
Appeal Decision

Site visit made on 8 May 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Appeal Ref: APP/H1705/W/24/3354896

47 Richards Field, Hampshire, Chineham RG24 8JY

- 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 Ivan White against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/00050/RET.
 - The development proposed is change of use from amenity land to residential and erection of close boarded fence on the land to the rear of 47 Richards Field.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on site that new fencing has been erected to enclose the land subject to the change of use and this has been incorporated as part of the rear amenity space to the appeal property. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
3. In December 2024, a revised National Planning Policy Framework (the Framework) was published. Those parts of the Framework most relevant to this appeal have not been significantly amended. Consequently, I have not sought further submissions.
4. The main parties have referred me to a similar proposal for a neighbouring property (45 Richards Field) which was also refused by the Council and was the subject of an appeal which was dismissed. I have had regard to this appeal in determining the proposal before me.

Main Issues

5. The main issues are the effect of the proposal on:
 - i) the provision of open space and the green infrastructure network;
 - ii) biodiversity; and
 - iii) the character and appearance of the area.

Reasons

Public open space and green infrastructure

6. The appeal property comprises a detached dwelling within Richards Field. This is part of a modern residential development, located adjacent and south of the A33.

The residential development is separated from the A33 by a wide and dense landscape buffer. The appeal site and this proposal relate to the retention of an area of land measuring about 130 sqm, which lies adjacent to and rear of 47 Richards Field and has been incorporated into the rear amenity space of this property and prior to the change of use, formed part of the landscape buffer.

7. Policy EM5 of the Basingstoke and Deane Local Plan (2011 to 2029) (2016) ('LP') seeks to provide, protect, and maintain green space throughout the borough by, among other things, only permitting the redevelopment of public and private open spaces where a proposal would meet certain criteria.
8. Based on my visit and the information available to me, the understorey vegetation in the landscape buffer is dense and as a result largely impassable. As such, the appeal site cannot presently be accessed by the public. Even so, Policy EM5 of the LP does provide some definitions of multifunctional green space. To this end, there is no reason the landscape buffer would not fall within the definition of 'green corridors.' Also, the appeal site would meet the definition of open space set out in the Framework. The public value of the appeal site, derives from its contribution to the landscape buffer, which provides visual amenity to the wider area, and some environmental benefits, such as screening and noise mitigation from the A33. Also, the landscape buffer which incorporates numerous trees and other plants undoubtably supports wildlife and biodiversity.
9. It appears that the landscape buffer has not been recently managed or maintained, partly due to there being no registered owner of the land. The appellant also advises that the appeal site previously comprised a large amount of bramble and bamboo along the rear garden boundary of 47 Richards Field, and I have no reason to dispute that this was doing damage to the property. While I sympathise with the appellant in respect of such damage, this, nor the lack of maintenance of the landscape buffer, preclude this from meeting the definition of open space set out in the LP and Framework.
10. As such, because the proposal for change of use of the land from open space to residential along with the enclosure of this with fencing has encroached upon and resulted in the loss of open space, the proposal would conflict with Policy EM5 of the LP, as far as this seeks to protect, and maintain such areas. Also, the physical loss /reduction of open space, albeit that this is a small part of the landscape buffer amounts to tangible harm arising from the proposal.
11. Even so, there is no substantive evidence before me that the appeal proposal would harm the implementation of the Council's Green Infrastructure Strategy or result in undue pressure on the network. The understorey vegetation that has been removed as part of the proposal, was located on the edge of the landscape buffer and although this has reduced the depth along part of it, the buffer has not been dissected or fragmented and would continue to provide a green corridor. The proposal would therefore not conflict with Policy EM5 of the Local Plan in this regard.
12. However, it has not been demonstrated that the appeal site is surplus to green infrastructure requirements and no provision for any replacement area has been made, or that the proposal is for alternative recreational provision which meets evidence of local need in such a way as to outweigh the loss. Therefore, and due

to the physical loss of open space, the proposal is contrary to Policy EM5 of the LP.

The effect of the proposal on biodiversity

13. As part of its appeal submission, the Council has advised that the appeal site falls within the amber zone area for Great Crested Newts ('GCN') which is classed as a suitable habitat for GCN which means GCN are likely to be present in this area.
14. The effect of the proposal on GCN is not a matter that has been specifically raised by the Council or referenced in the original reason for refusal or Officer's Report. Both reference biodiversity in its general sense with no mention of a particular protected species. Therefore, I have some sympathy with the appellant that they have not been afforded an opportunity to address this matter. Had the proposal been acceptable in other respects, it is likely that I would have afforded the appellant an opportunity to address this.
15. Irrespective of the above and even though the Council may have processes to deal with the above matter, such as the Council's Great Crested Newt District Level Licensing Scheme, at this stage I cannot be certain that the proposal would not result in harm to protected species (GCN).
16. I observed that within the appeal site, the appellant has undertaken some new landscaping, including tree planting and introduced log piles, bat and bird boxes along with bug boxes. Even so, in the absence of any substantive evidence, I cannot be certain about the biodiversity gains arising from these measures. Furthermore, there is nothing to suggest that such biodiversity gains could not have been achieved within the original amenity space associated with the appeal property.
17. Therefore, and similar to the findings of the Inspector in determining the 45 Richards Field appeal, I am also of the view that there is very limited information before me to enable a proper assessment of the implications for biodiversity. To undertake a proper assessment, an understanding of the biodiversity value of the appeal site prior to the clearance of the understorey vegetation would be required to identify suitable habitat creation or enhancement to mitigate its loss.
18. In the appeal in respect of 45 Richards Field, the Inspector was of the view that mitigation for the loss of the understorey vegetation and biodiversity enhancements could be secured by a condition. Nonetheless, given that in this case potential impact on GCN has also been identified, I am not persuaded that this is a matter that can be left to a planning condition. In reaching this conclusion, I am also mindful that the appellant has suggested a condition to provide a biodiversity management plan. Nevertheless, I have limited information in respect of this.
19. Accordingly, I cannot be certain that the proposal would conserve and enhance biodiversity. As such, I find conflict with Policy EM4 of the LP, which seeks to conserve and enhance the borough's existing biodiversity assets.

Character and appearance

20. The landscape buffer, together with woodland to the west of Richards Field and a tree belt to the east, create a verdant setting and backdrop to Richards Field and the wider residential development.
21. As already stated, the appeal property is a detached dwelling and as I observed its rear garden including the appeal site are largely enclosed. Therefore, views of the appeal site from public vantage points are limited.
22. While the amount of understorey vegetation that has been removed is not insignificant, it is modest relative to the size of the landscape buffer. Given this, its removal has not had a detrimental impact on the overall appearance of the landscape buffer, which continues to provide a verdant backdrop to the residential development.
23. Based on the findings of the Inspector in the 45 Richards Field appeal, I also acknowledge that, in plan, the linear line of the rear boundary fencing between the residential development and landscape buffer is an evident and consistent feature. Nonetheless, on the ground, given it is set a long way back from the street scene, it is not a noticeable characteristic of the built environment and does not make any appreciable contribution to local distinctiveness.
24. Consequently, and notwithstanding that I have found that the appeal site is of public value, the proposal would not result in any harm to the character and appearance of the area. Although, given the nature of the proposal, it would not directly meet all the identified criteria in Policy EM10 of the LP, it would not conflict with the overarching aim of this policy, which seeks to achieve high quality development across the borough by, among other things respecting the local context. It would also improve the living conditions of the occupiers of the appeal property, by increasing the utility of the rear amenity space. Thus, it would accord with Policy EM10 of the LP in this regard.

Other Matter

25. Whilst it has been intimated that there may have been vermin infestations as a consequence of the landscape buffer, this in itself is not a sufficient reason to alter my findings on the main issues or outweigh the harm and conflict with the development plan I have identified.

Other Considerations

26. As set out above, the proposal would improve the living conditions of the occupiers of the appeal property. Even so, this property already benefitted from a sizeable rear private amenity space. Therefore, I attach limited weight to such benefit. I have also taken account of the new landscaping and biodiversity measures undertaken by the appellant. However, for the reasons already given under the second main issue, I attach limited weight to any benefits arising from this.

Planning balance and conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.

28. I have found that the proposal would not harm the character and appearance of the area. Even so, this would result in the loss of part of a landscape buffer which forms part of a wider area of open space. Also, on the information before me, I cannot be certain that the proposal conserves and enhances biodiversity including protected species. The harm associated with the above matters and conflict with the development plan attracts substantial weight.
29. Having taken account of the other considerations in support of the proposal to which I attach limited weight, I do not consider these to be sufficiently forceful, even if taken together, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole. Indeed, none of my two areas of development plan conflict, were they to be assessed in isolation, would be outweighed by the other considerations identified.
30. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR