



Appeal Decision

Inquiry Held on 2-5 and 9-10 June 2026, closing in writing 19 June 2026

Site visits made on 3, 4 and 5 June 2026

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30/07/2026

Appeal Ref: APP/N1730/W/25/3375985

Park and Ride, Elvetham Heath Way, Fleet, Hampshire GU51 1HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Madaket Ltd against the decision of Hart District Council.
 - The application reference 24/00611/FUL, dated 15 March 2024, was refused by notice dated 30 May 2025.
 - The development proposed is for the erection of a retail food store (Class E(a)1), means of access, parking and landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of a retail food store (Class E(a)1), means of access, parking and landscaping at the Park and Ride, Elvetham Heath Way, Fleet, Hampshire GU51 1HG.

Procedural Matters

2. On the first day of Inquiry proceedings Hart District Council (the Council) confirmed that it was no longer contesting highway related impacts of the appeal scheme, subject to the completion of an appropriately worded planning obligation securing several mitigations. Although highway implications remain an important material consideration in my decision, I have taken such circumstances into account when listing the main issues of the case.
3. Without prejudice to the outcome of the appeal, it was agreed that the appellant would be given until 17 June 2026 to produce its planning obligation related to its overall reasoning. A completed obligation was subsequently received within that timeframe. It is legally binding and informs my decision.

Main Issues

4. The main issues are: (1) the retail impact and whether there would be an adverse effect on the vitality and viability of Fleet Town Centre; and (2) the acceptability of the proposed design alongside the impact to the character and appearance of the area, inclusive of tree loss.

Reasons

Retail impact/vitality and viability of Fleet Town Centre

5. My site visits included walking within the town centre as well as the appeal site and its immediate vicinity. The town centre high street was heavily lined by

independent shops, restaurants, and other commercial units. The proximity of the Council's offices alongside the central position and prominence of the Hart Shopping Centre, entailing significant retail provision within it, alongside adjoining parking facilities, are further notable characteristics of the town and how it functions. It is clear the town centre offer incorporates daily food shopping blended with other forms of retail and services inviting dwell time.

6. The appeal plans inform me that the proposed Lidl store would have a gross internal area of 1,949 sqm and a net sales area of 1,331 sqm. Of the net sales area, 80% of floorspace (equating to 1,065 sqm) would be dedicated to convenience goods sales and 20% of floorspace (266 sqm) would be dedicated to comparison goods sales. Served by 107 car parking spaces.
7. Policy ED4 of the Hart Local Plan (Strategy and Sites) 2032 (HLP) sets out a hierarchy of centres for the District. The policy aims to support the vitality and viability of defined District and Local Centres: Fleet Town Centre (the main focus for future town centre development in the District); followed by the District Centres of Blackwater, Hook and Yateley. Then by the Local Centres: of Hartley; Wintney; and Odiham.
8. As per the wording of ED4, proposals for main town centre uses that are not in the defined centres are required to satisfy the sequential test. Development for retail and/or leisure, with a gross floorspace exceeding 1,000sqm, in edge or out of centre locations is only supported if, following an Impact Assessment, it would not have a significant adverse impact.
9. In tandem, HLP Policy ED5 states that development proposals will be permitted that maintain or enhance town centre vitality and viability and which contribute to its continued enhancement. It also states any additional net comparison goods (non-food) and convenience goods (food) retail development will be first directed to the Town Centre Primary Shopping Area (PSA) as defined on the Policies Map. Importantly, Hart Shopping Centre is located within the PSA.
10. The explanatory text within the HLP informs me the PSA has been defined based on evidence in the Retail, Leisure and Town Centres Study (2015) and establishes a retail core. Beyond the core is a mix of uses which includes commercial buildings and non-retail uses with the potential for a variety of uses.
11. Together with local policy, Section 7 of the National Planning Policy Framework (the Framework) is applicable. It highlights to me the role town centres play at the heart of local communities and encourages a positive approach to their growth, management and adaptation endorsing a town centre first approach, of which the HLP policies are consistent with.
12. The appellant's initial Retail Impact Assessment (RIA), Retail Sequential Test and subsequent addendum, as well as the series of RIA Addendum's (RIAA's) undertaken are material.
13. Based on the collective information contained within those documents the Council have concluded that no other sequentially preferable sites are available. As such, they find that the appeal scheme is consistent with the requirements of paragraphs 91 and 92 of the Framework, and Policy ED4 insofar as it relates to the sequential approach. I have no strong reason to disagree with the Council's conclusions.

14. The dispute therefore centres on whether there would be a significant adverse impact to the vitality and viability of the town centre. Hence, the size of the proposed convenience goods floor space is crucial in a decision making sense. Accepting trade diversion impact arising from comparison goods floorspace would be modest given its small size. Notwithstanding, the latter cannot be completely ignored in any overall finding.
15. The appeal information refers extensively to the likely convenience goods floorspace and turnover associated with new retail facilities. I also acknowledge the appellant states that recent and planned residential development /population growth associated with Hartland Village (between Farnborough and Fleet of around 1,500 homes) and Albany Park (in Church Crookham of approximately 300 homes) have been factored into their retail assessments. Additional household formation clearly would correlate with increased spending power.
16. In gauging the arguments, Paragraph 018 of the National Planning Practice Guidance advises that the design year for impact testing should be the year that the proposal has achieved a mature trading pattern. Conventionally this is taken to be the second full year of trading after the opening of the new retail development. The original RIA is based on the test year of 2027 and the RIAA's move the test year forwards consecutively. Which is important as the build out of the proposed store, if consented, is anticipated to take approximately 15-18 months.
17. Having regard to the impact of the development on trade in the town centre and the wider retail catchment. The appellant estimates that the impact on individual stores would be modest. When considered individually, broadly in the order of: 4.1% on Sainsbury's; 1.4% on Waitrose; 2.4% upon M&S Simply Food (M&S); and 0.1% upon other smaller, independent traders (according to Table 5 of the RIAA (May 2026)).
18. They make the overall case that the new Lidl store would compete most directly with Sainsbury's (as well as other food stores in the town centre, to a lesser extent) reflecting the degree of overlap of trade as well as its overall trading performance.
19. They also initially equated trade diversion to the proposed Lidl food store would result in an individual (solus) town centre subtotal impact of around 3.3% (and around 6.4% cumulatively accounting for defined commitments). Subsequently revised owing to a change in circumstance encountered during proceedings.
20. Nonetheless, in making those calculations the appellant does rely on overtrading arguments linked to Sainsbury's and M&S. Waitrose being identified by the appellant as underperforming. Alleged to be presently trading at around 57-58%, or so, of UK company averages.
21. During inquiry proceedings it was announced that Fleet M&S was to close. Accordingly, the main parties gave their views on this material change in circumstances relative to the other RIAA figures.
22. Although M&S was identified to be overtrading by the appellant, such a conclusion is likely to be considerably distorted by the stores small floor area size. Factoring its small size, together with its announced closure it does bring into question how robust the appellant's assessments are overall.

23. Those circumstances demonstrate to me that there is not absolute certainty the appellant's assessments are entirely robust, irrefutable or incapable of projecting overly generous findings. They involve estimations and I have treated them as such.
24. Additionally, I am aware Fleet is a historic market town with a farmers market. Yet, the appellant's analysis does not give any thorough indication of any likely impacts to the market, or its role in the existing town centre draw. This has obvious connection to properly understanding how the town centre presently functions. Linked trips are an essential component of the function of the town. However, the appellant's analysis overall related to linked leisure, goods and services trips is silent on key elements such as the role of the market.
25. The Council maintains that there would be an adverse impact to the vitality and viability of the town centre as a whole. They contend that the out of town appeal development unnecessarily jeopardises Waitrose's position as an anchor store within the Hart Shopping Centre.
26. The current estimated trading performance of the existing Waitrose store is therefore relevant to any assessment of total trade diversion.
27. Although no detailed alternative figures or workings out for company performance or trade diversion are advanced by the Council. Their retail witness considered high level trends and two successive objections¹ as testament to the vulnerability of the Waitrose store.
28. The Council do give me credible reasons why Waitrose is likely to be vulnerable to trade diversion changes, and I place substantial weight on the likely vulnerability and risks to existing town centre trade.
29. That is because the appellant's assessment of Waitrose's current annual turnover is primarily based on survey derived inputs. Suggesting Waitrose turnover being around £9.16/9.52million (m) (solus) and £8.97/9.33m (with commitments) in the year of 2029 (according to RIAA May 2026 Table 14 figures/ the appellant's retail expert rebuttal Appendix 3, Table 14). With further scenario based figures also given² which I have considered.
30. The survey evidence relative to the arguments put does imply there is an unreliable estimation of store performance by the appellant. Including M&S Simply Food, which resulted in a calculation of turnover of over 8.5 times above the company benchmark.
31. I agree with the Council's criticisms that sole reliance on the 2023 household survey results without proper interrogation or necessary adjustment would be unreasonable. The appellant does not provide sufficient details of any potential adjustments to the survey results in relation to any of the town centre stores it has made. Therefore, this generates considerable doubt their conclusions overall are well founded. There appears much applied guesswork and opinion incorporated.
32. The Council's lack of requests for adjustments on this matter during the planning application period is unhelpful. It would have aided all parties. Even

¹ Firstplan objections on behalf of Waitrose, 15 April 2025 & 20 January 2026

² James Singer: Proof of Evidence Addendum on the closure of M&S Simply Food, dated 8 June 2026

- so, purely from a retail impact analysis perspective, an adjustment expectation is otherwise unsurprising.
33. Because of those frailties, with respect to Waitrose its trading performance may well be higher relative to company benchmark, thus relevant to the degree of trade diversion it would suffer.
34. Consequently, it is credible that the Council's estimated range of £1-2m of trade diversion from Waitrose is more representative, taken together with the appellant's own retail expert evidence that Sainsbury's would lose around £2.04/2.10m as per Table 14 of the May 2026 RIAA/Appendix 3 Table 14 of the appellant's retail expert's rebuttal (pre M&S closure announcement). In a comparative sense, the figures evidenced towards Sainsbury's give me confidence the Council's estimate and overall adverse impact case is more plausible.
35. The appeal arguments are complicated by references towards weighted or unweighted figure use and the absence of more detailed opposing figures and calculations from the Council's expert. I also acknowledge the appellant's well thought out scenario testing exercise undertaken owing to M&S's expected closure³. However, even when recognising those conflicts, I am still not persuaded the appellant's overall concluding case position on town centre impacts is sufficiently robust.
36. That is mainly because contrary to the appellant's views it is probable a new Lidl would compete with both Sainsbury's and Waitrose collectively at a greater scale than is alleged. And assuming it remained trading the M&S (albeit the latter scenario now academic).
37. There is likely to be a greater blurring and mixing of essential, mid-range and high-end main food shopping products available for purchase than is portrayed in the analysis. A price point comparison exercise is not a convincing enough basis to reject out of hand there would not be greater substantial direct competition evident with Waitrose.
38. Company marketing strategy, price points, as well as product ranges can and do vary and evolve over time. Notwithstanding existing price points, there is often a greater overlap of food products for purchase between the supermarket brands than is accounted for by the appellant.
39. Specifically with respect to Fleet, other local circumstantial factors such as store central proximity, linked trips, ease of parking, the size of all town centre stores involved and existing associated food ranges available are also critical. Thus, prices aside Waitrose does facilitate similar main food shopping item availability to what the new Lidl otherwise would.
40. The appellant contends that any Waitrose customers looking to reduce their food and grocery costs will have already done so at the Aldi store in Church Crookham that opened in 2022.
41. However, that is an optimistic position to cling to. People would also look to travel the shortest distance and take the easiest available option complementary to their unique day to day needs. The likelihood of town centre

³ James Singer: Proof of Evidence Addendum on the closure of M&S Simply Food, dated 8 June 2026

- main shopping linked trips bolstered by convenient central car parking availability carries decision making significance.
42. Taking the Council's points further, the Church Crookham Aldi was forecast to take some £4m in trade from Waitrose and Sainsbury's. Highlighting why Waitrose's underperformance and fall in market share depicted in Table 4 of the RIAA's has transpired. It is credible that a further new supermarket in the location proposed would only exacerbate such trends.
 43. Moreover, planned population growth dynamics and linked spending power are matters ultimately still subject to the area's adopted strategies and associated established centre hierarchy.
 44. The risks toward the key anchor of the Hart Shopping Centre are likely to be a credible consequence. To further encourage such trends would fly in the face of adopted development plan policy. It would completely undermine strategic aims seeking to protect the PSA within the town centre from harm.
 45. Bringing all points together, the appellant's trade diversion estimates (pre inquiry proceedings –indicated to be of 1.4% individually, and 3.3% cumulatively for Waitrose as per Table 14 of the RIAA/with further ranges (including 8.6%, 1.7% and 6.4% (solus) and 10.2%, 4.1% and 8.5% (cumulative) respectively)) then given via the appellant's scenario testing subsequently evidenced⁴ are likely to be an underestimate of the adverse impacts if the appeal development proceeded.
 46. Even if it was assumed to be around the appellant's preferred scenario figures, or figures most favourable to their contentions, the overall impacts gauged would still be significantly harmful to overall town centre vitality and viability in this case bearing in mind all local circumstances.
 47. None of the adverse impacts caused by the appeal proposal would be offset by the closure of M&S. Mainly because its trade level is likely to have been overestimated by relying on the 2023 survey. And because it is not convincing that Waitrose's function should be overly skewed towards top-up style food shopping as opposed to a main food shopping destination.
 48. Waitrose's store size, central proximity with ease of pedestrian access and car parking availability leads me to conclude the Council's explanations are more plausible. Plus, an M&S opening in Farnham where customers wanting to specifically visit an M&S store, can, is a further reason uplifted trade to Sainsbury's and Waitrose emanating from Fleet's M&S store closure is likely to be marginal in nature.
 49. Importantly, Hart Shopping Centre contains a substantial number of national retailers utilising around 10,000sqm of floor space.
 50. Accepting the likely vulnerability of Waitrose to a further out of town centre food store would be a realistic risk, I agree it would be difficult for Hart Shopping Centre to continue to operate, without a major food retail anchor utilising internal floor space. Plus, there are no guarantees it would be readily re-occupied by other food convenience retailers, furthering the risks.

⁴ James Singer: Proof of Evidence Addendum on the closure of M&S Simply Food, dated 8 June 2026

51. The town centre may well have an existing satisfactory performance level in terms of occupied units. But it is reasonable to consider there would be a number of potential likely affects, resulting from the proposed food store. Of which the appellant either downplays or does not give full credence to. The potential closure of Hart Shopping Centre including its parking facilities would be extremely damaging to all forms of remaining town centre trade.
52. Typified by all evidence available including public responses, existing trade and trip relationships are fragile. The appellant's survey information reflected in the RIAA 2026 suggests that of those surveyed only 8.2% of all respondents were undertaking a main food shopping trip within the town centre.
53. Furthermore, it identified 60.7% went on to also carry out non-food shopping on the same trip; 19.2% linked this trip with another food store; 19.1% went on to visit a restaurant/café/pub/bar; and 4.1% linked this with a visit to financial or other services. If the 8.2% figure was taken to be truly representative of customer habits. It underscores to me the existing pressures Hart Shopping Centre convenience food trade already faces.
54. Notwithstanding that point, as a standalone information gathering exercise, I am not convinced that the 8.2% figure is truly representative. That is because at the time of the survey there were 17 convenience shopping units (7.9% of total uses), including: Waitrose (2,170.5 sqm) and Sainsbury's (1,406.2 sqm); M&S Simply Food (247.4 sqm); and Morrisons Daily (126.3 sqm).
55. Fleet also features smaller, independent and/or specialist retailers, including convenience stores, bakeries and confectioners, a butcher, and a greengrocer. Given those numbers, I find that the likely function of the town centre as a main convenience shopping facility destination is underestimated.
56. Equally, connected to all arguments the role and growth of online shopping (referred to in public opposition to the appeal scheme) alongside updated RIAA content following technical query is also relevant.
57. Indeed, it is not substantively commented on in detail by the appellant's analysis, that many existing convenience food retailers offer online grocery delivery. Also possible through third party companies. Albeit some online expenditure figures are provided alongside some relatable survey questions.
58. I acknowledge that Table 1 in the 2026 RIAA information provides the latest population projections. In Tables 2A and 2B, the appellant provides updated expenditure per capita figures including and excluding 'Special Forms of Trading' (SFT) which incorporate convenience and comparison based online shopping. Updated projections to 2029 are provided and the SFT deductions and growth rates are shown in the footnote to these tables.
59. The information indicates that SFT deductions are predicted to increase yearly, from 5.4% in 2026, up to 5.9% in 2029. And comparison goods 26.1% in 2026 up to some 27.3% in 2029. Reflecting yearly expected rise trends, as also observed by the preceding RIAA.
60. There is no evidence of the likelihood of such trends becoming stagnant. Given present day trajectories, it would be unsurprising for those trends to continue to rise well into the future. Substantially beyond the appellant's assessment and known data.

61. Thus, all the evidence points to the conclusion that the challenges posed by online shopping is likely to be a considerable ongoing aggregative factor facing the success of the town centre as a whole. Irrespective of the appeal outcome. Certainly, over the next 3 years and throughout the full development plan period –well beyond the 15-18 month construction horizon and impact testing year indicated.
62. Together with my findings on the likely vulnerability of Waitrose. Such overall information provides me further contextual considerations why the Council's overall rationale of protecting the PSA in accordance with adopted local policy should be upheld.
63. Consequently, in all respects a further Elvetham Heath convenience store on top of an established Morrisons store is likely to negatively impact the function of the town centre to a greater extent than the appellant alleges. It would give further reasons for the local populus not to visit Fleet's main centre.
64. Undoubtedly there would be trade diversion away from the town centre because of the appeal scheme. The appellant reasoning trade diversion to commitments and the proposed Lidl (taking account of the redistribution of M&S turnover) would result in a town centre turnover of £69.18m after commitments. A trade diversion of 28.3% (-£2.49m) of the Lidl turnover from town centre stores, would result in a combined town centre turnover of £66.69m following the opening of the proposed Lidl. Equating to a revised solus impact of the Lidl proposal on the town centre of 3.6%, and a cumulative impact (taking account of commitments) of 6.8%.
65. Incorporating Firstplan's suggested 10% trade diversion from Waitrose (in addition to the redistributed diversion from the former M&S spending) the appellant contends this would result in a total town centre trade diversion of 36.9% (-£3.24m), and a combined town centre turnover of £65.93m. Equating to a revised solus impact of 4.7% and cumulative impact of 7.9%.
66. Even if accepting all the appellant's supporting figures are completely accurate, such diversion would still significantly erode from town centre function in this case. The diversion would be antithetical to adopted plan strategy. Established local businesses already subject to fine margins and vulnerabilities would be most likely to feel even small reductions in footfall. Harm arising from diverted trade and probable reduced footfall would be long-lasting and irreversible.
67. As per national guidance a judgement as to whether the likely adverse impacts are significant can only be reached in light of all local circumstances. Overall, I find that the appeal scheme would lead to significant adverse impacts to town centre vitality and viability, having regard to the likelihood of all potential associated risks and overall trade diversion. It would conflict with HLP Policy ED4. Paragraph 95 of the Framework seeking to protect town centres therefore invites planning permission to be refused.
68. I give substantial overarching weight to the harm to the town centre and the crucial need to protect its status, role, and function in accordance with the terms of the approved development plan and the Framework combined.

Design, character, appearance, and tree loss impacts

69. During my site visit I could see that Elvetham Heath is an attractive residential area with a central church, community hub, pub and supermarket exhibiting

- design cues from a variety of architectural periods. The area has a distinctive sylvan setting, separated from other parts of Fleet by an intervening railway line. The appeal site contained remnants of a park and ride hardstanding, with dense greenery elsewhere including flanking its boundary.
70. The contentions made relating to design, character, appearance, and tree loss considerations involve the interpretation and application of HLP Policy NBE9 as well as saved Policy GEN1 (from the Hart District Local Plan 1996-2006).
71. Policy NBE9 sets out the overarching position that all developments should seek to achieve a 'high quality design' and 'positively contribute to the overall appearance of the local area'. It then lists individual criteria to which new development would be supported.
72. Assessing the policy wording in more detail, NBE9 criterion (a) seeks that development promotes, reflects, and incorporates the distinctive qualities of its surroundings in terms of the proposed scale, density, mass and height of development and choice of building materials. It cites innovative building designs will be supported if they are sensitive to their surroundings and help to improve the quality of the townscape or landscape. Criterion (d) seeks that new development respects local landscape character and sympathetically incorporates any on-site or adjoining landscape features such as trees and hedgerows, and respects or enhances views into and out of sites.
73. The explanatory text is also relevant to construing its application relative to the appeal contentions made. Citing "*proposals should not only be of a high quality in design terms, but in many locations across the District they will also need to protect and enhance the historic character of existing development*".
74. The overarching intention of NBE9 is clearly identified in the opening part of the policy wording. Although individual criterion adherence is a clear and important marker of incremental support given to new development proposals afforded by the policy. Such incremental support in of itself does not lie at the heart of what the policy is ultimately seeking to achieve. Subsequently, I give most weight to the fundamental aim of what the policy is seeking to deliver overall rather than mere individual criterion adherence.
75. Policy GEN1 also broadly indicates that new development would be supported subject to a list of design and function related criteria. In particular GEN1 (i) places emphasis of new development being designed to be in keeping with local character by virtue of scale, design massing, height prominence, materials, layout, landscaping, siting and density. GEN1 (v) seeks the conservation or enhancement of the District's landscape and natural resources.
76. Collectively the adopted local policies seek to protect the character and appearance of the District. In that context, the Council as well as public representations made essentially make the case that a new Lidl store would not at all be in keeping with the carefully planned design of Elvetham Heath.
77. As evidenced in the appeal documentation, I recognise that the Elvetham Heath Design Brief introduced a co-ordinated approach to architectural style and materials in the construction of the properties forming the neighbourhood.
78. Through its implementation, existing built form draws on a range of late Victorian, Edwardian/arts and crafts design ideas. A great deal of landscaping was purposefully incorporated into the areas principal spine roads and

- pedestrian walking routes. As a result, the locality benefits from pleasant design, aesthetics and architectural qualities deliberately integrated into generous landscaping and sylvan settings, providing a distinctive sense of place.
79. I have considered the content of the Townscape and Visual Impact Assessment (TVIA). For the avoidance of any doubt, it is a technical document which assists a decision maker. I am not bound by all of its conclusions in reaching an overall planning judgment on the case.
80. Elvetham Heath Way is a gateway corridor into the settlement adjacent to the appeal site. The west-facing rear elevation of the proposed new store building has little architectural relief or detailing. Those factors generate an overly industrial appearance to the proposed store. Moreover, the elevation excessively relies on landscape screening.
81. The appellant's architecture expert conceded that without the current tree cover and additional planting such a blank elevation would not be an appropriate design response. Yet, even with new landscaping it would still be visible and noticeable from public vantages. Particularly during seasonal leaf fall periods. Hence the moderate adverse visual impact to visual receptors on Elvetham Heath Way accepted by the TVIA.
82. Whilst the appellant maintains its store would constitute high quality design, I find there is little evidence to support such a conclusion when assessing the plans and having regard to the submitted Design and Access Statement.
83. The use of piers, curtain walling, brick and vertical timber boarding would not integrate well with existing built form present in the vicinity. This is a missed opportunity given the historic Design Brief's role in guiding other existing design.
84. In essence, the design appears to be led primarily by practicality and function. No attempt has been made to respond to the particular building form context of the locality. The plans instead depict, what appears to be, a generic Lidl store design or one which is similar to most Lidl buildings nationally.
85. Additionally, as part of character and appearance impact considerations, I do not find the new store building would entail adequate innovative qualities to satisfy local policy.
86. I realise that food stores are functional buildings to be used by members of the public entailing specific design requirements. However, there is no strong reason design inputs including landscaping could not go further in better responding to specific character interests of the locality. Overall, I am not persuaded the design credentials on offer meet the bar of high quality. The store would be at odds with the prevailing character and appearance of the area. The resulting impact would be harmful.
87. I also recognise that store signage would be subject to advertisement consent regulations. Some of which may or may not require separate consent. Although no details above the appeal plans are available, it is reasonable to assume that there would be some new signage associated with the store which could well lead to further visual changes of varying degrees.

88. But even modestly scaled and sparsely erected signage is still likely to noticeably heighten the commercialised appearance of the food store overall once developed relative to surrounding greenery. Tree abundance and greenery being a major part of the areas prevailing character and attractiveness.
89. Having regard to tree loss. The Council do not contend that all trees have to be retained on site. But rather the extent of tree loss and the degree to which the appellant's proposed planting scheme would provide mitigation are relevant character impacts weighing considerably against the appeal scheme.
90. A Tree Preservation Order covers a significant proportion of trees on the site. Some 30 of the 47 trees to be removed are Category B trees, reflective of their maturity and value. As per the findings of the TVIA the tree loss would only be partially mitigated. There being predicted moderate effects in year 1 and a minor-moderate adverse impact in year 15, following construction.
91. The planting scheme would not facilitate like for like replacement. I agree there would be a net loss in quality, particularly at the southern section of the appeal site. Tree loss would therefore erode from one of the area's most desirable characteristics.
92. Such tree loss has overlapping implications for the District's Green Infrastructure Network (GIN) which HLP Policy INF2 relates to. Within the HLP Green Infrastructure (GI) is defined as *"a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. GI is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments, public rights of way and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls"*.
93. The overall aim of HLP Policy INF2 is to 'protect and enhance' the District's GIN and to ensure that, where new GI is provided with new development, it is properly managed. It is supported by the Hart Green Infrastructure Strategy (2017). Development must avoid the loss, fragmentation, severance or other significant impacts on the functioning of the network. Developments are encouraged to incorporate GI as part of their overall design solution or masterplan, protecting and enhancing any existing GI assets on site and designing in new GI.
94. The HLP explanatory text expects that additional pressures on the GIN arising from new development must be fully mitigated. This would normally be addressed through the on-site provision of GI and through any off-site measures required by other policies including relating to: biodiversity (Policy NBE4); transport (Policy INF3); open space, Landscape (Policy NBE2); and managing flood risk (Policy NBE5).
95. I agree with the overarching rationale of the HLP that GI provides a range of benefits to human health (both physical and mental wellbeing), biodiversity, landscape, decreasing the impact of climate change and alleviating flood risk. As well as offering environmental benefits, GI affords economic benefits through increasing the attractiveness of the locality for residents and visitors. It also has due interface with pedestrian footpath use.

96. Certainly, its benefits can be felt at a local, regional and national level. Thus, the role of GI, is supported by many policy principles within the Framework and carries substantial weight.
97. Overall, I find that the design credentials of the appeal scheme coupled with the loss of trees would result in substantial demonstrable harm to the character and appearance of the area. The scheme would not constitute high quality relative to local policy expectations. It would conflict with the first limb of HLP Policy NBE9 which seeks high quality design and for development to positively contribute to the overall appearance of the area. As well as conflicting with criterion (d) for new development to respect the local landscape character owing to its design and tree loss.
98. Collectively, there would be further conflicts with saved Policies CON8 and GEN1; and HLP Policy INF2 which aim to protect local character and green infrastructure. Because new planting would not provide equal value relative to the tree loss involved; the overall design and landscaping is not in keeping with local character; and the appeal scheme does not preserve or enhance the GIN. It would also conflict with Framework paragraph's 131, 135 and 139 which collectively seek that new development achieves high quality design; adds to the overall quality of an area; and complies with local design policies.

Other planning considerations

99. In gauging all contentions, I have considered the content of the Statement of Common Ground (SoCG) detailing ecology; residential amenity; sequential test; heritage; townscape; waste/ recycling; contamination and planning obligation matters.
100. The Framework recognises the social, economic, and environmental dimensions involved in decision making. Relative to the disputes I note Section 11 gives significant support to the redevelopment of previously developed land (including at paragraph 125(c)) in the overall pursuit of sustainable development goals. I have applied such policy support in my decision.
101. In that context, there are notable benefits tied to the appeal proposal overall. These include: investment into a site which is previously developed land and underutilised in an accessible location; cycle lane improvements; the provision of approximately 40 new job opportunities (entailing a variety of roles and working patterns) supporting the hiring of local people; the creation of construction jobs albeit for a temporary period where there would also be investment in local supply chains during construction; achieving in excess of 19% Biodiversity Net Gain on site (related to HLP Policy NBE4 and Environment Act 2021 considerations). Having regard to the content of the Framework and the HLP I give substantial overarching weight to those collective benefits.
102. Although increased discounted sales, choice and competition relative to cost of living pressures are referred to, there is no strong demonstrable need for a new food store to make such benefits compelling reasons to allow the appeal. Therefore, I give those alleged benefits limited weight.
103. Outside of the main issues, I have carefully considered other public objections and criticisms claiming: increased traffic; exacerbation of traffic problems /gridlocking of roads; inadequate car parking; pedestrian and other highway safety risks given the proximity to local nurseries and a primary

school; re-establishing a park and ride use would allow sustainable transport provision; better other alternative uses for the site; and purported environmental harms including light pollution, litter and noise resulting in negative amenity impacts to the locality.

104. Based on the Council's technical submissions informing its decision which include the views of the Highway Authority, I have no strong reason to believe that highway safety related interests would not be able to be successfully mitigated. The combination of planning obligation clauses and planning conditions possible lead me to the conclusion that the impacts concerning sustainable transportation/traffic movement, public safety, parking adequacy, cyclist, and pedestrian movement would not be harmful.
105. Furthermore, given the Council's own conclusions (including those postdating the SoCG content) on the additional issues referred to in the public objections, they do not constitute matters which would significantly weigh against the scheme. There may be some uplifts in traffic and noise associated to the new use proposed, but it would not be at an unacceptable level. Plus, the possibility of other uses coming forward (such as a doctors surgery or medical centre) is only speculative and therefore carries little weight in my decision.
106. Separate to those points, there are disagreements concerning how the content of the Framework should be applied. With respect to those specific contentions, I do not accept that the tilted balance under paragraph 11(d) of the Framework would be engaged on the basis that the HLP policy most important to the appeal was out of date. The Council informed the inquiry that they have reviewed their Plan, evidenced by way of cabinet report.
107. The Council did concede that there is a degree of inconsistency between saved Policy CON8 and Framework paragraph 136 as far as it requires 'all' trees to be retained. Of which I have factored into my overall decision. Nonetheless, that concession does not mean that the policies most important for determining the application are out of date.
108. I have considered examples of other competing decisions mentioned by the parties. The full details/specific circumstances informing those are unclear. Thus, I give such references little weight. In contrast to the specific site related affiliated circumstances informing this appeal case which I attribute the most weight to.
109. I find when considering key policies on design and retail impacts (HLP policies NBE9, ED4, and saved policy GEN1) they are entirely consistent with the Framework. Likewise, although I do not have the full background of the other appeal cases referred to in the wider evidence on INF2 matters, there is adequate information available to indicate there is no substantive disparity with the aims of the Framework.
110. Moreover, pre-application stage design advice is not binding to my decision and is not a strong basis to put aside the harms I have identified. Nor are references to the scale of the GI involved.

Planning Balance and Conclusion

111. Pursuant to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, local

planning authorities and other decision makers should first have regard to the development plan and then to any other material considerations.

112. If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
113. Contrary to the appellant's primary contentions, I have found there is clear conflict with development plan HLP policies: ED4; NBE9 (in terms of the first limb and criterion (d)); INF2; saved policies GEN1 and CON8; as well as Framework paragraphs 131, 135 and 139. Framework paragraph 95 also supports refusal of planning consent.
114. Linked to the appellant's other contentions when applying paragraph 11 (d) of the Framework, the retail and design impact related policies (ED4 and NBE9) which are most important for determining the application are not out-of-date.
115. Outside of the harms and conflict with policy I have identified the appeal scheme would otherwise result in several economic, social, and environmental benefits carrying substantial weight in accordance with the Framework policies.
116. Despite those collective benefits, the elements of harm identified are not outweighed. There are no other material considerations for me to conclude otherwise. This is because I attribute most weight to protecting the role of the town centre, its PSA, and the character and appearance of Elvetham Heath. And for completeness, even if the appellant's interpretation of INF2 matters was supported by my decision, the harm evident would still not be outweighed.
117. The impact of the scheme would lead to compelling demonstrable adverse impacts. Two of the principal strategic elements of the HLP are: to protect the vitality and viability of the town centre; and to protect the character and appearance of the District. The proposal would be significantly detrimental on both accounts. The Framework policies overall endorse my approach.
118. As I have found the appeal scheme to be unacceptable based on the main issues of the case, I need not consider the detailed content of the submitted planning obligation further.
119. For the reasons set out above the appeal fails.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

James Neill

Counsel

WHO CALLED:

Christine Reeves BSc(Hons) Dip TP MRTPI

Retail witness

David Raper MRTPI	Planning witness
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FOR THE APPELLANT:

Heather Sargent	Counsel
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WHO CALLED:

James Singer BSc MSc MRTPI	Retail witness
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Andrew Cleaves BA(Hons) Dip Arb L6 (ABC) MarborA	Aboricultural witness
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Simon Neesam BA (Hons) Dip LA CMLI	Landscape/visual witness
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Nick Pearce BA (Hons) PG Dip Arch ARV RIBA	Design/Architecture witness
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Giles Moir BA(Hons) MTP MRTPI	Planning witness
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INTERESTED PARTIES (WHO SPOKE AT THE INQUIRY):

Cllr Forster	Interested party
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Nick White	Local resident
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DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1) Appellant's opening statement
- 2) Council's opening statement
- 3) Written copy of statement made by Nick White
- 4) Christine Reeves Addendum to Proof of Evidence following M&S announced closure, dated 7 June 2026
- 5) James Singer Proof of Evidence Addendum following M&S announced closure, dated 8 June 2026
- 6) Council's closing statement
- 7) Appellant's closing statement
- 8) Appellant's written agreement to pre-commencement planning conditions
- 9) Appellant's written confirmation of build out timings
- 10) Community Infrastructure Levy compliance statement
- 11) Completed planning obligation

