. This creates a rural village aesthetic to the setting of the LB which contributes to its special interest, and the significance of that setting informs the character and appearance of the CA.
6. The appeal site is a field which runs from Howards Lane to the stream. On one side are 2 large, detached properties with the church yard behind and on the other side is Westbrook House, with the main dwelling located closer to Howards Lane than the stream. The rear and side boundaries incorporate mature vegetation and a number of large trees.
7. The proposed development seeks to erect 4 large, detached dwellings with modest sized gardens. It would extend development from Howards Lane to the stream and there would be a shared access which would run along the boundary with the 2 large properties and churchyard.
8. The new dwellings would extend beyond the existing building line created by the properties on either side of the appeal site and encroach into the open space around the stream. This would create a visual and physical barrier which would separate the focal point around the LB from the open space along the stream. This intensity of development and loss of open space would have an urbanising effect on the churchyard boundaries so would harm the rural setting of the LB.
9. The over developed nature of that proposed is further exacerbated by the lack of space between each dwelling in comparison to surrounding development. It is noted that East Hampshire District Local Plan: Second Review (LP) Policy H10 requires plots sizes to be more than 0.2 hectares for the Holybourne Special Housing Areas, to retain the low level of development which informs the CA, and the proposed development would not comply with that.
10. Consequently, the proposal would constrain the stream corridor and physically sever the historic linkage between the LB, churchyard, and pond, and the open space along the stream. It would introduce a suburban form of development in an otherwise rural village location, so compromise the understanding of the LB's setting, to the detriment of the LBs special interest, and harm the character and appearance of the CA.
11. The proposal would retain a large number of the existing trees and include a planting strip between the churchyard and proposed new access. However, this would not reduce the spatial impact the development would have on the setting of the LB or the character of the stream as part of the CA.
12. The appellant has drawn my attention to 6 planning applications¹ where new dwellings have been approved within the CA including the 2 to the side of the appeal site. They were approvals for no more than 2 dwellings and in general were on infill sites which followed the building lines of the surrounding properties. Those that were close to the stream are located closer to London Road where the space around it narrows and development increases. Those close to the LB were located beyond the existing churchyard wall which separates it from a group of residential dwellings, away from the stream. I am therefore satisfied the circumstances are not so similar to that which is before

¹ Planning application references 24429/002, 24429/005, 28054/032, 34319/006, and 2 without references described as 'Land to rear of 20 Church Lane' and '15 Howards Lane' within the appellants statement of case.

me, and simply serve to confirm that each case should be considered carefully on its own merits especially when considering heritage assets.

13. Accordingly, the proposed development would compromise the understanding of the LB's setting to the detriment of the LBs special interest and harm the character and appearance of the CA. This would cause less than substantial harm to the significance of designated heritage assets, and Paragraph 208 of the National Planning Policy Framework (the Framework) advises that less than substantial harm should be weighed against the public benefits of a scheme, including, where appropriate, securing its optimal viable use.
14. The proposal would provide 4 new dwellings with 2 as self-build plots, which would constitute a public benefit, and that residential is likely the optimal use of the site. As the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations, as well as provide different types of housing, I give this moderate weight.
15. However, this does not overcome the great weight that Paragraph 205 of the Framework advises should be given to the conservation of designated heritage assets when considering the impact of development on the significance of those assets.
16. The proposed public benefits would not, therefore, outweigh the less than substantial harm identified. As such the proposed development would fail to satisfy the requirements of the Act and the Framework and would conflict with East Hampshire District Local Plan: Joint Core Strategy (JCS) Policies CP20, CP29 and CP30, and LP Policies H10, HE4 and HE12, which, amongst other things, seek to protect, conserve, and enhance the historic environment.

Foul drainage

17. The proposal seeks to provide a private treatment plant for foul water which on the evidence submitted could provide sufficient drainage and adequate treatment capacity. That the Council's Drainage Officer would prefer the new dwellings to be linked to the existing public sewer system is noted. Nevertheless, there is no requirement in JCS Policy CP26 for new development to connect to the public sewer systems, only that new development should have sufficient foul water drainage with adequate treatment capacity available.
18. Consequently, from the information before me both the private treatment plant and public sewer connection would be feasible to provide adequate foul water drainage in accordance with JCS Policy CP26. In this instance, as identified by the main parties, it would be for Building Regulation legislation to define the most appropriate form of foul drainage.

Other Matters

19. The Council has referred to JCS Policy CP25 which relates to flood risk, LP Policy C6 which refers to the protection of trees within conservation areas, and Policy HO2 of the Alton Neighbourhood Plan (NP) which refers to storage of household waste. Were the proposal acceptable in all other matters it is likely that good arboricultural practice, appropriate waste storage and surface water drainage, as the site is within flood zone 1, could be conditioned.
20. The main parties also consider the proposed development would not harm the living conditions of neighbouring occupants, ecology, highways, and

archaeology, be impacted by contamination, and could provide appropriate energy conservation. Along with the potential lack of harm identified in relation to trees, waste storage and flooding, by definition these are neutral factors and cannot weigh for or against the proposal.

Planning Balance and Conclusion

21. As the Council cannot demonstrate a 5-year housing land supply so Paragraph 11(d) of the Framework indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of heritage policy provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
22. Whilst I have found for the appellant in relation to the second main issue. This would be a lack of harm and thus, by definition, incapable of weighing against the harm that I have found regarding the first main issue. Consequently, the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR