
Appeal Decision

Site visit made on 3 October 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/H1705/W/25/3369039

The Cedars, Headley, Hampshire RG19 8FE

- 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 Rivar. Ltd. against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/02694/FUL.
 - The development proposed is Full planning permission for the erection of 8 dwellings including affordable housing, together with access, parking, landscaping and any other associated works and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for Full planning permission for the erection of 8 dwellings including affordable housing, together with access, parking, landscaping and any other associated works and infrastructure at The Cedars, Headley, Hampshire RG19 8FE in accordance with the terms of the application, Ref 23/02694/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The appeal has been accompanied by a signed Unilateral Undertaking that secures provision for community and infrastructure contributions to mitigate documented impacts in relation to affordable housing. As a result, the Council have confirmed that their reason for refusal relating to this particular matter is overcome, I have no reason to conclude otherwise and have therefore not considered this matter further.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - biodiversity.

Reasons

Character and appearance

4. The appeal site is a large parcel of land located to the rear of several dwellings, at the end of a cul-de-sac. The site is densely vegetated and is mostly overgrown but there are several trees within the site which links with the wider woodlands that are character of the area, resulting in an open and verdant character and appearance.

5. There are dwellings within the wider area, and these generally follow a linear pattern along Ashford Hill Road with the appeal site, surrounding vegetation and woodland forming a boundary to the mostly open landscape beyond. However, there are several cul-de-sacs within the wider area, and the design and layout of the proposed scheme would largely mirror these. While there would be some loss of the boundary, the proposed development would appear as an extension to the existing cul-de-sac and the proposed retention of the largest of the existing trees would not significantly erode the boundary to the more open landscape beyond.
6. I note that pockets of woodlands are character of the area and while the proposed development would result in the loss of some trees, the evidence provided by the appellant indicates that more than half of individual trees and the majority of tree groups would be retained. The trees proposed to be removed are not identified as being of high quality which combined with the quantity to be removed, and landscaping enhancements proposed would mean that the wooded character and appearance of the area would be maintained and the development would not result in an overdevelopment of the site.
7. I acknowledge the densely vegetated appearance of the appeal site, however, much of this is low level and has an overgrown appearance which has little impact on the wider woodland character and appearance of the area due to the limited visibility from public vantage points. Its loss would therefore not be harmful and could be mitigated through the soft landscaping proposed which would have a similar effect from localised views, maintaining the verdant character.
8. The layout includes hard landscaping which includes the proposed road and parking spaces; however, this is generally in keeping with the layout of the Cedars and Evergreen and would therefore have a layout that would fit in with the wider area. The design of the proposed dwellings are also in keeping with those within the immediate vicinity and would therefore not appear bulky within this context. The proposed tree retention as well as areas of landscaping would also soften the proposals impact, and I am also mindful that further soft landscaping can be controlled through a suitably worded planning condition.
9. I therefore conclude that the proposed development would not harm the character and appearance of the area. I find no conflict with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan (2011 to 2029) Adopted May 2016 (LP) and Policies HD1, L1, NE1 and NE2 of the Ashford Hill with Headley Neighbourhood Plan 2022-2029 October 2022. Amongst other things, these seek to ensure that development is sympathetic to the character and visual quality of the area, is of high quality and retains veteran and other important trees.

Biodiversity

10. Policy EM4 of the LP relates to biodiversity, geodiversity and nature conservation and seeks to ensure that significant harm to biodiversity and/or geodiversity resulting from a development can be avoided or, if that is not possible, adequately mitigated.
11. There is no dispute between the parties that there would be a deficit for biodiversity net gain within the site, however, the appellant is proposing this gain to be secured through a habitat bank-with off site provision. The Council find this to be acceptable through a suitably worded condition, and I have no reason to conclude otherwise.

12. The Council's Landscape, Biodiversity and Trees Supplementary Planning Document December 2018 (SPD) provides further guidance and states that buffer zones should be created that provide a naturally graded edge to woodlands and allow for maintenance access. A minimum buffer of 20m should be provided between the edge of the woodland/tree belt and the development.
13. The application was accompanied by an ecological assessment and a technical note has been submitted with the appeal which has outlined the potential impacts of the proposed development as well as the mitigation to overcome these. Notwithstanding this, whilst small, it is recognised there that there would be a loss of woodland habitat which would have an effect on the ecological functionality of the woodland.
14. The purpose of the buffer is to enable a naturally graded edge to the woodland and while the reference to 20m is not part of the wording of Policy EM4 of the LP, the aims of the SPD clearly align with the aims to secure opportunities for biodiversity improvement which would not be met through the proposed development.
15. I acknowledge that the appeal site has no designation for its ecological or arboricultural value and that through mitigation measures, the development would not adversely affect protected species, habitats including bat roosting provision would be created and invasive species would be controlled. However, these do not outweigh the conflict with Policy EM4 of the LP through not providing the required minimum buffer.
16. I therefore conclude that the proposed development would be harmful to biodiversity and would be contrary to Policy EM4 of the LP and guidance contained within the SPD. Amongst other things, these seek to ensure that buffer zones should be created that provide a naturally graded edge to woodlands and allow for maintenance access.

Other Matters

17. The proposed dwellings would be located within proximity of several existing dwellings. In regard to No 7 Evergreen, the closest dwelling would be 30m away which is a sufficient distance to protect the privacy and outlook of the occupiers of this dwelling. While some car parking spaces would be closer, these are angled away from No 7 so would not have a harmful effect.
18. In regard to No 4 Evergreen, the proposed dwellings located at plot 1 and 2 would be within proximity, however, due to the angle of these plots they would face the side elevation of No 4 and as such, there would not be any harmful outlook or loss of privacy for these occupiers.
19. The proposed dwelling at plot 3 would be visible from the existing dwellings at Nos 5, 6, 7 and 8 Evergreen. However, these dwellings would face towards the side elevation of plot 3, where no windows are proposed meaning that there would be no harm to privacy. While built form would be visible from these properties, due to the separation distance, lower land levels and soft landscaping proposed there would also not be a harmful loss of outlook, sunlight or daylight for these existing occupiers.

20. I note that concern has been raised that suggests the local school is oversubscribed, however, there is little evidence to demonstrate this. I also note that reference has been made to other developments that have been granted planning permission for housing in the area and suggestions that there may be other sites suitable for housing. However, I am only in a position to consider the appeal before me and the Council is still unable to demonstrate a 5-year supply of housing despite these other housing developments being granted within the area.
21. The Council have found that the principle of development would be acceptable with access to some facilities without relying on a private car, also that development would not harm highway safety, would provide adequate drainage, would not increase flood risk in the area and would also achieve biodiversity net gain through a condition for which I have no reasons to conclude otherwise.

Planning Balance

22. The proposal would be contrary to Policy EM4 of the LP. This Policy is generally consistent with the Framework in minimising impacts on and providing net gains for biodiversity.
23. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The appellant states that the Council is only able to demonstrate a 2.78 year supply which is not disputed by the Council and therefore represents a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
24. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. The proposal also includes three affordable homes. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality.
25. It is acknowledged that the proposed development would result in the loss of a greenfield site, however, in the context of the Council's 5-year housing supply position this only attracts limited weight against the scheme.
26. In this instance, the conflict with Policy EM4 of the LP only attracts moderate weight against the proposed development as the Framework does not seek to impose fixed landscape buffers which combined with the limited weight attached to the loss of a greenfield site would not significantly and demonstrably outweigh the benefits, even if the 5-year supply of deliverable housing sites is higher than that agreed by the parties, as has been suggested by interested parties. As such, the proposal would constitute a sustainable form of development in terms of the Framework.
27. Consequently, when assessed against the Policies in the Framework when taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Conditions

28. Condition 1 is the standard condition that relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt. Condition 3 requires a biodiversity gain plan in order to secure biodiversity net gain. Conditions 4 and 5 require details of a construction method statement and construction environmental management plan in the interests of highway safety and to protect the living conditions of neighbouring occupiers.
29. Conditions 6 and 7 require details of foul and surface water drainage details in order to ensure that flood risk is not increased elsewhere. Condition 8 requires details of external materials to be used in order to protect the character and appearance of the area. Conditions 9, 10, 11 and 12 require the proposed turning facilities, visibility splay, access and vehicle parking to be constructed in accordance with the approved plans in the interests of highway safety.
30. Conditions 13 and 14 require secure cycle storage facilities as well as details of refuse and recycling facilities in order to encourage alternative travel modes and secure the provision of refuse and recycling facilities for future occupiers. Condition 15 requires details of how the proposed dwellings would be water efficient to reduce water consumption. Conditions 16, 17 and 18 require details of boundary treatment, hard surfaced areas and soft landscaping in order to protect the character and appearance of the area.
31. Condition 19 requires that a percentage of accessible and adaptable standards to enable people are able to stay in their homes when needs change. Condition 20 restricts the use of the proposed carport for the parking of vehicles and cycles in order to protect the living conditions of neighbouring occupiers. Condition 21 requires the existing trees to be protect in accordance with the submitted details to protect the character and appearance of the area.
32. I have found is exceptionally necessary to remove some permitted development rights through condition 22 which include the enlargement, improvement or other alteration of a dwellinghouse, enlargement of a dwellinghouse by construction of additional storeys, additions etc to the roof of a dwellinghouse, other alterations to the roof of a dwellinghouse and buildings etc incidental to the enjoyment of a dwellinghouse. These are to ensure that the character and appearance of the area is protected and so there is not pressure to remove existing trees within the future. Furthermore, to protect the living conditions of neighbouring occupiers who are in proximity of the proposed dwellings and their gardens.
33. Condition 23 requires the mitigation and enhancement detail submitted to be implemented in the interests of biodiversity. Condition 24 restricts the use of external lighting to protect ecology and the living conditions of neighbouring occupiers.
34. I have not imposed a condition requiring details of electric vehicle charging as this is a building regulations requirement.

Conclusion

35. For the reasons given above the appeal should be allowed.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

51383-H1-P3-01 v2 – H1 Proposed Elevations
51383-H1-P2-01 v2 – H1 Proposed Plans
51383-H2-P3-01 v2 – H2 Proposed Elevations
51383-H2-P2-01 v2 – H2 Proposed Plans
51383-H3-P2-03 v2 – H3 Carport Plans and Elevations
51383-H3-P3-01 v2 – H3 Proposed Elevations
51383-H3-P2-01 v2 – H3 Proposed Floorplans
51383-H3-P2-02 v2 – H3 Proposed Roof Plan
51383-H4-P3-01 v2 – H4 Proposed Elevations
51383-H4-P2-01 v2 – H4 Proposed Plans
51383-H5-P3-01 v2 – H5 Proposed Elevations
51383-H5-P2-01 v2 – H2 Proposed Plans
51383-H6-P3-01 v3 – H6, H7 and H8 Proposed Elevations
51383-H6-P2-01 v3 – H6, H7 and H8 Proposed Floor Plans
51383-H6-P2-02 v3 – H6, H7 and H8 Proposed Roof Plan
51383-XX-P1-01 v6 – Site Layout Plan
51383-XX-P0-01 v5 – Site Location Plan
8230560/6102 Rev C – Forward Visibility Assessment
8230560/6201 Rev E – Swept Path Analysis
3. Prior to the commencement of development a biodiversity gain plan (BGP) must be submitted to and approved in writing by the Local Planning Authority.
The BGP shall include:
 - the completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values showing a net gain in Biodiversity
 - a plan of the off-site location that depicts the habitats as stipulated in the BNG Metric
 - a copy of any legal agreement or conservation covenant
 - BNG register reference numbers (if using off-site units)
 - proof of purchase (if buying statutory biodiversity credits)The BGP shall thereafter be implemented as approved and maintained in accordance with the approved details.
4. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall include scaled drawings illustrating the provision for:
 - 1) The parking for site operatives and visitors vehicles.
 - 2) Loading and unloading of plant and materials.
 - 3) Management of construction traffic and access routes.
 - 4) Storage areas for plant and materials used in constructing the development.
 - 5) Wheel washing facilities.The development shall be carried out in accordance with the approved details.

5. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP), shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall outline the precautionary working measures to be taken to avoid and/or mitigate demolition and construction impacts on protected and important species. The CEMP should cover aspects including (but not necessarily limited to) the following:
 - Construction and delivery hours
 - Storage of construction materials/chemicals and equipment
 - Dust suppression
 - Chemical and/or fuel run-off from construction into nearby watercourse(s)
 - Pollution control (e.g., chemicals, dust, sediment, debris)
 - Noise/visual/vibrational impactsThe development shall then be carried out in accordance with the approved CEMP.
6. Prior to the commencement of development, the detailed design of a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the local planning authority, in accordance with the principles set out in the approved drainage strategy: Surface & Foul Water Drainage Strategy Report by Glanville, Reference: 003_8230560_AP_SW_&_FW_DS_Report dated 16th October 2023. The scheme shall be implemented in full in accordance with the approved details prior to first occupation of the development and maintained thereafter for the lifetime of the development.
7. The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. 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. Such areas shall be retained as such for the lifetime of the development.
8. No development above slab level shall take place until details/specification of the types and colours of external materials to be used, together with samples (where appropriate), 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 details so approved.
9. The development shall not be brought into use until turning facilities have been provided in accordance with the details shown on the approved plan: 8230560/6201 Rev E – Swept Path Analysis. The turning facilities shall be available for use by vehicles and kept free from obstruction throughout the lifetime of the development.
10. The dwellings hereby approved shall not be occupied or brought into use until forward visibility splays have been provided in accordance with the approved plan: 8230560/6102 Rev C – Forward Visibility Assessment, and there shall be no obstruction to visibility exceeding 0.6 metres in height above the level of the adjacent carriageway. Such forward visibility splays shall thereafter be retained for the lifetime of the development.

11. The dwellings hereby approved shall not be occupied or brought into use until the means of vehicular access to the site has been constructed in accordance with the approved plan: 8230560/6102 Rev. C – Forward Visibility Assessment.
12. The dwellings hereby permitted shall not be occupied until the provision for parking of vehicles has been made in accordance with 51383-XX-P1-01 v6 – Site Layout Plan. The parking spaces shown shall not be used for any purpose other than for the parking of vehicles.
13. The development hereby permitted shall not be occupied until each dwelling has provision within its curtilage for secure cycle parking facilities in accordance with the Parking SPD. The cycle storage shall thereafter be retained and maintained in perpetuity.
14. No development above slab level shall take place on site until details of the refuse and recycling storage and collection facilities have been submitted to and approved in writing by the Local Planning Authority. All dwellings shall provide for 1 number 140ltr refuse 2 -wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box within their respective curtilages with a transit route between the storage and collection point not more than 15 metres carrying distance from the carriageway. The areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling. The approved details shall be constructed and fully implemented before the use hereby approved is commenced and shall be thereafter maintained in accordance with the approved details.
15. The dwellings hereby approved shall not be occupied until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
16. Notwithstanding the submitted information, no development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected or planted for boundary treatments on the site. The approved screen walls/fences shall be erected or planted before the dwellings hereby approved are first occupied and shall subsequently be maintained. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species,.
17. No development above damp proof course shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter maintained.

18. No dwelling shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for areas outside of private gardens which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
19. A minimum of 15% of the properties (an appropriate housing mix) shall be built to accessible and adaptable standards (M4(2) compliant) to enable people to stay in their homes as their needs change. No development above ground floor slab level shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
20. The carport hereby approved shall be retained and used solely for the parking of vehicles and cycles. They shall not be used in connection with any trade, business, profession or commercial enterprise. The carports hereby approved shall not be converted or used for any residential purpose other than as a domestic parking area.
21. Tree protection measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the arboricultural impact assessment produced by GHA Trees Arboricultural Consultancy, reference: GHA/DS/16021:23a dated 16th October 2023 and the Tree Survey produced by GHA Trees Arboricultural Consultancy, Drawing Title: Arboricultural Impact Assessment Rev B dated October 2023.
22. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, AA, B, C and E of Part 1, Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.
23. Development shall be undertaken in line with Chapter 5.0 of the Ecological Assessment by Pro Vision dated October 2023, specifically the mitigation and enhancement measures contained within this section.
24. Whether or not development, no external lighting shall be installed within the site, unless otherwise agreed in writing by the Local Planning Authority on an application for such a development.