Planning Inspectorate

Appeal Decision

Inquiry held on 17 - 20 March 2026

Site visit made on 17 March 2026

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/H1705/W/25/3375722
Land South West Of Overton Sapley Lane, Overton, Hampshire RG25 3NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Bargate Homes against the decision of Basingstoke and Deane Borough Council.
- The application Ref is 24/01827/OUT.
- The development proposed is up to 130 dwellings (Use Class C3), public open space (including country park) and associated landscaping and infrastructure works; with all matters reserved except for means of access.

Decision

1. The appeal is allowed and planning permission is granted for up to 130 dwellings (Use Class C3), public open space (including country park) and associated landscaping and infrastructure works; with all matters reserved except for means of access. at Land South West Of Overton Sapley Lane, Overton RG25 3NT in accordance with the terms of the application, Ref 24/01827/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. The appellant has made an application for costs against Basingstoke and Deane Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. A Case Management Conference (CMC) was held on 20 January 2026. The main purpose of the CMC was to discuss the procedural and administrative aspects of the Inquiry, and the issues that would need to be addressed in evidence. This was to ensure the inquiry could be conducted in an efficient and effective manner.

4. The application to which this appeal relates was made in outline only with details of the means of access and all other matters reserved. I have determined the appeal on this basis. The parties have agreed those plans that form the approved plans[1], a plan to which the appeal scheme would be in general accordance[2] with, and I have treated other plans as being indicative as appropriate.

5. The parties have entered into Statements of Common Ground (SoCG), regarding landscape, housing land supply and planning matters. The parties agree that Policies SS1 and SS6 of the Basingstoke and Deane Local Plan (BDLP) and

[1] Condition 4
[2] Condition 5

Policy H1 of the Overton Neighbourhood Plan (ONP), are out of date for the purposes of decision-making under paragraph 11(d) of the National Planning Policy Framework (NPPF) because the council cannot demonstrate a five-year housing land supply. Based on the evidence before me I find no substance reason to conclude otherwise, and I have determined the appeal on this basis.

6. The appeal is accompanied by a planning obligation that secures appropriate provision for affordable housing, community facilities and infrastructure. Consequently, the related reason for refusal is no longer contested.

7. A previous appeal[3] considered a different quantum of residential development on a different part of the appeal site and was subsequently dismissed. While the proposed development is materially different to that previously proposed, the situation of the site and the local planning policy context has not changed markedly since the determination of the earlier appeal. I have had due regard to this appeal decision as a material consideration in the determination of this appeal.

Main Issue

8. I consider the main issues to be:

: Whether the appeal site is a suitable location for housing in the context of the development plan and national policy.

: The effect of the development on the character and appearance of the surrounding area with particular reference to landscape.

And, with regards the planning balance:

: Whether any adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and other material considerations.

Reasons

Location

9. The appeal site is described by the parties[4] as comprising approximately 19.66 hectares of arable agricultural land located to the south-west of Overton. It lies outside but immediately adjacent to the settlement boundary of Overton, though still within the Overton Neighbourhood Plan area. Therefore, for the purposes of planning policy, the appeal site lies within the open countryside.

10. The appeal site forms an 'L' shape, the southern part is shown on the submitted plans[5] as accommodating the proposed housing and the western part accommodates the proposed country park. The site is transacted and contained by hedges, and these are referred to by the appellant as being retained and enhanced.

11. Policy SS1 of the BDLP sets out a spatial strategy to deliver the Borough's housing requirement through a combination of capacity within settlement boundaries, local plan allocations and land allocated through the neighbourhood planning process. It also provides that new housing can be considered outside of defined Settlement

[3] Land West and North-West of Seven Acres, Overton APP/H1705/W/21/3274922, November 2021 (CD 9.1),
[4] Planning Statement of Common Ground paragraph 2.1
[5] Parameters Plan – 1439.008.E (CD1.5)

Boundaries where such development would meet criteria set out in the other policies in the plan or where it is essential for the proposal to be located in the countryside. Policy SS6 addresses new housing in the countryside, detailing specific criteria when such development will be allowed. None apply to this appeal scheme.

12. The appeal proposal does not conflict with the wording of ONP policy H1 which addresses development within settlement boundaries and on allocated sites, neither of which apply to the appeal site. Furthermore, there is no dispute between the parties that the appeal site represents a sustainable location for the proposed development in respect of access to service and facilities[6] and based on the evidence before me I agree. Moreover, I am satisfied that the appeal scheme will create beneficial connections with regards sustainable modes of transport such that future residents of the appeal site can access services and facilities of Overton.

13. Taking all of the above into account, because the appeal scheme proposes residential dwellings in the open countryside and thus is not a suitable location for housing in that regard, there would be some conflict with Policies SS1 and SS6 of the BDLP in this regard. These points are not at dispute in this appeal, and for the aforementioned reasons, I afford limited weight to this policy conflict.

Character and appearance, including landscape

Policy Context

14. Policies EM1 and EM10 of the BDLP and Policy LBE1 of the ONP are referred to in the decision notice. I have carefully considered the provisions of Policy EM10 and the submissions from the parties in this regard. I consider that the policy, concerned with matters including local distinctiveness and a sense of place, is primarily applicable to matters determined at the Reserved Matters stage and I do not find any fundamental conflict with Policy EM10 of the BDLP in this instance.

15. Policy EM1 seeks that “the proposals are sympathetic to the character and visual quality of the area concerned” and lists various other considerations. Policy LBE1 of ONP succinctly requires development demonstrates that it will “conserve or enhance the character of the landscape and built environment”.

The Site

16. The site lies within the South Test Down landscape character area[7]. Notable features referred to at the Inquiry include the surrounding agrarian countryside, the valley rising up to a plateau, the sunken lane and Public Rights of Way (PRoW) near to the site. The majority of the built development of Overton is located on the lower slopes of the Test valley. Recent housing development (referred to as the Seven Acres development) is located on the upper portion of the valley sides, immediately adjacent to the appeal site.

17. The appeal site, being on the outer edge of the build development of Overton contributes to the open countryside character of the area. Clearly, changing the open agricultural fields of the appeal site by developing housing, creating a new entrance from Sapley Lane, and creating a country park will extend the built

[6] SOCG at 5.7, CD8.2
[7] Paragraph 2.5 of Mr Burton Proof of Evidence (summary)

development of the settlement and change the character and appearance of the site from countryside.

18. Moreover, the proposed housing is to be located on higher ground than the existing build development of Overton resulting in a greater prominence and visibility in the surrounding countryside. However, I do not agree with the assertion that this area is largely unaffected by the existing built edge[8]. I saw at the site visit that the existing urban edge is a visible feature, albeit often screened to some extent by trees and hedges. Based on my observations at the site visit. I do not consider that the appeal scheme would be out on a limb or otherwise at odds with the existing built development of Overton.

19. The appeal scheme would result in the development of a previously open agricultural field impacting on the character and appearance of the appeal site, this is permenant and by its very nature is largely unavoidable. Nonetheless, I consider this to be a significant adverse impact on the character and appearance and landscape value of the appeal site.

Near View Points

20. However, as shown on the submitted Zone of Theoretical Visibility[9], wider views of the appeal site are limited. Indeed, Mrs Prescott identified significant effects from only seven assessed viewpoints, five of which are within 200m of the site and the remaining two are within 1.3km. On the basis of the evidence before me and my observations at the site visit, I consider that the visual impacts of the appeal scheme are largely limited to the immediate vicinity of the site.

21. Of the viewpoints near to the appeal site, I consider those representing users of the sunken lane and PRoW near to the site are most important. However, the appeal scheme would only be intermittently visible to users of the lanes and public rights-of-way[10] including Stapley Lane to the east.

22. Moreover, these views are generally short in distance, duration and limited in number. In particular the pathway along the sunken lane is lower than the adjoining fields and is tree/hedgerow lined, this obstructs views out to the appeal site. In addition, as I saw at the site visit the appeal scheme would be viewed in the context of and as an extension to the build development of Overton and the proposed planting would, with time, reduce the prominence of the appeal scheme.

23. Those residents of properties on the Seven Acres development that currently look towards the appeal site and users of the adjacent green space will experience a much-changed outlook, but the submitted Parameters Plan shows retained and enhanced planting and a green buffer to the boundary of the site, such that I do not consider that the resulting view would be closed or oppressive.

24. I therefore consider that with regards near Viewpoints there is moderate harm to the character and appearance of the area, including the landscape at 15 years when the landscaping has matured.

Distant View Points

[8] Paragraph S24 Mrs Prescott Proof of Evidence
[9] Figure 13: Zone of theoretical visibility and viewpoint locations, TOR-L013 (CD 2.1)
[10] Including bridleway 183/26/1 and the sunken lane identified as an 'other route with public access)

25. The parties have referred to, amongst others, the view from Abra Barrow a Scheduled Monument[11] located to the southwest of the appeal site. The Heritage Asset is a roughly circular mount and other earth works, its significance lies within its setting within a prominent position in the landscape overlooking the surrounding landscape. Mrs Priscott identifies the visual effects of the appeal scheme at 15 years to be moderate (adverse) and not significant. Mr Burton has identified the level of effect as being negligible (adverse) and also not significant.

26. The proposed development is substantially screened from more distant viewpoints by existing planting and topography, moreover the proposed enhanced planting will further obscure the appeal scheme from view. As such, I am satisfied that the appeal scheme will have a negligible impact on the heritage asset (and would not harm its significance) and this viewpoint that also represents users an adjacent PRoW.

27. The North Wessex Downs National Landscape (the NL) lies some 1.7km from the proposed housing. I have considered the need to conserve and enhance the special qualities of the NL[12], including its ancient semi-natural woodland, remnant heathland, connecting hedgerows and overhung lanes that create a sense of seclusion.

28. The council does not identify any unacceptable impacts on the National Landscape[13]. Indeed, the landscape evidence of both parties conclude a negligible impact.

29. Moreover, the parties agree[14] that Users of PRoW 183/2/2 and 183/24/1 within the NL, while highly sensitive to change would only experience negligible effects and that this is not significant. Based on my observations at the site visit I agree. Furthermore, I am satisfied that there would be no direct effects on the NL, so it is necessary to consider whether the proposed development would harm the setting of the NL.

30. The submitted plans show the proposed housing, predominantly two storeys in height, as being immediately adjacent the existing built form of the village. Furthermore, the proposed landscaping that is a reserved matter will, with time, soften the appearance of the development. I saw at the site visit that there is only limited intervisibility with the NL, including from PRoW, in large part due to the existing built form of Overton, and I do not consider that the appeal site is a prominent feature in the setting of the NL.

31. Consequently, I consider that the appeal scheme would have a have a negligible impact on the NL and its setting, is not at odds with paragraph 189 of the Framework and s85 of the CROW Act as amended by s245 of the LURA.I consider that the appeal scheme would, overall, have a negligible effect on more distant viewpoints character and appearance including landscape.

[11] In accordance with my duties under the Planning (listed buildings and Conservation Areas) Act 1990 Section 66(1) – I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
[12] I have given great weight to the duty imposed by Section 85 of the Countryside and Rights of Way Act 2000 (CROW) as amended by s245 of the Levelling-up and Regeneration Act 2023
(LURA) to have regard to the purpose of conserving and enhancing the natural beauty of National Landscapes. The National Planning Policy Framework advises that great weight should be given to conserving and enhancing this area as it has the highest status of protection in relation to landscape and scenic beauty.
[13] Paragraph 66 Landscape PoE Basingstoke and Deane Borough Council, Anne Priscott Ba Hons CMLI
[14] Table A3 Mrs Priscott Proof of Evidence

Conclusion

32. The appeal scheme represents a further incremental extension to the built development of Overton on to the higher reaches of the valley side and the plateau.

33. The retained and enhanced structural planting internally and to the boundaries will, with time, reduce the visual impact of the new houses on the character and appearance of the area, including the landscape.

34. The harm I have identified is highly localised, primarily the appeal site and the immediate surroundings. The appeal scheme will permanently change the character and appearance of the site resulting in the loss of open countryside resulting in material harm to the character and appearance of the area and the landscape. However, the harm rapidly decreases with distance, and I have found only moderate harm at near viewpoints and negligible harm at more distance viewpoints. I afford this harm moderate weight.

35. For the reasons detailed above, I find that the appeal scheme would harm the character and appearance of the area, including landscape and that this is contrary to Policies EM1 and EM10 of the BDLP and Policy LBE1 of the ONP.

Other Matters

Loss of Agricultural Land

36. The appeal scheme would result in the loss of some agricultural land, the majority of the appeal site is identified[15] as being grade 3a. The amount of agricultural land lost (19.66ha) is not significant in the context of the overall amount of agricultural land available. As such I afford the loss of agricultural land moderate weight only.

Housing land supply

37. It is not at dispute between the parties that the council cannot demonstrate a 5-year supply of housing land. While the exact figure is not agreed, it is agreed that there is a serious and significant shortfall in the housing land supply.

38. Moreover, based on the evidence before me I consider that this shortfall is persistent and is unlikely to be resolved for some time, most likely once the new Local Plan is adopted and additional sites come forwards for development. The Parish Council refers to some progress is being made with regards the Portal Mills site but this site is at the very early stages of the planning process, and I consider it unlikely that the site will contribute housing to the 5 year supply for some time. I have no substantive evidence before me that would lead me to conclude otherwise.

39. Consequently, the delivery of is up to 130 dwellings by the appeal scheme is afforded significant weight in the planning balance.

Affordable housing supply

40. The appeal Includes provision for 40% affordable housing with a tenure mix of 70% rented and 30% intermediate provision. This is in accordance with the development plan and will directly contribute to the identified need for affordable housing. In common with the parties, I afford this matter significant in favour of the appeal scheme.

[15] ALC assessment by Kernon Countryside Consultants Ltd in January 2026. **Appendix 3** of Mr Ryan Proof of Evidence

Economic Benefits

41. The appellant describes[16] a wide range of economic benefits attributed to the appeal scheme including the creation of construction jobs, the spending of future residents in the local economy and CIL payments. I afford this matter moderate weight in favour of the appeal scheme.

Environmental Benefits and Country Park

42. The development will deliver a biodiversity net gain of 109% habitat units and 74% hedgerow units; this is significantly above the 10% requirement. The council and the appellant agree[17] that such matters are a benefit that should be afforded moderate weight.

43. Turning to the Country Park, the appellant suggests that the southwest corner of Overton, including the Seven Acres site adjacent to the appeal site, is beyond the threshold[18] of access to parks and gardens and amenity green space. However, this would appear to omit the contribution of the adjacent recreation ground, including skate park and amenity grassed area.

44. Nonetheless the appeal scheme includes would provide a new Country Park comprising 15.46 HA of multifunctional green space. The provision of a new Country Park would contribute positively towards green space provision, improving access to green infrastructure for existing and future residents off Overton. I afford this matter moderate weight.

Planning Balance

45. As referred to previously, the council cannot demonstrate a 5-year housing land supply, this is a serious and significant shortfall, and it is persistent. Consequently, in accordance with the Statement of Common Ground agreed by the parties, I consider that the tilted balance of Framework para 11 does apply in this instance.

46. It therefore falls to consider whether any adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and other material considerations.

47. I have found harm with regards the location of the appeal site (limited weight), to the character and appearance of the area including landscape harm (moderate weight) and with regard the loss of agricultural land (moderate weight).

48. Amongst various benefits, the appeal scheme would deliver housing and affordable housing in the context where there is a persistent shortfall of housing delivery, and I have afforded these considerations significant weight.

49. I do not consider that the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and other material considerations.

50. Indeed, I consider that the benefits of the appeal scheme overwhelmingly outweigh the harm.

[16] Mr Ryan Proof of evidence paragraph 4.39
[17] CD8.2
[18] Green Infrastructure Strategy for Basingstoke and Dene (2018) CD6.2

Conditions

51. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework details that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation meets the three tests detail in the legislation. The council's CIL compliance statement sets out the detailed background and justification for each of the obligations. I am satisfied from the evidence before me that the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account as part of my overall conclusion that the appeal should be allowed.

52. I have considered the conditions agreed between the parties in light of the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in the Framework. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has expressed agreement to the pre-commencement conditions suggested by the council and where I have modified these it has had no material bearing on their function.

53. In order to define the permission and to control the timescales for the submission of reserved matters, I have included conditions relating to the life of the permission the approved plans, reserved matters, details to be included with reserved matters applications including car and bicycle parking and utilities.

54. In the interests of good design, I have included a condition requiring the submission of a statement of how the development will be of a high quality of sustainable design. For the same reason I have included a condition referring to landscaping details including the retention of existing trees and hedgerows, the implementation of landscaping details, and finished floor levels.

55. In the interests of the appearance of the appeal scheme I have included a condition requiring the submission of a schedule of the materials to be used in the exterior of the dwellings.

56. In the interests of the environment, I have included conditions referring to the submitted Ecological Impact Assessment, a refuse waste management strategy and a construction method statement, including matters such as the continued use of nearby rights of way and the routing of construction vehicles. For the same reason I have included conditions relating to land contamination, topsoil importation, surface water drainage, water efficiency and the disposal of sewerage.

57. In the interests of ecology, I have included a condition to control external lighting on the site. In the interests of archaeology, I have included a condition controlling a scheme of archaeological investigation. In the interests of highway safety, I have included conditions relating to the management and maintenance of streets and specific details

Conclusion

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

Mr M Brooker

INSPECTOR

Schedule of Conditions

1) Details of the appearance, landscaping, layout, and "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with drawing nos:

   : Site Location Plan – 1439.006.FF P

   : Sapley Lane Access and Profile - 7220-SK001 P01

   : Sapley Lane Cycleway Crossover - 7220-SK002 P01

   : Proposed footpath from Dellands - ITB15180-GA-012 Rev C

   : Proposed pedestrian/cycle connections - ITB15180-GA-016 Rev D

5) The development hereby permitted shall be carried out in general accordance with drawing nos:

   : Parameters Plan – 1439.008.E

6) Applications for the approval of reserved matters for layout, scale and appearance shall be supported by a statement of how the development will be of a high quality of sustainable design. This will include reference to how the layout, design and construction of the development will involve the efficient use of natural resources through reducing resource requirements in terms of energy demands and water use; the consideration of opportunities for renewable and low carbon energy technologies; the use of passive solar design to maximise the use of the sun's energy for heating and facilitate sustainable cooling of buildings; and the mitigation of flooding, pollution and overheating.

7) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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) Prior to, or as part of, the Reserved Matters application relating to either scale or layout (whichever is submitted first), a measured topographical survey and a plan at a scale of not less than 1:500 shall be submitted to and

approved in writing by the Local Planning Authority. The plan shall show existing ground levels, proposed finished ground levels, and proposed finished floor levels, all referenced to a datum point previously agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

10) As part of the application for the approval of reserved matters for 'appearance' a materials schedule setting out full details of the types, textures and colours of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, and thereafter maintained, in accordance with the approved details.

11) The development hereby approved shall be undertaken in line with recommendations and procedures contained within Chapter 5 Assessment of Ecological Effects and Mitigation/Compensation/Enhancement Measures of the Ecological Impact Assessment by ECOSA dated 5/8/20204. No development shall commence until a final Hazel Dormouse Mitigation Strategy and a Bat Sensitive Lighting Strategy has been submitted and approved in writing by the Local Planning Authority, in accordance with the details specified within the Ecological Impact Assessment report. Thereafter development will be undertaken in line with these plans.

12) As part of the application for the approval of reserved matters relating to layout a Refuse Waste Management Strategy which demonstrates vehicle tracking details for refuse vehicles throughout the site, includes details of refuse storage and collection facilities for each dwelling and communal bin stores and other refuse arrangements shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall show that refuse vehicles can access all refuse collection points and include the position, design, materials, finishes of such storage facilities and the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle. 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 and shall be thereafter retained and maintained as such in perpetuity. No part of the development shall be occupied until refuse storage and collection facilities have been provided in full accordance with the approved details.

13) As part of the Reserved Matters application relating to layout, full details of the proposed car parking and cycle storage facilities for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved car parking and cycle storage facilities serving that plot have been fully provided and made available for use. The approved facilities shall thereafter be retained and kept available at all times for the parking, loading and unloading of vehicles and for cycle storage, and for no other purpose.

14) The Reserved Matters application relating to layout shall include a Utility Statement and utilities layout plan demonstrating that sufficient capacity exists for all necessary infrastructure to serve the development. The submission shall identify the location of all existing and proposed utilities, including (but not limited to) gas, electricity, communications, water supply

and foul drainage. The development shall thereafter be carried out in complete accordance with the approved Utility Statement and utilities layout plan. The approved utility infrastructure shall be retained and maintained for the lifetime of the development.

15) 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 provide for:

i) the parking of vehicles of site operatives and visitors;
ii) loading and unloading of plant and materials;
iii) storage of plant and materials used in constructing the development;
iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
v) wheel washing facilities;
vi) measures to control the emission of noise, dust and dirt during construction;
vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
viii) delivery, demolition and construction working hours.
ix) procedures for maintaining good public relations including complaint management, public consultation and liaison;
x) a scheme for lighting
xi) The continued use of nearby Public Rights of Way.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

16) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, 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), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

i) a survey of the extent, scale and nature of contamination;
ii) the potential risks to:
- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems; and
- archaeological sites and ancient monuments.

17) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the development [or relevant phase of development] is occupied.

18) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development [or relevant phase of development] shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

19) The development hereby permitted shall not be begun until a Desk Study to assess the suitability of any subsoil and/or topsoil material to be imported onto the land has been submitted to and approved in writing by the local planning authority. The Desk Study shall set out details of the sampling regime and analysis carried out to ensure that the proposed material shall not pose a risk to human health as defined under Part IIA of the Environmental Protection Act 1990. No subsoil and/or topsoil material shall be imported unless it has been so approved by the local planning authority. The developer shall subsequently test samples of any imported subsoil and/or topsoil material on the land and submit results to the local planning authority as required to verify that the imported soil is free from contamination in accordance with the approved scheme.

20) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

    The submitted details shall:

    i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

    ii) include a timetable for its implementation; and,

iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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.

21) None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

22) Prior to the installation of external lighting, other than in private gardens, full details including height, design, location, intensity shall and orientation shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.

23) No development, including any works associated with the construction of the development hereby permitted (such as foundation or drainage works), shall commence until a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation (WSI) that has first been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out the scope and methodology of the archaeological evaluation and shall secure an appropriate level of investigation to inform any subsequent archaeological mitigation. The development shall thereafter be carried out in full accordance with the approved WSI and any recommendations arising from the agreed programme of archaeological evaluation.

24) No development shall commence, until a programme of archaeological mitigation in accordance with the approved written scheme of investigation and archaeological evaluation as secured under Condition 22 has been submitted to and approved in writing by the Local Planning Authority. The WSI should secure an appropriate level of archaeological recording prior to or during the relevant stages of development to ensure that archaeological evidence is recognised and recorded; and the development shall be carried out in accordance with the approved details.

25) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

26) No dwelling shall be occupied until details of the proposed arrangements for the management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established - details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

27) The Reserved Matters application relating to layout shall be accompanied by a scheme full details of the visibility splays, levels, gradients, sections of construction, finishing materials, lighting, and drainage of the estate roads, footpaths and cycleways. The development shall be carried out and maintained in accordance with the details.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Mr Sasha White K.C. and Kimberley Ziya of Landmark Chambers

Called:

Mr Richard Burton, AoU BA(Hons) DipLA CMLI

Mr Ryan Johnson, BA (Hons) DipTP MRTPI

FOR THE LOCAL PLANNING AUTHORITY:

Mr Ben Du Feu, Cornerstone Barristers

Called:

Mrs Anne Prescott

Mr Tom Ryan

INTERESTED PARTIES:

Mrs Claire Brady

DOCUMENTS

ID1. Council Opening

ID2. Appellant Opening

ID3. Statement by Mrs Claire Brady

ID4. Local Plan update

ID5. Parish Council Email

ID6. Council Closing

ID7. Appellant Closing