



Appeal Decision

Site visit made on 13 January 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/H1705/W/24/3350216

Greenlands Nursery, 3A Hackwood Lane, Cliddesden, Hampshire RG25 2NH

- 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 Mrs Sharon Twinn against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/02326/FUL.
 - The development proposed was described as 'new bungalow dwelling to replace existing redundant nursery storage/workshop'.
-

Decision

1. The appeal is allowed and planning permission is granted for a new bungalow dwelling to replace existing redundant nursery storage/workshop at Greenlands Nursery, Hackwood Lane, Cliddesden, Hampshire RG25 2NH in accordance with the terms of the application, Ref 23/02326/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The address in the banner above is taken from the application form and was used by the Council. My decision omits '3A' because that is where the appellant lives and is not part of the site defined by the red line in the submitted location plan¹.
3. Since the Council made its decision, and before the appeal was lodged, the Cliddesden Neighbourhood Plan was made in July 2024 (the CNP) and is now part of the adopted development plan. Reference to the then emerging CNP Policy HD1 in the Council's decision notice is unchanged and I have not been informed that the made policy is any different.
4. A revised National Planning Policy Framework was published in December 2024 and altered by minor amendments in February 2025 (the NPPF). This does not materially affect my determination of the appeal.

Main Issues

5. The main issues are:
 - whether the dwelling is an exception justified by the development plan spatial strategy for new housing in the countryside; and
 - the significance of relevant planning history and associated housing land supply position.

¹ Drawing number 02

Reasons

6. The site includes a small timber storage/workshop building. It is located on part of a former horticultural enterprise known as Greenlands Nursery. The building would be demolished and the site redeveloped with the dwelling. Some other parts of Greenlands Nursery, next to or near the site, have recently been redeveloped with four dwellings and another one is not yet built (the recent dwellings). This has already consolidated a small assemblage of residential development behind part of a ribbon of dwellings along the south side of Hackwood Lane.

Spatial strategy

7. Policies SS1 and SS6 of the Basingstoke and Deane Local Plan, May 2016 (the LP), taken with CNP Policy HD1, include a spatial strategy for the provision of new housing. Though the dwelling would not be isolated in the sense that it would be amongst other development, the site is in the countryside 670m beyond the defined settlement policy boundary for Cliddesden village. In the countryside the spatial strategy supports new dwellings only as justified exceptions to restraint, such as if essential to be in the countryside or to meet an objectively identified local need. There is little evidence that the dwelling meets the exceptions. On this basis, I have no reason to find other than that the dwelling is not an exception justified by the development plan spatial strategy for new housing in the countryside. Accordingly, the proposal does not comply with LP Policies SS1 and SS6 or CNP Policy HD1.

Planning history and associated housing land supply

8. The Council granted planning permissions for the recent dwellings when CNP Policy HD1 did not exist or was emerging. Those decisions were made in the LP Policy SS1 and SS6 spatial strategy context and the recent dwellings were not exceptions justified by it. The Council did not, though, then have the applicable 4 or 5 year supply of deliverable housing land. It applied the previous NPPF paragraph 11(d)(ii) and presumption in favour of sustainable development – the ‘tilted balance’. I have not been informed that it objected to the recent dwellings because of demonstrable harm or other conflict with the development plan for other reasons.
9. When the Council made its decision on the dwelling, the inverse applied. It could demonstrate a then applicable 4 year supply of deliverable housing land, so did not apply the previous NPPF paragraph 11(d)(ii). According to the officer report and the decision notice the Council did not object to the dwelling because of demonstrable harm or other conflict with the development plan for other reasons. But given the changed housing land supply position it refused planning permission for, to all intents and purposes, the same development (the dwelling) as it had previously granted planning permission (the recent dwellings).
10. Since it made its decision and submitted its appeal statement, the Council agrees that in this appeal it can no longer demonstrate a 5 year supply of deliverable housing land, which it accepts is now the relevant test, at 2.9 years². It also considers that NPPF paragraph 11(d)(ii) applies again. This relevant planning history and associated housing land supply positions are important considerations in this case and significant in the planning balance. This is distinctly different

² Authority Monitoring Report for the period 1 April 2023 to 31 March 2024, December 2024

circumstances to a recent appeal decision elsewhere in the Council's area³. In that case, there was then a requisite 4 year supply of deliverable housing sites which influenced the Inspector's finding on due weight to housing policies as informed by the same LP Policies SS1 and SS6.

Other Matters

11. Though well over 200m from an edge of Hackwood Park the dwelling would be in the setting of this large, registered park and garden. The significance of this designated heritage asset includes important landscape features in a parkland estate and some Grade I, II and II* listed buildings. The dwelling would have no meaningful visual or physical interrelationship due to intervening buildings, rows of trees or hedgerow, the A339 road and a wide belt of woodland. The Council considered that the dwelling would not harm the setting of Hackwood Park or the listed buildings and I have no reason to find otherwise. This neutral effect would preserve the setting of the registered park and garden and the listed buildings⁴.

Conditions

12. Without prejudice, the Council suggested some conditions if the appeal was allowed. In that eventuality, I have considered modified wording for conditions in the interests of clarity or precision and have had regard to the relevant tests for conditions, as well as to keep them to the minimum necessary. I have written agreement from the appellant to pre-commencement of development conditions which would be justified because the matters concerned would need to be secured before development progressed too far.
13. In addition to the standard three year time limit condition to begin development, a condition to specify the approved plans would give certainty about the development that would take place. Conditions would be justified to ensure the dwelling was satisfactory in external materials and that there was appropriate arrangements for foul and surface water drainage, refuse and recycling bin storage and collection and provision of car and cycle parking. A condition would be reasonable to ensure the site was landscaped, in-keeping with other residential development nearby. A condition to control construction hours of work would be necessary to limit temporary noise or disturbance to occupants of the nearby dwellings.
14. Some land contamination and radon gas was identified during construction of the recent dwellings, so conditions would need to ensure similar investigation of the site and to secure mitigation, if required, to protect human health and the environment. To prevent over development of the site and protect the character and appearance of the area, a condition would be justified to remove permitted development rights relating to (in essence) extensions, additional stories, additions or other alterations to the roof, a porch in the dwelling and outbuildings at the site, as well as means of enclosure such as walls and fences.

Planning Balance

15. Albeit a snapshot in time, the Council can no longer demonstrate a 5 year supply of deliverable housing sites. By virtue of footnote 8 the Council's housing policies are

³ APP/H1705/W/23/3327082

⁴ Section 66(1) - Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the Historic Buildings and Ancient Monuments Act 1953 (as amended)

deemed to be out-of-date and NPPF paragraph 11(d)(ii) is engaged in this appeal. The starting point is that planning permission should be granted.

16. Although the CNP became part of the development plan less than five years ago, it does not contain policies and allocations to meet its identified housing requirement. By virtue of criterion (b) the guidance in NPPF paragraph 14 does not apply in this case. Notwithstanding the current housing land supply position and notable scale of shortfall, which is not delivering the required amount of housing, taken with CNP Policy HD1, LP Policies SS1 and SS6 are the most important for determining this appeal. Though the LP policies are more than five years old, all of these development plan policies were nonetheless prepared in the context of a previous NPPF and are still broadly consistent with equivalent provisions of the NPPF for housing distribution and type in rural areas. As such, I consider they have marked weight in these respects.
17. The dwelling would be aligned with development plan aims to meet the Council's housing requirement and be consistent with objectives of the NPPF to significantly boost the supply of homes to help meet people's accommodation needs. The contribution of a single dwelling in these regards, though important, would be small so these benefits each have limited weight.
18. Subject to conditions the dwelling would be water and energy efficient and ecology enhancement at the site would result in biodiversity net gain. There would likely be employment locally during a construction phase. Replacing the existing building with the dwelling would result in some localised enhancement to the character and appearance of the area. These outcomes would be consistent with relevant development plan policies and help to achieve objectives of the NPPF for climate change, to conserve the natural environment, support economic growth, and achieve well-designed places. The contribution of a single dwelling in these regards, though important, would be small so these benefits each have limited weight.
19. The particular sequence of planning history and the Council's decisions for the recent dwellings and the dwelling in essentially the same location and for same type of housing, is differentiated only by alternating, transient housing land supply positions. In this respect, the situation is now materially different to when the Council refused planning permission for the dwelling, reverting to when it granted planning permission for the recent dwellings. The recent dwellings are also similar in overall form and layout to the dwelling and arranged next to or close to the site, within the same pocket of land on a certain part of Greenlands Nursery. There is little before me to suggest that but for the change in the housing land supply position since it granted permission for the recent dwellings, the Council could have granted planning permission for the dwelling and there is no apparent reason why it would not have done so. I give substantial weight to these considerations.
20. The adverse impacts of granting planning permission would not, therefore, significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Accordingly, the presumption in favour of sustainable development applies in this appeal. In reaching this judgement I have had particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. I have not been informed that these same considerations were not part of the Council's previous

assessments and decisions to grant planning permissions for the recent dwellings. It would therefore be inconsistent to find otherwise in this appeal and given the absence of any other objection from the Council to the dwelling.

Conclusion

21. The proposal conflicts with the development plan. However, other material considerations indicate that the appeal should be determined otherwise than in accordance with the development plan taken as a whole⁵. Consequently, for the reasons given above the proposal is acceptable so the appeal succeeds.

Robin Buchanan

INSPECTOR

Schedule of Conditions (14)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - drawing number 02 location plan
 - drawing number 01 existing site plan
 - drawing number 05 proposed site plan
 - drawing number 03 proposed plans and elevations
- 3) No development hereby permitted shall commence until details of the proposed drainage system, including how surface water will be managed within the curtilage and all areas indicated to be used for vehicles and pedestrians, shall have been submitted to and approved in writing by the local planning authority. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. The drainage system shall be constructed in accordance with the approved details prior to first occupation of the dwelling and shall be thereafter maintained in perpetuity.
- 4) No development hereby permitted shall commence on site above slab level until details of the types and colours of external materials to be used shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 5) No works pursuant to the development hereby permitted shall commence on site until, as necessary, there shall have been submitted to and approved in writing by the local planning authority:

⁵ Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended)

- (a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011.
- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk 2 study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice.
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring.

[note - unless the details approved by the local planning authority in part (a) identify significant contamination, the local planning authority may agree that part (a) may be sufficient to satisfy this condition, meaning parts (b) and (c) may not need to be subsequently carried out]

- 6) No works pursuant to the development hereby permitted shall commence on site until a radon gas risk assessment shall have been submitted to and approved in writing by the local planning authority. The assessment should conclude whether a gas impermeable membrane needs to be installed into the dwelling to protect the future occupants of the development. If a gas impermeable membrane is required then details of this and a ventilated sub-floor area should be submitted as part of the assessment, including particular attention to joins with any existing structures and seals around any services. Any services entering/leaving the dwelling shall be located above the gas impermeable membrane and adequate seals shall be provided to ensure the membrane is not breached. The works shall be undertaken in accordance with the approved assessment details.
- 7) If, during any works pursuant to the development hereby permitted, contamination is encountered which has not been previously identified this should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme shall have been submitted to and approved in writing by the local planning authority and thereafter carried out prior to first occupation of the dwelling. This further assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Contamination Land Guidance' and the works shall be completed in accordance with the approved further assessment details.

- 8) No work relating to the construction of the development hereby permitted, including works of demolition or preparation prior to operations, deliveries of construction materials or plant and machinery and removal of any spoil from the site, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 9) The dwelling hereby permitted shall not be occupied or brought into use until verification details by the competent person approved under the provisions of condition 5(c) shall have been submitted to and approved in writing by the local planning authority. The verification details shall include that any remediation scheme required under condition 5(c) has been implemented fully in accordance with the details approved by condition 5(c). The verification details shall also include:
- (a) as built drawings of the implemented scheme;
 - (b) photographs of the remediation works in progress;
 - (c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the remediation scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

- 10) Notwithstanding details shown on the plans approved by condition (2), prior to first occupation of the dwelling hard and soft landscape details shall have been submitted to and approved in writing by the local planning authority. The details shall include:
- (a) the planting plan and specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate.
 - (b) a plan indicating the positions, design, materials and type of screen walls/fences/gates/hedges/retaining walls to be erected.
 - (c) a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting.
 - (d) details and materials to be used on all hard surfaces.

Hard and soft landscape works shall be carried out in accordance with the approved details prior to first occupation of the dwelling or in accordance with a timetable in the approved details.

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective shall be replaced in the next planting season with others of species, size and number as originally approved, unless other details shall have been submitted to and approved in writing by the local planning authority.

- 11) The development hereby permitted shall be carried out in accordance with the recommendations and precautionary mitigation measures set out in Chapter 6 of the Preliminary Roost Appraisal by Lowans Ecology and Associates dated 7/02/2024. This includes the provision of 1 x integrated bat box to be built into the west elevation of the dwelling and 2 x swift boxes built into the north elevation of the dwelling.
- 12) The dwelling hereby permitted shall not be first occupied until the vehicle parking area has been constructed and cycle facilities and bin storage provision has been provided in accordance with the details in drawing 05 proposed site plan approved by condition 2. The vehicle parking area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles and the cycle storage facilities and bin storage provision shall thereafter be maintained in perpetuity in accordance with the approved details.
- 13) The dwelling hereby permitted shall not be first occupied until a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) shall have been submitted (by an independent and suitably accredited body) to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class A, AA, B, C, D or E of Part 1 or Class A of Part 2 of Schedule 2 to the Order shall be undertaken.