
Appeal Decision

Site visit made on 8 July 2025

by **H Faulkner BSc (Hons) MSc PGCE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/C1760/W/25/3365029

Rose Cottage Newbury Hill, Penton Mewsey, Hampshire SP11 0RW

- 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 Blue Leaf Projects Limited against the decision of Test Valley Borough Council.
 - The application Ref is 24/02283/FULLN.
 - The development proposed is for the erection of a single detached dwellinghouse, creation of an access and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the effect on relevant designated heritage assets including the Penton Conservation Area and the Grade II listed building known as Rose Cottage; and
 - the effect of the development on the integrity of the Solent Waters habitat sites with respect to nutrient neutrality.

Reasons

Character and appearance and designated heritage assets

3. The appeal site is within the settlement of Penton Mewsey and located within the Penton Conservation Area (CA). The site is currently part of the garden of the grade II listed Rose Cottage.

Significance

4. The CA covers development along the main route through the settlement along with further sections off to the east and west which broadly align with the older parts of the settlement. Chalkcroft Lane is the main street through the village and includes several listed buildings, particularly on the eastern side.
5. The Penton Conservation Area Character Appraisal (the Character Appraisal) notes the importance of the development of the village with historic plots and their boundaries being retained and often reinforced. Key characteristics of the CA include the fact that historically development is one plot deep and generally respects the traditional plot layout of the area. Older cottages and houses mainly

date from the 18th century and are generally constructed of brick, flint, painted brick or render or cob with clay, slate, and thatched roofs. Boundaries to the plots are traditionally formed by brick walls and hedgerows. These elements all contribute the significance of the CA.

6. The appeal site is in the Newbury Hill and Newbury Lane character area defined in the Character Appraisal. Characteristics of this area include mature hedge and brick wall boundaries. It is noted that historic buildings generally front or are immediately adjacent to the road creating an intimate street scene which is relatively unspoilt by driveway entrances off the road. Thus, insofar as it is relevant to this case the significance of the CA derives from with the age of the buildings, their traditional architectural detailing and the mix and spaces between them which reflect the development of the settlement over time and provide a green and spacious quality to the CA.
7. Rose Cottage is a thatched building constructed of flint. The significance of this building relates to its age and architectural features such as its thatched roof. Alterations to the elevation fronting Newbury Hill detract from its appearance to some degree. However, despite some more recent additions, notably the conservatory/summerhouse, the southern elevation is particularly attractive with the surrounding open garden areas contributing to its setting.
8. The setting of the building is more than just the views from the street. The setting of Rose Cottage insofar as it contributes to its significance, is derived from the group value attributed to the pocket of listed buildings in its periphery and its role as a traditional building at the core of the village. It goes on to say that the dwelling is best experienced and understood from its immediate domestic curtilage, in private views.

Effect on Significance

9. The proposed house would appear as two storeys from the front and would be set into the site to take account of the levels. It would require significant excavation to create the driveway area along with retaining walls, together these create a hard urban aesthetic. This is not characteristic of the area where the lack of driveways and features such as hedges are noted.
10. As a two-storey dwelling it would be consistent with other houses in the area, however, the positioning in relation to Rose Cottage being at a higher level, and the design being 'built into' the site is not a characteristic feature. While the proposed house may be lower in height than Shepherd's Place opposite, the context of the south side of Newbury Hill and the relationship with Rose Cottage are particularly important and it would appear overly dominant. Furthermore, the grain of development is looser on the south side of Newbury Hill, with no other houses between Rose Cottage and the entrance to 'North Gate' which results effects the more spacious character of this side of the road.
11. The style of the proposed house does little to add to the quality of the area, although it has features such as a chimney, it has a more modern appearance and would appear at odds with the historic character of the adjacent cottage. Whilst there are other examples of modern infill in the village, they tend to be sited more comfortably in the street scene, with houses either side or with less significant excavation involved.

12. It is notable that the previous removal of trees from the site has altered the verdant character of this part of the CA. The site currently has a neutral impact on the CA. The reason for refusal references the loss of additional vegetation from the site. The proposal would involve some new planting on the boundary, although the suitability of the type/species has been questioned. Even if substantial trees could be planted the benefit of this would be tempered by the creation of the opening, hardstanding and views into the driveway and the house.
13. The Character Appraisal identifies an 'Important View' east west along Newberry Hill. Whilst I acknowledge that due to the set back of the proposed building it would not be overly prominent in views directly up or down Newbury Hill. However, the house would be clearly visible when passing the site. The appearance of the house along with its frontage would harm the significance of the conservation area where verdant edges, lack of driveways and buildings directly fronting the road are listed as being special characteristics.
14. I accept that change within a conservation area does not automatically result in harm and that there are examples of areas of the CA where recent change has taken place, including other infill development. However, this proposal has been considered in the context of the result of the change to this particular site and its relationship with the CA.
15. Although the proposed house would be set back from the road its roof line would be higher than Rose Cottage. Even with it being set into the slope it would appear more visually dominant than the cottage. When viewed from the garden of the cottage, the proposed house would be highly visible and loom over the garden. The siting of a new dwelling of the scale and design proposed, along with the associated engineering, would have a harmful impact on the setting, and its significance in terms of views of the property from the rear. Whilst these views may not be public views, they are important in the context of the setting and significance of Rose Cottage.
16. Overall, for the reasons given the introduction of a new dwelling on this site would result in harm to the character and appearance of the area and fail to preserve the character, appearance and significance of the CA as a whole. It would also harm setting and significance of Rose Cottage. The proposal would therefore conflict with Policies E1, E2 and E9 of the Test Valley Borough Revised Local Plan (LP). These promote, amongst other things, high quality design and distinctiveness, require development to preserve or enhance the character and appearance of conservation areas and to conserve features which contribute to their significance. For the same reason it would also conflict with Sections 66(1) and 72(1) of the Act. and the historic environment protection policies of the Framework.
17. Given the scale and nature of the proposals, I consider that the degree of harm to the significance of the relevant designated heritage assets combined in this case would be less than substantial at the lower end of the spectrum. Paragraph 215 of the Framework indicates harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I return to this below in my planning and heritage balance.

Nutrient Neutrality

18. The site is within an area where housing development could have a harmful effect on the Solent and Southampton Water Special Area of Protection (SPA). This

includes the Chichester and Langstone Harbours SPA/Ramsar, Solent Maritime SAC and Portsmouth Harbour SPA/Ramsar. These are habitats recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance.

19. The application was not submitted with a nitrate calculation or any method of mitigation. At the appeal calculations and a Unilateral Undertaking (UU) were provided. This sought to bind the appellant to an agreement to secure appropriate mitigation through the purchasing of credits through a third party, Roke Manor Limited.
20. The UU states that it is between the named owners of the site, the named appellant, and the Council. However, given that the only party signed up to the agreement is the appellant I have doubts as to its suitability. Furthermore, the Council also do not accept that the agreement would secure the appropriate mitigation.
21. Therefore, given the element of doubt at this stage I find that the proposed development would result in harm to designated European sites and fails to secure appropriate mitigation. It would therefore, conflict with policy E5 and E8 of the Test Valley Borough Revised Local Plan which seeks to protect against such harm. Additionally, the proposal would be inconsistent with the provisions in the Framework in relation to conserving and enhancing the natural environment and would not accord with the Conservation of Habitats and Species Regulations 2017.

Other Matters

22. A number of previous permissions have been granted for a dwelling on the site. The most recent permission being granted in April 2003¹. This permission is no longer extant being approved over twenty years ago and there being no evidence of the development having commenced. Since this permission was granted there have been changes in both local and national planning policies. For example, policies in the current Framework give 'great weight' to the conservation of heritage assets and it is not clear that the same test would have been applied in 2003 even if the duties in respect under S66(1) and S72 of the LBCA have not changed.
23. The details provided for in relation to the 2003 permission do not show a comparable dwelling. Differences include the relationship to the street, the scale of the building and a smaller area of parking at the front. Furthermore, the relationship with Rose Cottage differs due to the building being set further away from the boundary. As a result, overall, I can only give very limited weight to their being a previous permission on the site.
24. I note that there have been several recent applications² and a pre-application enquiry³ prior to the application which is the subject of this appeal. The design of the house proposed on the site may have altered and even improved during this time. I also accept that the scheme may have evolved in response to comments from the Council. This appeal has considered the proposals in respect of the plans and information submitted with the application including the Heritage Assessment and any previous changes are not part of this consideration.

¹ TVN.01876/7 granted 7 April 2003.

² 23/00443/FULLN and 23/02479/FULLN

³ 24/00848/PREP

25. Policy COM2 of the LP is included in refusal reason 1. This policy relates to settlement hierarchy. The policy states that within the boundaries of settlements the principle of development will be permitted provided that it is appropriate to the other policies of the Revised Local Plan. Given that conflict has been identified with policies E1, E2 and E9 policy COM2 provides no support to the development.
26. Reference is made in refusal reason 1 to paragraphs 201 and 202 (now 208 and 209) of the Framework. Paragraph 208 relates to the local authorities identifying and assessing the particular significance of heritage assessment that may be affected by a development. This is of relevance to the proposal. However, paragraph 209 relates to deliberate neglect of a heritage asset which I have no evidence of in this case. The second part relates to the deteriorated state of the heritage asset not being taken into consideration. The Council's reasoning in respect of this matter is not clear. Reference is made to the poor condition of the site; however, the assessment of the proposal is based on the house proposed, which would result in harm to the CA despite the current condition of the site.
27. I note that the Council refers to the development as being self-build and the appellant states that this is not their aim for the proposal. There has been no mechanism provided to secure the proposal as self-build and I have not considered it as such.

Planning and Heritage Balance and Conclusion

28. The benefits primarily relate to the provision of an additional house to the overall supply. In addition, there would be the economic benefits associated with both the construction of the development, and the future activity and spending of the occupants. I note the benefits raised by interested parties in respect of support for facilities in the village and that the development could lead to reducing speeds on Newbury Hill. If the proposal were self-build this would be an additional benefit. I accept that great weight should be afforded in respect of the provision of housing. However, considering the relatively modest scale of the proposal, these benefits would be restricted in extent. Even considering this as a public benefit, this would not outweigh the harm I have identified to the designated heritage assets.
29. The Council cannot demonstrate a five-year supply of housing. However, I have found that the harm to the significance of the designated heritage assets would not be outweighed by the public benefits of the proposal. Such conflict with policies of the Framework that protect areas or assets of particular importance and provide a strong reason for refusing the development proposed. Therefore, irrespective of the housing land supply position, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
30. Therefore, I conclude that the appeal should be dismissed.

H Faulkner

INSPECTOR