
Appeal Decision

Hearing held on 5 November 2025

Site visit made on 5 November 2025

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/C1760/W/25/3363604

The Weyhill Fair, Weyhill Road, Weyhill, Andover, Hampshire SP11 0PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Wilkinson on behalf of Rivendale Developments Ltd against Test Valley Borough Council.
 - The application Ref is 24/02655/FULLN.
 - The development proposed is demolition of existing Public House and flat, and construction of 9 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing Public House and flat, and construction of 9 dwellings at The Weyhill Fair, Weyhill Road, Weyhill, Andover, Hampshire SP11 0PP in accordance with the terms of the application, Ref 24/02655/FULLN, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr J Wilkinson on behalf of Rivendale Developments Ltd against the failure to give notice within the prescribed period of a decision on an application for planning permission by Test Valley Borough Council. This application is the subject of a separate decision.
3. An application for costs was also made by Test Valley Borough Council against Mr J Wilkinson on behalf of Rivendale Developments Ltd. This application is also the subject of a separate decision.

Preliminary Matters

4. During the appeal the Council confirmed that it would have refused planning permission had it retained the power to determine the application. The Council's Appeal Statement references three reasons for refusal and the policies of the development plan to which the Council considers there is a conflict.
5. The first reason states that the proposal would result in the unjustified loss of an undesignated heritage asset (The Weyhill Fair), which would cause substantial harm to its historic significance. The second reason states that there is insufficient evidence that the development would not result in unacceptable noise impacts from the adjacent highway with resultant harm to the living conditions of future occupants. The third reason states that the proposal fails to meet the affordable

housing needs of the Borough due to the unjustified absence of a financial contribution, secured by a legal agreement, towards the provision of off-site affordable housing.

6. The appeal is accompanied by amended plans detailing that the majority of habitable rooms would be moved away from the road, with acoustic glazing and mechanical ventilation included on the most affected plots. Given that these amended plans respond directly to the Council's second reason and only relate to internal layout changes and minor window changes that do not have an impact outside of the site, accepting this evidence at the appeal stage would not be unfair or deprive those who should have been consulted the opportunity of such consultation. Therefore, having regard to the principles of Holborn¹, acceptance of these plans would not be procedurally unfair and consequently I have accepted them as part of this appeal. As a result of this, and subject to a condition to ensure that adequate noise mitigation is secured, the Council advise that it would no longer refuse to grant planning permission on the ground of unacceptable noise impacts. Accordingly, and as I have no reason to disagree, I do not need to deal with this matter as a Main Issue.
7. The appeal is accompanied by counterpart signed Unilateral Undertakings (UU) under Section 106 of the Town and Country Planning Act 1990. These seek to mitigate the impacts from future occupiers on the Solent Protected Areas (that include the Chichester and Langstone Harbours Special Protection Area/Ramsar, Solent and Southampton Water Special Protection area/Ramsar, Solent Maritime Special Area of Conservation, and Portsmouth Harbour Special Protection Area/Ramsar (the Protected Sites)), secure off-site Biodiversity Net Gain and two options related to the provision of a financial contribution towards off-site affordable housing. I will return to this below.
8. The appeal is also accompanied by viability reports from both main parties. The appellant submitted a Development Viability Report by S106 Affordable Housing (DVR) with the appeal subsequently supplemented by an Affordable Housing Viability Rebuttal Statement by S106 Affordable Housing (AHVRS). The Council submitted a Review of the 'Development Viability Report' by BNP Paribas Real Estate (the First Review) subsequently supplemented by a second Review of 'Development Viability Report' (the Second Review).
9. The site falls within the catchment area of the Protected Sites. Although the Council have confirmed that it agrees to the contribution within the UU, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017. As a result, I will deal with this as a Main Issue.

Agreed Matters

10. Before the Hearing the parties submitted a Statement of Common Ground (SoCG). This describes the appeal site, status of the Local Plan, agreed 5-year Housing Land Supply position, and indicates other matters agreed and not agreed. Those not agreed reflect the remaining two reasons for refusal.
11. The SoCG confirms that the Council has a housing land supply of 2.76 years, that there is no objection to part of the site lying outside of the settlement boundary

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

given that it is well located close to services and facilities, that the loss of the public house use is agreed, and that there are no concerns regarding the design and layout of the proposal. Furthermore, the SoCG clarifies that the submitted costs of converting the former public house are agreed alongside the gross development value, professional fee percentage, sales and marketing costs, development programme and developer's return. In relation to all of these matters I have no reason to disagree.

12. The SoCG also clarifies that the full off-site affordable housing contribution would be £109,378.96, and that the UU secures the necessary mitigation for nutrients and Biodiversity Net Gain. I will return to these matters below.

Main Issues

13. In light of the Preliminary and Agreed Matters above, the main issues are:

- the effect of the proposed development on any non-designated heritage asset;
- whether the proposal makes an appropriate contribution towards affordable housing; and,
- the effect of the proposed development on the integrity of the Protected Sites.

Reasons

Non-designated heritage asset

14. The Planning Practice Guidance (PPG) states that 'non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets.'
15. There was no dispute at the hearing between Ms McAndrew and Mr Harold that the public house on the site (originally called the Sun Inn and latterly The Weyhill Fair) can be dated back to approximately 1852. Furthermore, there is evidence of an original building present on the site dating back to approximately 1835, but nothing before this.
16. The appellant raises concerns regarding the Council not identifying the building as a non-designated heritage asset (NDHA) earlier, to the lack of inclusion of any local list and the Council not putting the building forward for inclusion on the Historic Environment Record (HER). However, as agreed by Ms McAndrew orally, Local Planning Authorities may identify NDHA's as part of the decision-making process on planning applications. As such, even though the property has not been added to a local list or to the HER, it is relevant to consider this matter.
17. I have not been provided with evidence of any notable occupants of the building to provide tangible evidence of the link between the existing property and important national or local persons. Notwithstanding, Mr Harold confirmed verbally at the hearing that the Council consider the building to be a NDHA by virtue of its age, historic interest as a public house, locally distinctive building style, the incorporation

of cob that is rare locally and nationally, by virtue of its architectural value and by way of its association with The Weyhill Fair.

18. In response Ms McAndrew challenged the NDHA status. While accepting that the building has some significance due to its age, history and architecture, Ms McAndrew stated that any significance is minimal and referenced the PPG that states² 'A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.'
19. Ms McAndrew referenced the appellant's written evidence with regard to the building being of some limited cob construction mainly to the older western part of the building, but with a brick facing frontage and with the cob not visible due to being covered by render, meshing and plastering. Furthermore, Ms McAndrew stated the later/remodelled parts of the building are of brick construction with 158 buildings in the Test Valley Council area being listed and constructed with cob. The limited extent of cob within the building is supported by the appellant's Historic Building Condition Assessment (the Assessment) that also details that the cob is covered by thick render. The Assessment identifies the use of cob for some of the main internal and rear walls generally to the western part of the building but notes the significant internal changes to the building and deterioration of fabric, albeit also noting that further work is referenced to get a full understanding of its condition.
20. In response Mr Harold re-iterated that cob construction is rare locally being a very low percentage of stock and that it is not unusual for cob to be concealed by render. As a result, the construction of parts of the building from cob is of some significance. However, given that the evidence before me indicates that it is restricted in extent to a minority of the building, is not visible and potentially compromised by meshing and rendering, and despite being of some value due to its relative rarity, I give it only limited value and significance in this instance.
21. Reference was also made by Ms McAndrew and Mr Harold to Historic England's rejection in May 2024 to a request to list the building. Historic England's Initial Assessment Report states that the local authority considers it to be a non-designated heritage asset but does not comment on this further. It does however, state that the building has a lack of special architectural interest and that it has a modest little altered exterior but a largely modern interior with no historic features of note.
22. In light of the above, it is clear from the evidence before me and from my site visit that there have been significant modern additions and alterations to the original building with modern fixtures and fittings, particularly internally and through later extensions. Therefore, and although original elevations remain, and the building style is representative of its age and location, its value is constrained, and I have little evidence that the overall external design/architectural value or construction are particularly rare, distinctive or innovative.
23. While I acknowledge that the building makes a positive contribution to the street, Ms Jones confirmed the Council's view that the proposal would also achieve this. It is noteworthy in this regard that Mr Dakle explained orally that the design and

² Paragraph: 039 Reference ID: 18a-039-20190723

layout of the units proposed to replace the public house seek to mimic its design and footprint.

24. Further discussion at the hearing focused on the link between the building and The Weyhill Fair (the Fair) and the extent to which this is of heritage significance. There is no dispute between the main parties that the Fair was a significant Medieval Fair dating back hundreds of years before the public house was constructed. Furthermore, there is no dispute between the main parties that although the Fair was of national significance during this time, by the time the public house was constructed its significance has diminished, albeit still representing the main Fair in southern England.
25. Mr Harold supported the Council's written evidence stating orally that the building has an association with The Fair by virtue of written accounts of the Fair. Reference is made to The Sun Inn and associated drinking of alcohol, such as 'Horning of the Colts'. As a result, I have no doubt that the public house was used by people visiting The Fair.
26. However, by this time, the Fair had lost some of its status focusing on the main site and associated Hop Stalls that are located away from the appeal site and reflect the history of the Fair in the village. Furthermore, the evidence before me does not demonstrate a direct association between the public house and the Fair with the 'Horning of the Colts' associated with the Fair through time rather than directly with the appeal building. The documented association is minimal and anecdotal with regard to how the public house was used directly in association with the Fair, and although the public house would have been used by people visiting the Fair, it would not have been the only establishment. As a result, this does not translate to a degree of significance to conclude that the heritage significance merits designation as a NDHA.
27. The Council's evidence also references the mural within the building that depicts the Fair. While this is of local interest, the oral evidence from Mr Harold, Ms McAndrew and Mr Light, clarify that this was painted by somebody with a relationship to the landlord around the 1980's with the mural extensively photographed and reproduced in the Parish Hall and the Fair site. As such, it is of no great artistic merit and does not add to the case for the building being a NDHA.
28. In light of the above and given the distance of the building to the church and Hop Growers Fair Booths at the corner of Weyhill Road and Rectory Lane with considerable intervening development, the appeal building has no visual or direct functional link with them and the appeal site has no group value associated with these buildings.
29. It follows that the appeal property is of some historic significance related to the use of cob only. While I acknowledge that the use of cob locally and nationally is limited, there are nonetheless a number of listed buildings constructed with cob locally. Furthermore, given that only part of the building is constructed with cob, with the cob meshed and covered, and the building having been significantly altered internally with modern additions, the remaining cob has little heritage significance and not enough to merit identification as a NDHA. In light of this, there is no need to consider whether the building would be suitable for conversion.
30. As such, the proposal would not result in the loss of an undesignated heritage asset and would not conflict with Policy E9 of the Test Valley Borough Revised

Local Plan DPD Adopted Local Plan 2011-2029 (LP) which relates to designated and non-designated heritage assets.

Affordable Housing contribution

31. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of homes, including affordable housing. Paragraph 59 states that it is up to the appellant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. All such assessments should reflect the recommended approach in national guidance, and the PPG provides guidance on standardised inputs.
32. LP Policy COM7 and the Affordable Housing Supplementary Planning Document (September 2020) (SPD) set out the Council's expectation for affordable housing. This includes the provision in relation to housing sites of a net gain of 5-9 dwellings in a Designated Rural Area where a financial contribution equivalent to up to 20% is to be secured through a legal agreement. However, LP Policy COM7 and the SPD acknowledge that the economics of provision should be taken into account and as such, and if demonstrated through an independent viability assessment, a reduced level of financial contribution for off-site provision may be acceptable.
33. In this case the appellant submitted a DVR and AHVRS with the appeal to demonstrate that it was not viable to provide the affordable housing contribution. The Council has carried out a First Review of the DVR and submitted the Second Review in response to the appellants AHVRS. This led the parties to set out their areas of agreement and disagreement in the SoCG.
34. Before I explore the main area of dispute, as stated above, I have no reason to disagree with the main party's agreed inputs into the scheme's viability appraisal as set out in the SoCG and there is no dispute between the main parties that the affordable housing contribution for this proposal relates to £109,378.96. Furthermore, Mr Corp orally agreed to the 7% Finance Costs at the hearing.
35. The main area of dispute therefore relates to the Benchmark Land Value (BLV).
36. BLV should be based on existing use value (EUV), allow for a premium to landowners (often referred to as EUV+) and reflect the implications of abnormal costs; site specific infrastructure costs; and professional site fees. The main parties do not agree the EUV, or therefore the BLV.
37. The PPG also notes that alternative use value (AUV), which refers to the value of land for uses other than its existing use, can be informative in establishing BLV, but it should be limited to uses which would fully comply with development plan policy (and evidenced as such).
38. Mr Corp explained at the Hearing that the appellant's DVR identified an EUV of £500,000 based upon the marketing and sale of nearby public houses. The appellant did not add a premium given that the site is vacant. In response to this, the First Review by the Council suggested that because of the lack of interest in the public house during the marketing campaign, the property has no EUV at all and as a result adopted a nominal site value of £1.

39. In response to this, the Council appointed Savills to value the property on an existing use basis with a Market Value of £380,000 given. This figure was then reflected in the AHVRS that again concluded that it was not viable to provide the affordable housing contribution. In response to this, the Council produced the Second Review that maintained the nominal site value at £1 on the basis that the other properties referred to by Savills relate to public houses, for which there is no demand for at the appeal site, and to a children's day nursery that does not reflect the application proposal. Furthermore, the Council state that the £380,000 valuation reflects an offer for the site that did not come from a public house operator and as such does not reflect the EUV and may contain an element of hope value.
40. The BLV is key in this instance as with a £380,000 or £500,000 EUV there is no dispute between the parties that the proposal is not viable with the affordable housing contribution. However, with a £1 EUV, the Council's evidence demonstrates a surplus of approximately £240,000 that can support the affordable housing contribution.
41. At the hearing, Mr Corp reiterated the appellant's position that the £380,000 EUV is reasonable and supported by evidence from Savills who he stated have not sold a former public house for less than £200,000. While this is of some relevance to the appeal to cross-check the BLV, they are more reflective of land transition values rather than direct evidence of EUV of the site and may include elements of hope value.
42. At the hearing, Mr Purvis reiterated the Council's position that insufficient evidence has been submitted to justify the £380,000 figure and that given that the marketing of the site had drawn no interest from public house operators, the site has a nominal site value. Furthermore, Mr Purvis stated that the appellant has not put forward compelling evidence to justify an AUV for the parking, grazing or storage uses suggested in the appellant's evidence.
43. Mr Purvis did however clarify that the £1 nominal value was a starting point for negotiating and that it is clear that the site has a greater value than £1. However, in the absence of further evidence from the appellant, Mr Purvis stated that the EUV figure could not be established.
44. The marketing of the public house without any interest, some reliance upon comparison public house sales and the lack of significant consideration of AUV does undermine confidence in the accuracy of the appellant's EUV figure of £380,000. Similarly, it is clear to me, and acknowledged by Mr Purvis, that the Council's nominal valuation of £1 is unrealistic.
45. Discussion at the hearing moved onto the value of the site based upon land values used to inform the LP. Mr Purvis advised that if the Greenfield Land Value that informed the LP was used, this would result in a value of £162,800 minus approximately £50,000 to reflect demolition costs. Mr Purvis explained that given the lack of EUV or evidence demonstrating a AUV that complies with development plan policies, the greenfield value is the most appropriate, and lowest comparison value.
46. Mr Purvis clarified that even if the greenfield land value were used to inform the EUV, this still results in a surplus greater than the affordable housing contribution amount. In response Mr Corp advised that a significant premium should be added to the greenfield land value with brownfield land values informing the local plan

being £750,000 per ha. In response to this, Mr Purvis stated that LP brownfield values relate to specified uses and not to vacant public house sites with no value for vacant public house sites available.

47. It was however established at the hearing that the appellant's DRV and AHVRS and subsequently the Council's First and Second Reviews do not take into account the other financial contributions set out in the UU in relation to Biodiversity Net Gain (BNG) and nitrogen mitigation. For clarity, these contributions are required by legislation, meet the 3 tests for planning obligations within paragraph 58 of the Framework, and as they are related to BNG and Habitat Regulations, are required to make the development acceptable.
48. Mr Corp, Mr Purvis and Ms Jones confirmed that these contributions total just over £97,000. Although not forming part of the planning application, it is noteworthy that with the inclusion of these contributions, the Council's viability appraisal confirms that a conversion/new build scenario would not be viable.
49. The Council's viability evidence states that the proposed development with an EUV of £1 results in a surplus of approximately £240,000. Including the BNG and nitrogen mitigation contributions reduces the surplus to approximately £143,000 excluding any knock-on effects in terms of any additional finance or other costs/fees. It is unfortunate that I do not have a viability appraisal before me that reflects this. Nonetheless, I am satisfied that deducting the full affordable housing contribution from this would still result in a surplus.
50. As stated above, for viability reasons, the appellant is not proposing any affordable housing. However, Schedule 2 paragraphs 2.1 and 2.2 of the submitted UU allow for two affordable housing options. The first is a contribution of £51,824, the second is the full contribution of £109,378.96. These options are included within the legal agreement so that if this Decision found the full or the lesser amount necessary, then the wording of the legal agreement provides for this. As such, the level of affordable housing is dependent on the outcome of this Decision.
51. However, it is unclear how the contribution amount related to the first option has been arrived at other than it being approximately half of the full contribution and Ms Cutts advising that it was included at the last minute as a desperate measure. In any case, the securing of this lower contribution would result in a surplus of approximately £90,000 within the Council's viability appraisal (again excluding any knock-on effects in terms of any additional finance, costs or other fees) once the BNG and nitrogen mitigation contributions are deducted.
52. With regard to EUV+, the PPG explains that "the premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements." Whilst the premium is often determined as a multiplier or percentage of the EUV, it is not an exact science. At the hearing Mr Purvis referenced a premium of 20%.
53. The Council have clarified that the EUV is clearly more than £1 and stated that the lowest greenfield land value is approximately £112,800 without a premium. With a 20% premium this would rise to approximately £135,360. However, and given that the site falls partly within the settlement boundary, given the £380,000 valuation

from Savills (albeit based upon an offer without knowledge of the end user and reflecting market value), with the Council not disputing that Savills have not sold a public house locally for less than £200,000, the evidence points to an EUV figure greater than £112,800 with the associated EUV+ figure significantly greater than £135,360.

54. From all the evidence, it is concluded that the BLV of £1 as set out by the Council is too low. While I acknowledge that this figure was a starting point for negotiation and to seek more evidence and justification from the appellant, particularly given the appellant's reliance on an EUV for a public house when marketing clearly showed no demand for this use, the evidence points to a EUV+ significantly greater than £135,360 although I am unable to say exactly how much.
55. But whatever the figure, given the evidence before me and what I heard at the hearing, I find it to be in excess of the £143,000 maximum surplus identified above, and the proposed development would not be viable allowing for the full affordable housing contribution sought by LP Policy COM7 and the SPD, or a reduced amount.
56. It follows from the above that the proposed development would not be viable with an affordable housing contribution and as a result makes an appropriate contribution towards affordable housing. As such, it complies with LP Policy COM7, and the SPD, which amongst other things, state that in assessing the suitability of such sites for the provision of affordable housing the Council will take into account the economics of provision in negotiating a financial contribution for off-site provision.
57. As a result, paragraphs 2.1 and 2.2 of the UU are deleted and should be disregarded.

Integrity of Protected Site

58. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) require that permission may only be granted after having ascertained that it will not affect the integrity of a European Site. Where adverse effects are identified, I have considered measures to secure mitigation with a view to ensuring that the proposal would not adversely affect the integrity of European Sites. Natural England (NE) were consulted during the appeal, and I attach significant weight to their advice.
59. The appeal site is within the catchment of the Protected Sites.
60. The qualifying features of the Chichester and Langstone Harbours Special Protection Area are its waterbird assemblage and bird species including dark-bellied brent goose; common shelduck; Eurasian wigeon; Eurasian teal; northern pintail; northern shoveler; red-breasted merganser; ringed plover; grey plover; sanderling; dunlin; bar-tailed godwit; Eurasian curlew; common redshank; ruddy turnstone; Sandwich tern; common tern; and little tern.
61. The qualifying features of the Portsmouth Harbour Special Protection Area include dark-bellied brent goose; red-breasted merganser; dunlin; and black-tailed godwit. The qualifying features of the Solent and Dorset Coast Special Protection Area are common tern; little tern; and Sandwich tern. The qualifying features of the Solent and Southampton Water Special Protection Area are its waterbird assemblage and

- populations of dark-bellied brent goose; Eurasian teal; ringed plover; Mediterranean gull; Sandwich tern; roseate tern; common tern; and little tern.
62. The conservation objectives for the above European Sites are to ensure that the integrity of the sites is maintained or restored as appropriate and ensure the sites contribute to achieving the aims of the Wild Birds Directive.
63. NE advises there are high levels of nitrogen input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources, and that these nutrients are causing eutrophication at the Protected Sites. Consequently, NE identifies that increased levels of nutrients entering the Protected Sites is likely to have a significant effect upon those sites and their biodiversity interests for which they have been designated and requires development does not increase nutrient load on the Protected Sites through their wastewater solutions.
64. By reason of the provision of additional dwellings, the proposed development has the potential to have likely significant adverse effects on the integrity of the Protected Sites, alone, or in combination with other similar development.
65. The appellant has provided a nutrient assessment of the proposed development. The methodology for the nutrient assessment was informed by Natural England's generic Nutrient Neutrality methodology and utilised bespoke data. This has been agreed by the Council.
66. The parties have therefore agreed a planning obligation contained within the signed UU, which secures a financial payment towards a Strategic Nitrate Mitigation Scheme. The planning obligation would ensure the proposed development would not result in an increase in population at the site.
67. Natural England have been consulted on the proposal and agree that, subject to the UU, the proposed development would not result in likely significant effects on the integrity of the Protected Sites. As such, the proposal complies with LP Policy E5. Amongst other things, this states that development that is likely to result in a significant effect, alone or in combination, on an international or European nature conservation designation, will need to satisfy the requirements of the Habitat Regulations.

Other Matters

68. The appeal site is served by an existing vehicular access serving a car park associated with the public house. The proposal includes provision of a new access a short distance from the existing access serving at least 2 parking spaces dedicated to each dwelling along with 2 visitor spaces. A 7-day Automatic Traffic Count survey has been undertaken by the appellant, demonstrating speeds of circa 42mph with TRICS data showing a slight increase in AM peak hour trips from a residential use, but a net reduction overall. As such, the Council conclude that the proposal would not lead to any material detrimental impact on the safety and efficiency of the public highway network. In light of this information, I have no reason to disagree.
69. At the hearing, reference was made by Ms Cutts and Ms Jones to land edged blue to the rear of the appeal site with Ms Jones indicating potential for future development that may aid viability. While Ms Cutts confirmed at the hearing that

such proposals were not being pursued, it does not form part of the proposal before me. As such, this is not determinative in relation to this appeal.

Conditions

70. I have had regard to the conditions discussed at the hearing and to the conditions provided by the Council. I have considered these against the advice in the Framework and PPG. I have amended some conditions in the interests of precision, brevity and clarity.
71. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
72. As the appellants Ecological Appraisal Report is not definitive with regard to the proposed mitigation measures, a condition is necessary to ensure the submission and approval of the final mitigation measures. This is in the interests of protecting and enhancing ecology and can include details of swift boxes.
73. Conditions are necessary to secure the submission and approval of details of a construction environmental management plan in relation to biodiversity and to secure the provision of Biodiversity Net Gain. These are necessary in the interests of mitigating construction impacts and enhancing biodiversity.
74. Conditions are necessary to ensure the submission and approval of a construction method statement in the interests of highway safety and a final noise mitigation strategy in the interests of protecting the living conditions of future occupiers.
75. A condition is necessary to ensure compliance with the submitted Construction Environmental Management Plan in the interests of protecting the living conditions of neighbouring occupiers.
76. A condition is necessary to ensure that the development is carried out in accordance with the submitted Arboricultural Method Statement in order to protect trees on the site.
77. Conditions are necessary to ensure the submission and approval of details of materials to be used and details of hard and soft landscaping of the site. These are necessary in the interests of protecting the character and appearance of the area. For the same reason, a condition is necessary to ensure the submission and approval of a landscape management and maintenance plan.
78. Conditions are necessary to ensure that no external plant and machinery and/or external lighting is installed until details have been submitted to and approved by the Council. These are necessary in order to protect the living conditions of neighbouring occupiers and to protect bats.
79. Conditions are also necessary to ensure that redundant footways and accesses are closed, the new access and associated visibility splays are provided, the car parking spaces are laid out and secure cycle parking provided. These are necessary in the interests of highway safety and to encourage alternatives to the use of the car to reduce carbon emissions.
80. A condition is necessary to ensure that any contamination identified on site during demolition and/or construction is reported to the Council and remediated. This is necessary in order to protect the living and working conditions on site.

81. Finally, a condition is necessary to remove permitted development rights for buildings, structures, walls and fences to plots 3, 4 and 7 in the interests of protecting trees and the character and appearance of the area.
82. The Council have also suggested conditions related to the recording of the building before demolition, for construction to commence within 6 months of demolition and to improve water efficiency in accordance with Building Regulations. However, in light of my findings above that the building is not a NDHA and given that water efficiency is covered by Building Regulations, these conditions are not reasonable or necessary.

Conclusion

83. For the reasons given above the appeal should be allowed and planning permission granted.

C Rose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Louise Cutts – Wessex Planning, Planning Consultant BA(Hons) Dip TP MRTPI

Katie McAndrew – Hutton and Rostron – Heritage Consultant BSC (Hons) PG Cert, IHBC

Simon Corp – 106 Affordable Housing – Viability Consultant BSc (Hons) MCIOB

Jon Dakle – Jon Dale Architects – Architect Chart Arch RIBA

Mr J Wilkinson – Appellant

Mrs Mitchell – on behalf of the Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Emma Jones – Senior Planning Officer, Test Valley Borough Council

George Harold – Conservation Officer, Test Valley Borough Council

Jamie Purvis – MRICS – BNP Paribas Real Estate UK – Senior Associate Director

Ashley James – Planning Officer, Test Valley Borough Council

INTERESTED PARTIES:

Gary Light – Local Resident and Chair of Parish Council

DOCUMENTS submitted at the Hearing:

1. A copy of the notification letter sent by the Council advising of the date and location of the hearing along with an extract detailing who advises people about the hearing.

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 nos:
 - JD_145_SE.01_Rev B – Street Elevations
 - JD_145_SL.01F – Proposed Site Layout
 - JD_145_SL.02F – Settlement Boundary
 - JD_145_SL.03F – Site Layout
 - JD_145_CP.01 – Proposed Car port Plots 7&8 Plans and Elevations
 - JD_145_CP.02 – Proposed Car port Plot 9 Plans and Elevations
 - JD_145_CP.03 – Proposed Garage Plot 2 Plans and Elevations
 - JD_145_P1.eA – Plot 1 Proposed Elevations
 - JD_145_P1.pA – Plot 1 Proposed Floor Plans
 - JD_145_P2.eA – Plot 2 Proposed Elevations
 - JD_145_P2.pA – Plot 3 Proposed Floor Plans
 - JD_145_P3.eB – Plot 3 Proposed Elevations
 - JD_145_P3.pB – Plot 3 Proposed Floor Plans
 - JD_145_P4.eA – Plot 4 Proposed Elevations
 - JD_145_P4.pA – Plot 4 Proposed Floor Plans
 - JD_145_P5.eC – Plot 5 Proposed Elevations
 - JD_145_P5.pC – Plot 5 Proposed Floor Plans
 - JD_145_P6.eB – Plot 6 Proposed Elevations
 - JD_145_P6.pB – Plot 6 Proposed Floor Plans
 - JD_145_P7-9.eC – Plots 7,8&9 Proposed Elevations
 - JD_145_P7-9.pC – Plots 7,8&9 Proposed Floor Plans
- 3) No development shall take place (including any demolition, ground works and/or site clearance) until a method statement for ecological mitigation and enhancement measures, such as those identified within Section 6 of the submitted Ecological Appraisal report (prepared by Aluco Ecology Ltd, dated October 2024), has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include the following:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) disposal of any wastes arising from works.
- Development shall be carried out in accordance with the approved details and the mitigation and enhancement measures shall be retained in perpetuity.
- 4) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a detailed Biodiversity Gain Plan and/or Habitat Management and Monitoring Plan, which is in-line with industry standards, has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with any such approved details, with the approved Habitat Management and Monitoring Plan maintained for the minimum of the 30 years which is set out in the Environment Act 2021.
- 6) No development shall take place (including any works of demolition) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include scaled drawings illustrating the provision for the following;
- 1) The parking of site operatives and visitors’ vehicles;
 - 2) Loading and unloading of plant and materials;
 - 3) Management of construction traffic and access routes;
 - 4) Storage of plant and materials used in constructing the development;
 - 5) Vehicle Tracking demonstrating that the largest vehicles associated with the construction process can access, egress and turn within the confines of the site;
 - 6) Method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site and the means of keeping the site access road and adjacent public house/ highway clear of mud and debris during site demolition, excavation, preparation and construction;

7) Details of how noise impacts from any temporary plant, such as generators, will be minimised so as to protect residential amenity, including hours of operation;

8) Confirmation that audible reversing alarms on mobile plant and vehicles will be of a type which, whilst ensuring that they give proper warning, have a minimum noise impact on persons outside the site (for example, 'white noise' reversing alarms).

Development shall be carried out in accordance with the approved details.

- 7) No development shall take place until a noise mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Details shall demonstrate that the proposed dwellings would meet the applicable World Health Organisation (WHO) guidelines for internal and external amenity (WHO – "Guidelines for Community Noise 1999"). Development shall be carried out in accordance with the approved details, and any mitigation measures shall be installed prior to the first occupation of the dwellings and retained and maintained in perpetuity.
- 8) The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Management Plan (prepared by Rivendale Developments, dated October 2024).
- 9) The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement report (prepared by AJ Monk Consulting, Version 5, dated February 2025) and its associated Drainage Tree Protection Plan (reference 250204-TWF-DTPP-Rev B – NB&AM).
- 10) No development shall take place above damp proof course level of the development hereby permitted until samples and details of the materials to be used in the construction of all associated external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11) Notwithstanding the details submitted, no development shall take place above damp proof course level of the development hereby permitted until full details of the hard and soft landscape works within the site and their timescales for planting have been submitted to and approved in writing by the Local Planning Authority. The details shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities; proposed finished levels or contours; means of enclosure; and hard surfacing materials. The landscape works shall be carried out in accordance with the approved details.
- 12) No development shall take place above damp proof course level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme. The landscape implementation, management and maintenance shall be carried out in accordance with the approved details.

- 13) No external plant, machinery or equipment, including any air source heat pumps, shall be installed in association with the use of the development hereby permitted until details have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, appearance, design, specification and noise performance of the plant or equipment, and all measures required to mitigate any noise emissions to ensure that they will not cause detriment to the living conditions of nearby residential occupiers. Development shall be carried out in accordance with the approved details, and any mitigation measures required to reduce noise from the plant or equipment shall be completed prior to the same being brought into use and permanently retained thereafter.
- 14) No external lighting shall be installed at the site until a detailed lighting strategy for the construction and operation phase of the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be in accordance with Guidance Note 08/23: Bats and Artificial Lighting at Night. The details shall document Steps 1 to 5 of the guidance and base lighting proposals on a Lighting Ecological Constraints and Opportunities Plan. Installation shall be carried out in accordance with the approved details, with any approved lighting strategy maintained in perpetuity.
- 15) No part of the development shall be brought into use or occupied until all existing redundant accesses have been permanently closed and the footway crossings removed, and the footway reinstated.
- 16) The access hereby permitted shall not be brought into use until vehicular visibility splays as detailed on the approved plans have been provided. There shall be no obstruction to visibility exceeding 600mm in height above the adjacent carriageway channel line within the vehicular visibility splays. The vehicular visibility splays shall thereafter be retained for the lifetime of the development.
- 17) No dwelling hereby permitted shall be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles for that dwelling to enable them to enter and leave the site in a forward gear in accordance with the approved plan and these spaces, including within garages/car ports. Thereafter the spaces shall be reserved for such purposes at all times.
- 18) No dwelling hereby permitted shall be occupied until provision for cycle storage for two bicycles for that dwelling has been made within the site. The provision for cycle storage shall thereafter be maintained for this purpose at all times.
- 19) In the event that contamination not previously identified is found at any time during demolition and/or construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.

- 20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no building, structure, walls or fences of any kind shall be erected within the rear gardens of plots 3, 4 and 7 without the prior written consent of the Local Planning Authority.

END OF CONDITIONS