



Appeal Decision

Hearing held on 29 October 2025

Site visit made on 28 October 2025

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/N1730/W/25/3367726

Land at Albany Mews, Church Crookham

- 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 Martin Grant Homes against the decision of Hart District Council.
 - The application Ref is 24/01838/FUL.
 - The development proposed is erection of 9 two, three and four bedroom dwellings with associated access, open space, landscaping and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 two, three and four bedroom dwellings with associated access, open space, landscaping and infrastructure at land at Albany Mews, Church Crookham in accordance with the terms of the application 24/01838/FUL subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council advise that following a further review of their case they acknowledge that there is no obligation to promote the site for alternative community uses. Accordingly, they no longer maintain an objection in respect of the second reason for refusal. Following determination of the planning application the appellant has produced additional information in the form of an updated Transport Statement. The Council have considered this document and as such advise that they no longer wish to defend the third reason for refusal.
3. The appellant submitted a certified copy of the Unilateral Undertaking (UU) after the close of the hearing which secures measures to mitigate the effects of the development upon the integrity of the Thames Basin Heathlands Special Protection Area (SPA) and off-site biodiversity units which would address reasons for refusal 4 and 5. The UU is the same document considered and discussed at the hearing and I return to consider these obligations later in the decision.
4. The Affordable Housing Technical Advice Note referred to in the decision notice has been superseded by the Affordable Homes in New Developments Supplementary Planning Document (SPD) which has been adopted since the appeal was submitted. The aims of both sets of guidance are broadly similar. Both main parties have commented upon this change in guidance and thus neither party has been prejudiced by this change.

Main Issues

5. The main issues are:

- Whether it has been adequately demonstrated that there is no demand for a medical facility in this location; and
- Whether affordable housing is required to make the proposal acceptable in planning terms.

Reasons

Demand for a medical facility

6. By way of background outline planning permission was granted, at appeal, for 300 dwellings, GP surgery, convenience store, open space (including SANG) and landscaping in September 2015. It appears that concerns were expressed to the appointed Inspector that the delivery of a medical facility was dependant on the support of the local Clinical Commissioning Group (now known as the Integrated Care Board (ICB)) and thus there was uncertainty about the need or desire for such a facility in this location.
7. Consequently, the accompanying s106 agreement included clauses relating to marketing of the appeal site for a medical facility. Pertinently, clause 21.2 of the s106 agreement required submission of a Marketing Strategy (MS) to Hart District Council (HDC) for approval. Once approved the clause required marketing of the site for a medical facility to be carried out in accordance with the strategy for a 3-year period.
8. The s106 agreement included a sunset clause that stated at the expiry of this period the restrictions imposed by the clause would no longer be effective and the owner would be free to seek alternative proposals for the site.
9. A MS was produced in April 2020, by Savills Healthcare Team, which set out the main options available to the appellant. In broad terms the first option was to secure a pre-let to a medical operator with support from the ICB that could then be held as an investment or sold. The second option was to sell the site to a specialist developer investor who would secure the interest and build out the facility and the third was to secure a private operator. HDC confirmed, in June 2020, that the approach set out in the MS was acceptable and partly fulfilled the obligation set out in clause 21.2 of the s106 agreement.
10. HDC, in their written and oral evidence, confirmed that they are satisfied that the appellant has satisfactorily demonstrated that there is no interest in the site from the public sector. However, their contention is that in the absence of evidence of the approaches to and responses from specialist developer investors and private operators clause 21.2 of the s106 agreement cannot be completely fulfilled.
11. In this regard, I note from the available information that the ICB have continually declined to support the provision of a medical centre on the site advising that their preference is to improve existing general practices in the area. My attention has also been drawn to representations from established general practices in the area expressing concerns that a new medical facility in this location would prejudice their practices and the services that they offer to the community.

12. I see no reason to disagree with HDC that it has been adequately demonstrated that there is no interest from the public sector in developing the site for a medical facility. As such, it is clear that the first option set out in the MS is not a viable one.
13. Turning now to the second option, the appellant advises that due to the lack of interest from the ICB specialist developer investors in medical facilities were not interested when approached and no enquiries were received during the marketing period.
14. In terms of the third option the MS acknowledged that the private healthcare market in this location would be 'thin' as private operators would be drawn to larger towns and city centres to capitalise on larger populations. It also set out that the size of the medical facility would be problematic and would not meet the requirements for either small operators or larger providers.
15. The appellant, at the hearing, advised that the strategy in respect of private investors and operators involved a stepped approach. The first was a selective marketing process to establish interest followed by informal tenders and a further round of bidding if necessary.
16. They advised that the early interest outlined in the MS fell away and whilst the site was marketed for the requisite 3-year period due to the 'complete lack of interest in the site' the informal tender option was not progressed. The strategy essentially stalled at the first hurdle therefore putting the brakes on any attempt to sell the site to a specialist developer investor or private operator.
17. The absence of interest from private healthcare providers is hardly surprising given the site's location away from a large population base and the concerns expressed about the size of the facility outlined in the MS. Furthermore, in my view, given the lack of support from the ICB a medical facility would be a high-risk proposition for any specialist developer investor and clearly this factor has made the site unattractive to the healthcare market. I am also mindful that there was uncertainty about a medical facility way back when the outline planning application was being considered some 10 or so years ago.
18. Whilst noting the comments made by HDC, that no evidence of the approaches to specialist developer investors or private operators and their responses have been provided, I have no reason to believe that the appellant and their marketing agents have not carried out their professional duties and responsibilities to the best of their abilities and as per their instructions and the MS.
19. In any event it is clear from the wording of the s106 agreement that there is no requirement for the MS to be signed off by HDC at the end of the marketing period. Nor is there anything that obliges the appellant to provide evidence of the approaches made or responses received in marketing of the site for a medical facility. To my mind once the 3-year marketing period expired the land became free to be used for any other use, subject to the appellant obtaining the necessary planning permission.
20. The reason for refusal relevant to this main issue highlights conflict with Policy INF5 of the Hart Local Plan (Strategy and Sites) (2020) (HLP). The policy relates to community facilities and is formed of two parts. The first part relates to the provision of new community facilities, and the second part seeks to protect existing ones and sets out the limited circumstances where their loss will be supported.

21. Whilst I note the aspiration to deliver a medical facility as part of the wider development and the approval of reserved matters, the salient point is that the site is vacant and has been for a number of years. There is no physical building on the site and it is clear that no existing premises would be lost as a result of the proposed development. As such, and based on an ordinary reading, of Policy INF5 I am of the view that this policy is not relevant in the consideration of the appeal scheme before me.
22. The Council's reason for refusal in respect of this matter also outlines conflict with Section 8 of the National Planning Policy Framework (the Framework). At the hearing HDC clarified there would be, in their view, conflict with paragraphs 98 and 101. In broad terms these paragraphs support the delivery of facilities that serve the needs of the community. Taking into account the development before me is for housing and does not involve the loss of a community facility I again question their applicability to the appeal proposal.
23. Drawing all of these matters together based on the evidence before me and from what I was told at the hearing I am satisfied that there is no desire or demand for a medical facility in this location. In my judgement the obligations in clause 21.2 of the s106 agreement have been fulfilled.
24. Therefore, in respect of this main issue I find that there is no conflict with the HLP or indeed the Framework.

Affordable housing

25. HLP Policy H2 relates to affordable housing. The policy states that schemes for major development will require 40% of the new homes to be affordable. It goes on to state that developments which appear to artificially restrict the site area, or level of development proposed in order to avoid the provision of affordable housing will be refused.
26. Further guidance is contained in the SPD which sets out a number of factors to determine whether the level of development has been artificially restricted to avoid the threshold for providing affordable housing. These factors include the density of the development; the housing mix; the size of the homes compared to numerical standards in the Nationally Described Space Standard (NDSS) and by a comparison of the proposed gross internal floorspace (GIA) of the development against the floorspace required for 10 homes against an average minimum GIA derived by HDC. In addition to these factors the SPD also states that account will be taken of the context of the site and local character.
27. In respect of floorspace cumulatively the proposed development would exceed the minimum sizes of dwellings when compared to both the NDSS and HDC's own average GIA figures. This is mainly on account of the size of plots 2 and 3 which have been designed to be accessible and adaptable houses and the integral garage at plot 9.
28. In crude terms when comparing the floor area of the proposed development against local and national figures, and as HDC alluded to at the hearing, 1 or 2 additional dwellings could be accommodated on the site.
29. Whilst the floor areas of the dwellings proposed would exceed locally and nationally derived minimum figures they are just that: minimum figures and in this

particular case a development that would provide houses with floor areas in excess of these figures, providing a more comfortable internal space for its intended occupiers, should be treated favourably rather than with scepticism.

30. HDC contend that there is an alternative approach that would result in a more efficient use of the site. In response the appellant identifies some features that constrain development including the irregular shape of the site, the presence of trees along three sides and a two-storey flatted development to the north with habitable windows facing onto the site.
31. Whilst there is no guidance in respect of separation distances, I concur that the proximity of the flatted development precludes development from taking place in the north eastern part of the site, so as to provide adequate living conditions for existing and future occupiers. In addition, the proposed development would ensure adequate stand off from neighbouring trees so as not to undermine their health and also to reduce pressure to prune or remove trees once the properties are occupied.
32. The proposed dwellings would be two storey units set behind front gardens and parking areas. Private amenity spaces are proposed to the side and rear. The appearance of the dwellings would be similar to existing house types close to the site demonstrating consistent design features, external materials and landscaping.
33. Furthermore, the submitted plans show houses addressing the road frontages, parking spaces for residents and visitors, soft landscaping and a policy compliant mix of houses including accessible and adaptable units. The site represents a transition between the denser built form of Church Crookham and the countryside to the south. I am satisfied that the proposed development in respect of its layout and more spacious nature would be an appropriate response to its edge of settlement context and is not unacceptable in this location. In addition, the density proposed would be consistent with the surrounding area.
34. Whilst HDC have sought to draw comparisons between the appeal site and the north-western part of the wider development I am not persuaded that the two are comparable and in any event every application and appeal must be considered on its own merits, as I have done.
35. Had the appeal site come forward for housing as part of the original wider development I acknowledge that it would have likely resulted in an uplift in the number of affordable houses delivered across the site. However, this part of the wider site was not envisaged for housing and it has not been purposefully subdivided from the outset to minimise affordable housing provision. Furthermore, I was told at the hearing, that the s106 agreement does not include any mechanism to secure additional affordable housing either in the form of units on site or a financial contribution, in the event that the medical facility failed to come forward. As such, this is somewhat of a moot point and is not a determinative matter for me in assessment of this appeal.
36. Drawing all of the above together I am of the view that the proposed development represents a design-led housing scheme that appropriately responds to its context and identified constraints. In this regard, I do not agree that the floorspace or the level of development has been artificially restricted to avoid provision of affordable housing. Therefore, the proposed development would accord with HLP Policy H2 and the Affordable Homes in New Developments SPD.

Other Matters

37. Representations were made, at the hearing, that the focus has been on the delivery of a medical centre and other community focused uses such as a gymnasium or yoga studio have not been considered. The s106 agreement required marketing of the site for a medical facility only and as the main parties confirmed in the Statement of Common Ground there is no obligation upon the appellant to promote or market the site for alternative community uses.
38. The scheme includes resident and visitor parking which would be sufficient to serve the proposed development. Even if a displacement of a small number of resident's vehicles or visitors onto Albany Mews was to occur it is unlikely to lead to parking stress or unduly affect the safe and efficient operation of the local highway network.
39. I note that a representation has been received in response to the appeal. However, the letter submitted appears to be either a generic template or text generated by Artificial Intelligence. The response is not specific to the development proposals before me and contains incorrect and missing text and information in a number of paragraphs. As such, I give this representation negligible weight in coming to my decision.
40. The appellant's Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment states that the existing habitats on site present a baseline habitat value of 0.29 units. In the absence of mitigation in the form of habitat creation or enhancements the proposed development would result in a 26.59% net loss of habitat.
41. The appellant is proposing to address this by purchasing 0.21 habitat units off site. Whilst the majority of the enhancements would be off-site this is consistent with the biodiversity offsetting and mitigation hierarchy set out at HLP Policy NBE4. This net gain in biodiversity would be secured through a planning condition and the submitted UU. I am satisfied that the obligation would meet the necessary tests and the development's impact can be mitigated through a tangible net gain in biodiversity off site.
42. The site lies within the 400m – 5km Thames Basin Heaths SPA zone of influence. The SPA is a designated site formed of a network of heathland that provides a habitat for populations of three heathland species of birds. As such, it is recognised by the Conservation of Habitats and Species Regulations 2017 as an area of international importance.
43. As the appeal site is in proximity to the SPA, the conservation objectives of the habitat site may be undermined by a new residential population due to increased recreational pressure. Thus, it is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an appropriate assessment in relation to the effect of the development on the integrity of the SPA.
44. HLP Policy NBE3 sets out all net new dwellings in the zone of influence must deliver mitigation based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision and maintenance of Suitable Alternative Natural Greenspace (SANG) delivered prior to occupation and in perpetuity.

45. The appellant is providing a financial contribution towards SAMM measures in respect of the SPA and an allocation of land at the Naishes Farm SANG in Church Crookham, which is a HDC and Natural England approved scheme, through a binding deed. These measures would be secured through the submitted UU. The SAMM contribution would be based on a recognised per dwelling formula and the SANG provision would be proportional to the scale of residential development proposed in the terms sought by HLP Policy NBE3. I am therefore satisfied that these obligations in the UU would meet the necessary tests.
46. I am satisfied that the SAMM and SANG measures secured in the UU would sufficiently mitigate the development's impact and, as such, I conclude that there would be no adverse impact upon the integrity of the Thames Basin Heath SPA.

Conditions

47. In the event of the appeal being allowed, the Council suggested that 16 conditions would be necessary to make the scheme acceptable. I have considered the suggested conditions in light of the Framework and the Planning Practice Guidance. In the interests of precision and clarity I have undertaken some rationalisation and rewording of the conditions suggested.
48. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions for details of the external materials, hard and soft landscaping, external lighting and for tree protection have been imposed in order to ensure the satisfactory appearance of the development.
49. In the interests of the safe and efficient operation of the highway network conditions for details of bicycle storage, the access and parking and turning areas have been imposed. In the interests of sustainability conditions for a surface water drainage scheme and a Biodiversity Net Gain Plan are considered necessary.
50. To ensure the satisfactory living conditions of the intended occupiers conditions preventing the installation of additional windows in the northwest elevation of plot 8, for plots 2 and 3 to be accessible and adaptable houses and in respect of land contamination have been imposed. Finally, so as to safeguard highway safety, the living conditions of existing occupiers and ecology a condition for a Construction Management Plan has been imposed.
51. Whilst the Council suggested a list of information to be provided as part of the Construction Management Plan condition, the wording of the condition implies that the list is not exhaustive. Accordingly, I have not included this list as part of the condition to provide flexibility in respect of the information required.
52. The Council suggested a condition limiting the construction hours. However, in my view this matter would form part of the Construction Management Plan. Accordingly, it is not necessary to impose a separate condition.

Conclusion

53. I have identified no conflict with policies in the Framework or the development plan and there are no considerations that weigh against the proposal. Accordingly, the appeal succeeds.

B Thandi

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nick Paterson-Neild	Stantec
Caitlin Daly	Stantec
Joseph Kent	Amasia Architects
James Smith	Planning Law Services Limited

FOR THE LOCAL PLANNING AUTHORITY:

Aimee Harris	Senior Planner
Miguel Martinez	Principal Planner

INTERESTED PARTIES:

Councillor David Jackson Crookham Village Parish Council

SUBMISSIONS AT OR AFTER THE HEARING

Land Registry Title Plan of the appeal site from James Smith

Certified copy of the Unilateral Undertaking from Caitlin Daly

SANG Deed of Covenant signed by Martin Grant Homes from Caitlin Daly

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 drawing numbers: Site Location Plan Drawing Number AAL-23-269-P02; Block Plan Drawing Number AAL-23-269-P03; Proposed Site Layout Drawing Number AAL-23-269-P01; Site Comparison Plan Drawing Number AAL-23-269-P04; Site Dimension Plan Drawing Number AAL-23-269-P05; Plots 1-4 Drawing Number AAL-23-269-P06; Plot 5 Drawing Number AAL-23-269-P07; Plots 6-8 Drawing Number AAL-23-269-P08; Plot 9 Drawing Number AAL-23-269-P09; Cycle Stores Plots 1-8 Drawing Number AAL-23-269-P10; Site Section Drawing Number AAL-23-269-P11; Site Section Views Drawing Number AAL-23-269-P12; Tree Protection Plan Drawing Number 2259-KC-XX-YTREE-TPP01RevA; Landscape Proposals Drawing Number MGH24518-11E and Potential Site Access Arrangements Drawing Number ITL19723-GA-006.
- 3) No development shall take place until a Biodiversity Net Gain Plan in accordance with any biodiversity or ecological information hereby approved has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Plan.
- 4) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii) iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

- iv) i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
- v) ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 5) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
- 6) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) No development above ground level shall take place until details and samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples and details.
- 10) The development shall not be first occupied until the access, turning and parking areas have been carried out in accordance with the approved plans. These areas shall thereafter be kept available for those purposes only.
- 11) No dwelling shall be occupied until space has been laid out within the site in accordance with the principles set out in the Car and Cycling Parking Supplementary Planning Document for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 12) No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the local planning authority. The external lighting shall be installed in accordance with the approved details.
- 13) The development hereby approved shall be carried out in accordance with the recommendations set out in the submitted Tree Survey and Impact Assessment (2259-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevB).
- 14) Plots 2 and 3 of the development hereby approved shall be constructed to meet all the requirements of document M 4(2) of the Building Regulations 2010 (as amended).

- 15) Notwithstanding the provisions 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 windows other than those expressly authorised by this permission shall be constructed on the north west elevation of plot 8.

END OF SCHEDULE