



Appeal Decision

Site visit made on 13 November 2024

by Stephen Normington BSc, DipTP, MRICS, MRTPI, FIHE, FIQ

an Inspector appointed by the Secretary of State

Decision date: 8th January 2025

Appeal Ref: APP/H1705/W/24/3336819

**Land adjacent to the George and Dragon, Baughurst Road, Wolverton
Townsend, Hampshire, RG26 5ST**

- 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 & Mrs B Shore against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 23/01429/FUL, dated 2 June 2023, was refused by notice dated 31 August 2023.
 - The development proposed is the erection of 3 no. dwellings with associated parking, turning, private amenity space, landscaping, and creation of new access on Wolverton Townsend.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework) and was accompanied by a Written Ministerial Statement (WMS). The Framework and WMS are material considerations which are required to be taken into account from the day of publication. In addition, also on 12 December 2024, the Government published the 2023 Housing Delivery Test results.
3. The main parties were invited to provide comments in relation to the above documents prior to my determination of this appeal. I have taken into account the views of the parties and the provisions of the Framework and WMS in the determination of this appeal. Paragraph numbers of the Framework that are referred to in this decision relate to those contained within the new Framework published on 12 December 2024.
4. There is some confusion regarding the name of the public highway located to the north of the appeal site and from where access is proposed to be taken. The planning application form refers to this as Baughurst Road. However, aspects of submitted evidence also refer to this public highway as Wolverton Townsend and Ramsdell Road. I have no evidence to indicate which of these road names may be correct. For the purposes of this decision, I have referred to the name of the public highway as Baughurst Road in order to ensure consistency with the planning application form.

Main Issues

5. The main issues are:

- Whether the site is suitable for the development and sustainably located having regard to the settlement policies of the development plan.
- The effect of the proposed development on the character and appearance of the area having particular regard to the effect on the North Wessex Downs National Landscape.
- The effect of the proposed development on the special interest of heritage assets with particular regard to the setting of the Grade II Listed George and Dragon Public House.
- The effect of the proposed development on existing trees.
- The effect on the living conditions of the prospective occupants of the proposed development with particular regard to the shading of rear gardens.
- The effect of the proposed development on protected species.
- The effect of the proposed development on flood risk and drainage.
- Whether the proposed development would provide a suitable mix of dwellings.

6. It is also necessary to consider the Council's housing land supply position, the benefits of the scheme, and how these and other material considerations should be weighed against one another. I do this as part of the planning balance.

Reasons

Location and settlement policies of the development plan

7. The appeal site lies outside of any Settlement Policy Boundary (SPB) and is located within the designated countryside. Policy SS1 of the Basingstoke and Deane Local Plan (2011 to 2029) (Local Plan) sets out the local strategy for housing delivery and refers to permitting development within the SPBs and allocated development sites, and it is more restrictive towards housing proposals in the countryside.
8. Policy SS6 of the Local Plan does allow for some small-scale residential development in the countryside, provided certain criteria are met. These criteria include (e) where the development is of a scale and type that would meet a locally agreed need and provided that they are well related to the existing settlement, would respect the qualities of the local landscape and be sympathetic to its character and visual quality and would not result in an isolated form of development.
9. The supporting text of Policy SS6 gives guidance as to what could be considered a small-scale development, stating it would provide a net increase of four dwellings or fewer. In this context, the proposal would represent small scale residential development.
10. The appeal site lies adjacent to existing residential development and, therefore, it is not physically or geographically isolated within the context of

this policy. It is geographically located adjacent to the existing settlement and would not result in an isolated form of development within the locational context of the policy.

11. Notwithstanding my conclusions regarding the dwelling mix of the proposed development and the effect on the character and appearance of the area, which are set out later in this decision, I have no compelling evidence to demonstrate that the proposal would provide a specific and clearly identified unmet need for housing in the countryside in terms of number, size, type and tenure.
12. In the absence of a demonstrable locally agreed need for the scale and type of development proposed, the proposal would not be in accordance with the spatial strategy for the Borough due to its location outside of a settlement boundary. Therefore, the proposal would conflict with Policies SS1 and SS6 of the Local Plan which, when read together, resist housing development outside of settlement boundaries other than in certain criteria which do not apply in this case.

Character and appearance

13. The appeal site is located within the North Wessex Downs National Landscape. The Basingstoke and Deane Landscape Character Assessment identifies the site as being located within the North Sherborne Landscape Character Area. This defines the area as a gently undulating landscape with a settlement pattern dominated by small villages and hamlets, distributed throughout the rural landscape. The Council suggests that the assessment highlights the pressures of localised suburban influences of some built development and the pressure for housing encroaching into the Character Area.
14. The site occupies a position on the edge of the small settlement of Wolverton Townsend. It consists of a single, small, rectangular land parcel of approximately 0.6 hectares in size comprising of mown improved grass, and forms part of the grounds of the Grade II Listed George and Dragon Public House which is located to the east of the site. The submitted Landscape and Visual Appraisal (LVA) identifies that the site currently serves as an amenity area for the public house. The site is located to the south of Baughurst Road and is enclosed by mature trees and mixed understorey on its northern, western and southern boundaries, which effectively screen the site from the adjacent road. The eastern boundary is more visually open and appears as a contiguous part of the pub's grounds.
15. Wolverton Townsend is a small hamlet, comprised of a cluster of older 18th Century and mid-19th Century houses, of which three (Townsend Lodge, The Old Forge and Townsend Cottage) are Grade II Listed. To the north of the site is a line of six semi-detached properties positioned on the northern side of the road. To the immediate west of the appeal site is the domestic curtilage of Forge View. Beyond the hamlet are numerous isolated dwellings, farmsteads and clusters of small settlements that give a landscape character that is consistent with the Character Area.
16. The proposed development would result in the construction of three detached, two storey dwellings accessed via a shared driveway off Baughurst Road. The proposed access would be positioned in a gap between existing trees. Although access would be via a cul-de-sac arrangement, the northern

elevation of the proposed dwellings would be positioned approximately parallel to the road. Other than for the purposes of creating the access, the surrounding trees and understorey would be predominantly retained with new structural planting and landscaping also proposed along the eastern boundary.

17. The LVA identifies that the site has the capacity to accommodate a degree of change within the National Landscape area. It also sets out that the overall level of landscape impacts is Minor Adverse, and visual impacts are assessed as Moderate Adverse. It states that the level of landscape and visual impacts will reduce over time with the maturation of landscaping proposals, particularly along the eastern boundary of the site.
18. I recognise that the appeal site is relatively well screened in views from the north, south and west due to the presence of the existing tree belts. However, views are particularly attainable from Baughurst Road to the east of the appeal site in approaches to the hamlet and from the vicinity of the public house. In such views the proposed development would extend beyond the present, clearly delineated settlement pattern of the hamlet. This would result in the urbanisation of the current open grassland comprising the appeal site such that the appearance and rural character of the area would be unacceptably changed and a more suburban character would prevail.
19. I have taken into account the Appellant's contention that the scale, design and style of the proposed dwellings is reflective of the local context. I also recognise that landscaping measures could soften the appearance of the proposed development in views from the east of the site. However, these matters would not overcome the urbanisation effect that the proposal would have on this part of the countryside. As such, it would fail to conserve the open rural character of the landscape.
20. Although I note the Appellant's contention that the proposed dwellings would continue the linear pattern of Wolverton Townsend, I do not share this view. Whilst the existing tree belts provide a degree of visual screening, they also serve to visually isolate the site from the pattern and character of development on the northern side of the road which is seen as development predominantly fronting the highway. In my view, the standalone cul-de-sac nature of the proposed development would not successfully integrate into the morphology of the existing hamlet. It would fail to integrate sympathetically with the character of this part of the hamlet and appear as a form of development that has an unacceptable degree of separation from the rest of the settlement.
21. I recognise that longer distance views of the appeal site from, and within, the National Landscape area are limited. However, in the local context, the undeveloped nature of the appeal site makes a significant contribution to the landscape character of this part of the National Landscape. The proposed development would result in a localised, but important, unacceptable change to the landscape character of the area by the erosion and urbanisation of the open nature of the site. It would introduce a form of development that would appear 'at odds' with the settlement pattern of this part of the hamlet. As such, it would cause unacceptable harm to the character and appearance of the area and to the landscape of the North Wessex Downs National Landscape.
22. I have taken into account the North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019-2024 (Management Plan). This

identifies a number of key development issues which have the potential to have significant influence on the National Landscape's special qualities. These include the loss of rural character through suburbanising influences from new development (including new fencing, lighting, signage, parking areas, paved footpaths, loss of native hedgerows and creation of new garden areas) and the provision of new housing developments on greenfield sites. In my view, the proposal is reflective of the foregoing issues identified which have the potential to affect the special qualities of the National Landscape area.

23. Paragraph 189 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. I have found that the proposed development would unacceptably harm the character and appearance of the area, would fail to respect the character of the hamlet and in turn fail to conserve the landscape character of the National Landscape. As such, the proposal would be contrary to Policies EM1 and EM10 of the Local Plan. Taken together and amongst other things, these policies expect development to be sympathetic to the local character of the area and to positively contribute to local distinctiveness and existing patterns of development.
24. Notwithstanding the assessment of harm identified in the LVA, the visual sensitivity to change of the area is identified as being Moderate to High. The landscape is identified to have a Medium landscape character sensitivity overall. These factors support my conclusion that the proposal would likely result in Moderate Adverse landscape and visual impacts. Given the location of the appeal site within the National Landscape area, I have attached significant weight to the visual and landscape harm that would be caused as a consequence of the proposed development.
25. In addition, the proposal would be contrary to Policy LA 06 of the Management Plan which seeks to ensure that all development in or affecting the setting of the AONB (formerly Area of Outstanding Natural Beauty, now National Landscape) conserves and enhances the character, qualities and heritage of the North Wessex Downs landscape.

Heritage assets

26. The George and Dragon Public House is a Grade II Listed Building located to the east of the appeal site. Other Grade II Listed Buildings comprising Townsend Cottage, The Old Forge and Townsend Lodge are located to the west. In addition, the Council also identifies that the appeal site is in proximity of a number of non-designated heritage assets comprising Forge View, which is a property located immediately to the west of the appeal site, a Quaker burial site and the settlement of Townsend which is identified as a historic hamlet.
27. Turning firstly to the George and Dragon Public House, the evidence suggests that this is an early 18th Century building formerly known as Digweeds Farmhouse. The building has been a public house since the 19th Century. The Council indicates that Digweeds Farm has always been separated from the rest of the settlement, being a farmstead set in its own land and that the somewhat pastoral rural setting greatly contributes to the significance of the listed building.

28. The appeal site forms an elongated area of grassland, flanked by trees to the north and south, that is particularly visible from the pub beer garden and car park and also partly in views travelling westwards into the hamlet. In such views, I consider that the appeal site appears as a contiguous and integral part of the setting of the listed building and contributes to its significance. It provides a sense of spaciousness to this setting and separates the listed building from the closest neighbouring property. I agree with the Council that the site forms an attractive, rural and undeveloped component of this setting. Furthermore, I consider that the appeal site makes an important visual contribution in how the listed building is experienced.
29. The proposed development would result in the partial loss of the open grassland area and the loss of the separation between the listed building and the hamlet. This would result in the public house as appearing part of the continuum of development. As such, the proposal would have a detrimental impact on the setting of the Grade II Listed George and Dragon Public House and erode the ability to appreciate the heritage significance of the building.
30. For the above reasons, I consider that the proposed development would cause less than substantial harm to the significance of the Grade II Listed George and Dragon Public House.
31. I turn now to the listed buildings and non-designated heritage assets to the west of the appeal site. The group of three listed buildings to the west of the appeal site form part of the core of the historic cluster of the settlement together with other historic buildings, including Forge View, which is largely hidden on the south side of the road, and the mid-20th century semi-detached housing to the east of the historic core.
32. I share the Appellant's view that these heritage assets contribute to the settings of the others and are primarily experienced from the road where they are seen and understood to be part of the small rural settlement. They have a shared setting which is primarily their intervisibility and association with each other. This setting makes a positive contribution to the historic heritage value of these assets.
33. The proposed development would maintain the substantial vegetated boundary along the roadside, except for the provision of the new access. Apart from views in the vicinity of the proposed access, the dwellings would have very limited visibility from the public realm within the core of the hamlet. Being set back behind this boundary, I concur with the Appellant that the proposed development would have no impact on the ability to experience the various heritage assets located to the west of the site or appreciate their significance. Furthermore, no important views to, or between, these heritage assets will be impacted by the proposed development. In this context, the proposal would not appear as a detracting or competing feature to the heritage assets located to the west of the appeal site. The contribution currently made by their shared setting would be unchanged.
34. I am satisfied that there would be no consequential harm to the setting or heritage significance of the heritage assets to the west of the appeal site. Neither would the development adversely affect the ability of the public to interpret the heritage significance of these assets.

35. In overall conclusion, I do not consider that the proposed development would have an adverse effect on the appreciation of the significance of the heritage assets to the west of the site. However, it would cause less than substantial harm to the significance of the Grade II Listed George and Dragon Public House. As such, the proposal would be contrary to Policy EM11 of the Local Plan.
36. In arriving at this conclusion, I have had full regard to the desirability of preserving the setting of heritage assets and the need to give due weight to any harm in that respect. In particular, I have taken into account the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 212, 213 and 215 of the Framework. Whilst great weight is to be given to the conservation of heritage assets, less than substantial harm is required to be weighed against any public benefits of the proposal, which I do in a later section of this decision.

Effect on trees

37. The submitted 'Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan' (AIA) identifies that the arboricultural structure of the site is dominated by a line of established mature oaks with dense understorey vegetation, which forms a screen along the highway boundary to the north of the site. The southern and western boundaries are composed of less established growth of early mature oak, ash and hazel which forms a consistent bank of vegetation on both sides. No trees on, or adjacent to, the site are subject to Tree Preservation Orders.
38. The AIA identifies that the principal conflict between the design of the proposed development and the trees assessed is concerned with the proposed highway access position and the Root Protection Areas (RPAs) of several mature oaks, along with a section of understorey vegetation forming the group G1 in between these trees. The proposed access would be positioned in an existing gap between oaks identified in the AIA as T17 and T19. The AIA also identifies that the proposed highway access and internal service road would potentially conflict with the RPAs of a number of trees.
39. The position of the proposed access avoids the removal of any of the substantial oaks forming the boundary with the highway to the north of the site. In terms of protection of the RPAs, the AIA sets out a range of measures that can be employed to protect the health and integrity of existing trees, including the further submission of an Arboricultural Method Statement with construction works carried out under arboricultural supervision.
40. In my view, the protection measures proposed in the AIA are commonly and successfully used to maintain the health of trees in circumstances where development is proposed in the proximity of trees. I have no contrary evidence or reasons to conclude that such measures would not be capable of being successfully employed in the appeal development.
41. Taking into account the evidence provided in the AIA, I consider that a suitable planning condition could be imposed requiring the submission of a method statement for the works proposed in the vicinity of the RPAs and that appropriate arboricultural supervision is employed during the period of such works. Subject to the imposition of such condition, I am satisfied that the proposed development would have no material adverse impact on the RPAs of

trees on, and in the vicinity of, the site that are shown as being proposed to be retained.

42. I have considered the visual and landscape effects of the proposed development above, including the effect of the access provision and associated understorey vegetation loss. However, on the basis of the content of the AIA, I am satisfied that appropriate measures can be employed, secured by an appropriate planning condition, to protect the integrity and RPA of trees that are to be retained. As such, there would be no material conflict with the relevant provisions of Policy EM1 of the Local Plan.

Living conditions

43. The Council suggests that the siting of proposed Plots 1 and 2 in relation to existing trees on the southern boundary of the site would result in levels of daylight and sunlight reaching the proposed rear gardens to fall below acceptable levels, thereby resulting in poor quality private open space. Although I have taken into account the Council's Design and Sustainability Supplementary Planning Document, I have no technical evidence to suggest any daylight or sunlight levels that may be deemed to constitute a threshold of acceptability in this regard.
44. The submitted Tree Constraints Plan shows 'shading arcs' that would arise from the existing and retained trees on the site in relation to the proposed plots. This shows that a considerable part of the proposed rear gardens of Plots 1 and 2 would be affected by shading. However, I have no substantive evidence to indicate the time of day or time of year that such shading would occur or the extent to which there may be any variations in the degree of shading. Furthermore, I have no technical evidence to indicate the extent to which levels of daylight and sunlight would be reduced.
45. The Appellant indicates that the majority of trees on the southern boundary are Ash, whose leaf cover has already significantly declined due to dieback and will continue to reduce over time. Furthermore, the Appellant contends that there is in excess of 17 metres between the trees on the southern boundary and the nearest relevant elevation of Plots 1 and 2.
46. The AIA identifies that all of the Ash trees assessed on the southern boundary are showing clear symptoms of ash dieback which is a chronic fungal disease that causes a vascular wilt characterised by leaf loss and crown dieback in infected trees of all age classes. The AIA indicates that the Ash trees will most likely rapidly deteriorate in physiological and structural condition over the coming seasons and will ultimately die from the vascular wilt caused by this disease. It further indicates that in most cases these trees do not pose any significant hazard to key features of the proposed development that will be high occupancy areas, such as the dwellings themselves and their principal areas of use, i.e. their immediate outside areas, paths and driveways. However, the declining ash along this boundary will remain a hazard to the use of the southern ends of the garden areas, primarily during stormy weather, as they continue to decline in structural condition.
47. In my view, it is not uncommon in rural areas for substantial tree belts to form parts of the boundary of proposed development. The proposed garden areas are relatively large and I accept that parts may be affected by a degree of shading. However, I do not consider that the degree of shading would be of

an extent that would cause a material detrimental effect on the use and enjoyment of the gardens. As such, there would be no material harm to the living conditions of the occupants of the dwellings.

48. My site visit occurred on a sunny day and, although some leaf fall had occurred, I was able to observe the effect of a relatively low sun position on daylight and sunlight. These observations at my site visit reinforce my view that any loss of light due to shading would not have a material detrimental effect on the use and enjoyment of the proposed gardens.
49. I note the Council's concerns that the presence of the trees on the southern boundary may lead to pressure to remove or prune these trees. I also note that some trees are located outside of the site boundary and therefore not likely to be in the control of the Appellant. Although the Council's concerns are understandable, I am also mindful of the evidence provided in the AIA that the trees on the southern boundary are in a declining state of health in which their contribution to the character and appearance of the area will also likely decline over time.
50. I have no substantive evidence to conclusively suggest that the proposed development would result in corresponding pressure to prune or fell the trees, particularly as the degree of shading is likely to reduce as further dieback occurs. In my view, the pressure to fell the trees would more likely be as a consequence of their proven deteriorating health rather than the effect of shading. Consequently, I do not consider that there is a demonstrable corresponding link between the occupancy of the proposed development and the pressure to fell or prune the trees in order to reduce shading effects.
51. In conclusion on this matter, I do not consider that the presence of the trees on the southern boundary of the site would result in poor quality private open space of an extent that would cause material harm to the living conditions of the occupants of the proposed development. Consequently, there would be no conflict with the relevant provisions of Policy EM10 of the Local Plan.

Protected species

52. The Council considers that insufficient information has been provided to demonstrate the presence, or otherwise, of protected species on the site, or the effect that the proposed development may have upon the ecological interests of the site. In addition, the Council considers that it has not been demonstrated that the proposal would achieve a net gain in biodiversity.
53. The submitted Ecological Appraisal is based on a desk top review and site surveys undertaken on 7 April 2021 and 5 April 2023 and considers the potential impact of the proposed development on habitats and protected species. This identifies that two oak trees (T1 and T2) had potential roosting features (PRFs) for bats. These trees would be retained and unaffected by proposed works. Additional PRFs were recorded in other mature oak trees during the survey carried out in April 2023 but the majority of the PRFs identified were shallow and exposed. As such, these were deemed to provide only low potential for roosting. The remaining trees on site were not found to have features that provide suitable conditions for roosting bats.
54. The Ecological Appraisal concludes that there is a low likelihood of Dormice being present in the boundary hedges and woodland on the boundaries of the

site. It provides recommendations that the works involving the removal of woodland to create the access are overseen by a licensed ecologist to ensure that Dormice are absent. It also sets out that in the event that any nests or Dormice are found to be present then works should cease.

55. In relation to other protected species or notable mammal species, the Ecological Appraisal sets out that the potential to use the site is deemed to be low. No constraints are predicted as a result of the potential presence of small mammals and passing Badgers but, as a precaution, recommendations are made during the construction works to ensure that mammal species can exit trenches and excavations. Recommendations are also made regarding nesting birds and invertebrates.
56. I consider that the Ecological Appraisal provides an adequate basis to consider the presence of protected species and the effect of the proposed development on their habitat. The recommendations contained therein, including a lighting strategy, could be secured by an appropriately worded planning condition. Consequently, I do not share the Council's contention that insufficient information has been provided to demonstrate the presence or otherwise of protected species.
57. Turning now to Biodiversity Net Gain (BNG), the submitted BNG Preliminary Design Stage Report and accompanying Biodiversity Metric 4.0 Calculation Tool demonstrate that the proposal would result in a habitat net gain of +26.70% and a hedgerow net gain of +34.54%. I have no other contrary evidence to suggest that the Appellant's calculation of BNG may be incorrect.
58. The Council contends that the proposal does not provide for a minimum buffer of 20 metres between the constructional elements of the proposed development and the edge of woodland/tree belts and would therefore be contrary to the guidance set out in the Landscape, Biodiversity and Trees Supplementary Planning Document (2018) (LBTSPD). As a consequence of this matter, and the concerns regarding potential harm to protected species, the Council considers that it is not possible to conclude whether the scheme would deliver Biodiversity Net Gains.
59. The Council suggest that the proposed dwellings would be located approximately 8 metres from the nearest trees. The LBTSPD sets out that where a minimum buffer is proposed, information will be required to demonstrate that this will be adequate to prevent any adverse impact upon the woodland or tree belt feature. However, the LBTSPD does not set out in any great detail the nature of the information that would be required to be submitted to demonstrate that there would be no adverse impact on woodland or tree belt features.
60. In this case, I have found above that the AIA adequately demonstrates that measures can be employed to protect the integrity and RPA of trees that are to be retained. There is a degree of dispute between the parties regarding the extent to which the trees on the northern site boundary can be reasonably considered to constitute a 'tree belt' within the context of the LBTSPD. However, I am satisfied that the integrity of the trees to be retained can be maintained irrespective of whether these are interpreted to constitute such 'tree belt'. Furthermore, in the absence of any other evidence to the contrary, I find that adequate information has been provided in the application and

appeal to demonstrate that there would be no material adverse impact upon the tree belt features.

61. Taking the above factors into account, I have no compelling contrary evidence to suggest that the identified BNG would not be achieved. Consequently, there would be no conflict with the relevant provisions of Policies EM4 and EM10 of the Local Plan.

Flood risk and drainage

62. The appeal site is located within Flood Zone 1, giving the site a low risk of flooding. However, The Council suggest that, according to Environment Agency flood risk maps, the highway adjacent to the site suffers from surface water flooding. In addition, a Strategic Flood Risk Assessment (SFRA) produced by the Council in July 2021 indicates that incidences of highway flooding affecting parts of Baughurst Road in the vicinity of the appeal site have been recorded by Hampshire County Council.
63. Both main parties have drawn my attention to the provisions of Policy EM7 of the Local Plan. The Council suggest that the policy requires that the appeal application should have been accompanied by a Flood Risk Assessment (FRA). However, part 'a' of the policy identifies that the requirement for a FRA is subject to 'triggers'. These set out that the requirement for a FRA in Flood Zone 1 is applicable to all sites of 1 ha or more.
64. The appeal site extends to 0.44ha. In this regard, I concur with the Appellants' view that the site area does not trigger the requirement for a FRA under the provisions of the policy. Nonetheless, given the evidence regarding potential localised surface water flooding, I accept that the submission of a drainage strategy would be necessary prior to the commencement of any development on the site. In this regard, I note the planning condition suggested by the Council to address this matter (suggested condition No. 7).
65. I have no compelling evidence to suggest that surface water arising from the proposed development is incapable of being managed. Subject to the imposition of the suggested condition, I am satisfied that the proposed development would not have a demonstrable adverse effect on flood risk and drainage. Consequently, there would be no conflict with Policy EM7 of the Local Plan.

Dwelling mix

66. Policy CN3 of the Local Plan sets out that development will be permitted where the mix of market housing includes a range of house type and size to address local requirements. The Policy also requires evidence to be submitted to justify the mix that is proposed. Principle 3.1 of the Housing Supplementary Planning Document (2018) (the Housing SPD) addresses market housing. The Housing SPD identifies a borough-wide need for small family homes, and homes suitable for older people wishing to downsize. It states that development should, therefore, principally focus upon a mix of two and three bedroom dwellings (particularly houses), with only a limited requirement for homes with four bedrooms or more, which should normally comprise no more than 30% of the market homes in a development. It also states that the mix of housing shall be justified as part of any submission.

67. The appeal scheme proposes three 4-bedroom dwellings which the Council view as failing to achieve an appropriate mix in an area where it is asserted that there is a need for smaller units. My attention has been drawn to paragraph 5.29 of the Local Plan which provides supporting text to Policy CN3. This states that "The Council recognises that for smaller developments (typically those of 3 or less units) it may not be appropriate to meet the requirements of the policy". However, no further guidance is provided regarding the circumstances where a development of 3 or less units would not be required to meet the requirements of the policy.
68. I note the Appellants view that the supporting text to the policy suggests that it is not necessary for the proposed development to provide a mix of housing. However, I do not share that view. As set out above, the supporting text provides no definitive guidance as to the circumstances where a development of 3 or less units should not be required to meet the requirements of the policy. Furthermore, the Housing SPD is quite clear that four-bedroom dwellings should normally comprise no more than 30% of the market homes in a development and that the mix of housing shall be justified as part of any submission.
69. Against the above background, I have no compelling evidence that would justify the lack of any mix in the dwelling types and sizes of the proposed development. Furthermore, I do not consider that paragraph 5.29 of the Local Plan can reasonably be interpreted to suggest that the provisions of Policy CN3 do not definitively apply to a development of 3 units or less.
70. The Housing SPD is quite clear that the housing mix should be justified as part of any submission. It also clearly sets out the need for development to focus upon a mix of two and three bedroom dwellings. Against the above background, the absence of formal justification to support the proposed housing mix leads me to conclude that the proposal would be contrary to the provisions of Policy CN3 of the Local Plan.

Other Matters

71. In addition to the main issues that I have identified above, I have also taken into account the concerns of local residents, Baughurst Parish Council and Wootton St Lawrence with Ramsdell Parish Council. Amongst other things, these concerns relate to highway safety; potential noise and disturbance from the public house adversely affecting the living conditions of prospective occupants of the proposed dwellings; potential noise associated with the occupation of the proposed development adversely affecting the living conditions of occupants of existing properties; potential overlooking; light pollution; and a lack of community facilities. Whilst these matters have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.
72. The parties in this appeal have referred to several appeal decisions which have been provided to support their respective case. Although not exclusively, my attention has been drawn to the approach taken in several appeal decisions to the housing land supply position which was relevant at the time of previous iterations of the Framework.

73. However, it is rarely the case that appeal decisions on other sites will bring to light parallel situations and material considerations which are so similar as to provide justification for a decision one way or another. My decision is based squarely on the evidence before me. For that reason, I do not consider that the appeal decisions brought to my attention have a determinative influence on my consideration of the appeal case, particularly in circumstances where the views of the main parties were sought regarding the relevance of the new Framework to their respective cases.

Planning Balance

74. I have found that the development would conflict with the spatial strategy of the Local Plan, would cause moderate adverse harm to the character and appearance of the area and the National Landscape area, and that it would cause less than substantial harm to the setting of the Grade II Listed George and Dragon Public House designated heritage asset. I have also found an absence of formal justification to support the proposed housing mix. The development would, therefore, conflict with Policies SS1, SS6, EM1, EM10, EM11 and CN3 of the Local Plan.
75. Both main parties accept that the Council cannot demonstrate a five-year housing land supply. The housing land supply position gives rise to the approach to decision-taking set out at Paragraph 11(d) of the Framework. As such, this leads to the conclusion that the housing delivery policies are out of date.
76. In finding that the relevant housing delivery policies, SS1 (scale and distribution of new housing) and SS6 (new housing in the countryside), are out of date, this does not imply that the Local Plan as a whole is out of date. Other relevant policies may be considered as being up to date dependant on their consistency with the aims of the Framework. Paragraph 232 of the Framework sets out that due weight should be given to development plan policies, according to their degree of consistency with the Framework.
77. Paragraph 135(c) of the Framework identifies that planning decisions should ensure that developments are sympathetic to local character. In addition, paragraph 189 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The aims of Policies EM1 and EM10 of the Local Plan are broadly consistent with these aims. Consequently, the conflict with these policies carries substantial weight in my decision. Similarly, the aims of Policy EM11 remain broadly consistent with the guidance provided in Section 16 of the Framework. Therefore, I do not reduce the weight I attach to the conflict with Policy EM11 of the Local Plan.
78. I have found that the proposal would cause harm to a designated heritage asset and the North Wessex Downs National Landscape. These fall within the definition of areas or assets that are of particular importance as identified in footnote 7 of the Framework. Therefore, the harm that would be caused to these designations provides clear reasons for dismissing the appeal under the provisions of paragraph 11(d)(i).
79. Even if I were to be persuaded that the provision of paragraph 11(d)(i) do not apply, Policy SD1 of the Local Plan comes into effect. This largely mirrors the advice at paragraph 11(d)(ii) of the Framework, which states that the

presumption in favour of sustainable development should apply, and permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

80. The proposed development would offer some social and economic benefits. In particular, significant weight is attached to the contribution of three additional properties to local housing supply which would help to meet demand for housing in the borough and support the Government's objective of significantly boosting the supply of homes. Other economic benefits would arise through the creation of construction jobs, increased local spending to support the local economy and support local services including through increased tax revenue. However, the contribution that would be made by the proposed three dwellings would be modest and, therefore, these benefits carry moderate weight in favour of the scheme. In addition, the proposal would result in BNG to which I attach moderate weight.
81. The adverse impacts of the development that weigh against these benefits are significant in relation to the harm to the character and appearance of the area and the National Landscape and the less than substantial harm to the setting of the designated heritage asset. Both of these give rise to conflict with the Framework and Local Plan policies.
82. Overall, the cumulative weight of the public benefits in this case would not be sufficient to outweigh the harms I have identified. Consequently, in the specific circumstances of this case, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, when taken as a whole.

Conclusion

83. The proposed development would conflict with the development plan when read as a whole. There are no material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR