



## Appeal Decision

Inquiry Held on 14-16 August & 20 August 2019

Site visit made on 15 August 2019

**by Zoe Raygen Dip URP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20<sup>th</sup> September 2019**

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**Appeal Ref: APP/H1705/W/19/3226286**

**Land north of Goddards Lane, Sherfield on Loddon RG27 0EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Vivid Housing & Gladman Developments Ltd against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 18/03486/OUT, dated 23 November 2018, was refused by notice dated 22 March 2019.
  - The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS), the demolition of garages to form a vehicular access point from Bow Drive and replacement garaging. All matters reserved except for means of access.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application was submitted in outline form, with only access to be considered at this stage. Matters relating to appearance, landscaping, layout and scale were reserved for future consideration. However, the illustrative Development Framework broadly identifies structural landscaping, open/play space, potential open water storage areas, the provision of pathways, and primary vehicular routes.
3. The Council's reason for refusal No 6 alleges that, in the absence of a suitable legal agreement, the proposed development does not make adequate provision for community and infrastructure contributions in relation to affordable housing, a Travel Plan, on site open space and kick about area or a biodiversity management plan to adequately off-set the impact of the development.
4. However, at the inquiry an agreement under S106 of the Town and Country Planning Act 1990 was submitted, in the form of a Unilateral Undertaking (UU). It contains obligations in respect of the provision of open space, a Sustainable Drainage Scheme (SuDS) and the delivery of 40% of the dwellings as affordable houses. In addition, financial contributions towards the cost of education transport, an education travel plan, the monitoring and assessing of a travel plan and a Traffic Regulation Order regarding the potential implementation of double yellow lines at the proposed access are secured. On that basis, and subject to the imposition of agreed conditions regarding a

Travel Plan and biodiversity, the Council confirmed it would not be pursuing reason for refusal No 6.

5. At the Inquiry, the Council confirmed that it was reliant on the evidence of Historic England (HE) in respect of its reason for refusal regarding the impact of the development on the Bullsdown Camp Scheduled Monument (SM). HE attended the Inquiry and participated in the round table discussion regarding heritage assets.

### **Main Issues**

6. The Council suggested that the main issue in relation to any impacts on the setting of the Sherfield on Loddon Conservation Area should include the effect of the development on its character and appearance. However, the appeal site is outside the Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In the exercise, with respect to any buildings or other land **in** a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2)3 , special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." (my emphasis)
7. Paragraph 189 of the National Planning Policy Framework (the Framework) states that assessment of the setting of Conservation Areas should be made with regard to the contribution made by that setting to its heritage significance. There is no reference to the character and appearance of the Conservation Area. I have therefore framed the main issue in this regard. Matters relating to the general character and appearance of an area is a separate issue.
8. In that context the main issues are:
  - the effect of the proposal on the setting and significance of Bullsdown Camp SM;
  - the effect of the proposal on the setting and special interest of Carpenters farmhouse, a Grade II listed building;
  - the effect of the proposal on the setting and heritage significance of Sherfield on Loddon Conservation Area;
  - the effect of the proposal on the character and appearance of the area; and
  - whether or not the proposal would provide an appropriate site for development having regard to local and national planning policies that seek to manage the location of new development.

### **Reasons**

9. The parties agree that the most important policies for determining the application are those identified within the Council's reasons for refusal.
10. There is also no dispute that the Council is unable to demonstrate a five year housing land supply. As such, Policies SS1 and SS6 of the Basingstoke and Deane Local Plan 2011-2029 adopted in 2016 (the Local Plan) and Policies H1 and H2 of the Sherfield on Loddon Neighbourhood Development Plan 2011-2029 adopted 2016 (the Neighbourhood Plan) are out of date. Any conflict with those policies therefore attracts limited weight.

11. Since paragraph 11 of the Framework is applied in the same way whether all, or only some of the most important policies are out of date, the Council also indicated in closing that it was content to agree that, as a result of footnote 7 of the Framework, all the most important policies are out of date.
12. Even if I were to agree, that is not to say that the policies necessarily attract no weight<sup>1</sup>. Furthermore, Mr Ball for the appellant accepted that weight is to be given to a policy to the extent that it is consistent with the Framework.
13. Mr Ball also agreed that Policies EM1 and EM10 of the Local Plan are consistent with the requirements of the Framework. I agree and, in my view, there is sufficient flexibility within Policy EM1 to allow development in the open countryside where appropriate. In this respect, I am aware that there is a resolution to grant planning permission for 15 units on a greenfield site on the edge of Sherfield on Loddon<sup>2</sup>. Furthermore, Policy EM10 seeks to ensure that development is of high quality design as required by paragraphs 124 and 127 of the Framework. Such a requirement should apply to any scheme and would not, in my view, frustrate housing delivery but would ensure the proper integration of development contributing to local distinctiveness. Therefore, I give any conflict with these policies full weight.
14. There is no specific requirement in Policy EM11 of the Local Plan, regarding heritage matters, to apply a balancing exercise as required by paragraph 196 of the Framework. There has been a relevant legal judgement in this respect (Colman)<sup>3</sup>. However, subsequent case law states that "*Colman should not be read as authority for the proposition that every development plan policy restricting development of one kind or another in a particular location will be incompatible with policy for sustainable development in the NPPF, and thus out-of-date, if it does not in its own terms qualify that restriction by saying it can be overcome by the benefits of a particular proposal*"<sup>4</sup>.
15. Policy EM11 states that development must conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance in accordance with paragraph 184 of the Framework, allowing some flexibility. Therefore, having regard to the evidence before me, any conflict with it would still attract full weight.
16. Policy D1 of the Neighbourhood Plan seeks that development proposals must show how they would conserve or enhance the relevant character areas identified in the Sherfield on Loddon Character Assessment with regard to a number of different criteria. Those relevant for this appeal relate to the distinctive character of the open landscapes of the parish, strategic views and vistas valued by the public, the local historic environment and the Conservation Area.
17. Miss Fitzherbert-Green for the Council accepted that, in this context, "conserve" equates to "protect", and thus the appellant is of the view that the policy goes beyond what the Framework requires in relation to ordinary countryside.

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<sup>1</sup> *Hopkins Homes Ltd v SSCLG* [2017] 1WLR 1865

<sup>2</sup> 17/03849/FUL

<sup>3</sup> *Anita Colman v SSCLG & North Devon District Council & RWE Npower Renewables Ltd* [2013] EWHC 1138 (Admin) (referred to as Colman)

<sup>4</sup> *Bloor Homes Ltd v SSCLG* [2017] PTSR 1283

18. While it is not for me to interpret Policy, I am mindful in this regard that the Policy requires the preservation and enhancement of the designated character areas, while having regard to the open landscapes of the parishes, as opposed to prescribing a blanket ban on all development in the open countryside. Again there is no requirement for a balancing exercise regarding heritage assets within the Policy. However, bearing in mind my conclusion above regarding Policy EM11 of the Local Plan, I am satisfied that any conflict with the Policy can still be given full weight.

*Setting and significance of SM*

19. Bullsdown Camp is described as an Iron Age multivallate hillfort, that is, it has more than one surrounding ditch. It consists of a central level area of about 3.8 hectares which is surrounded by a concentric sequence of substantial banks and ditches. Compared with most hillforts, the earthwork defences are relatively complex and there is only one entrance, which suggests a date in the later part of the Iron Age between the sixth century BC and the mid-first century BC. There are about 150 multivallate hillforts nationally, compared with a total number of hillforts of around 1500. As such, it is a relatively rare type. It is closely physically associated with the appeal site, being only about 300 metres away to the north west. As a SM it is, according to paragraph 194b of the Framework, of the highest level of significance.

20. The significance of the SM is derived from the archaeological interest in the buried remains contained within it. However, due to the lack of excavations here, there is minimal evidence regarding its exact nature. In this regard, Miss Stoten suggested, for the appellant, that the SM is more likely to be an Oppidum and, was of the opinion that, due to the general low lying nature of the SM, its relationship with the surrounding area would only have extended to the plateau on which it is sited and Bow Brook and would not be of wider significance.

21. I appreciate that research regarding hillforts is ongoing, but the entry on the National Heritage List for England clearly describes this particular SM as a hillfort. Although the SM does not appear to have dramatic steep sides, it was evident at my site visit that the monument is raised from the surrounding plateau, as demonstrated in the LIDAR visualisation of the area around Bullsdown Camp provided by HE. Moreover, while current views afforded of the monument are mainly of trees that have established on the site over the years, if they were not there, then it is likely that views would be available of the monument itself in the form of the substantial banks.

22. It is true, having regard to the topography plan provided in the evidence of Mr Holliday for the appellant<sup>5</sup> that there is higher land than that where the monument is sited in the surrounding area, including to the south of the appeal site. However, it is not clear that that land would have had the all-round visibility afforded to the SM site. Indeed, HE was of the view that there were no locations that were visible from all angles until a mile or two distant, and this was not disputed. Furthermore, the location would also depend on the settlement's territory.

23. While all-round visibility may not have been a pre-requisite for the siting of the fort, I saw that even though relatively low lying, the SM is dominant in views

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<sup>5</sup> Figure 3 Appendix 5

within the local area and particularly from the open appeal site. Therefore, in my view much of its heritage significance is also derived from its physical presence in the wider landscape, providing all round views, whether that be for defensive or authoritarian historic purposes. Thus, in my view, the setting of the SM is wide and contributes considerably to its significance. The exact nature of the land surrounding the SM at the time of its occupation cannot be known, but it would have most likely been countryside. Hence, the rural views over the countryside which remain from the SM form a key part of its setting and significance. Therefore, in my view the setting includes the appeal site which makes an important contribution due to its proximity to the SM, it being prominent in views from the SM and in its current open undeveloped form.

24. The setting of the SM has already been eroded to some extent through later forms of agriculture, settlements and other associated modern features such as electricity pylons. However, HE emphasises that where the setting has been compromised in the past by unsympathetic development, decision makers need to consider whether further change will detract from the significance of the asset<sup>6</sup>.
25. While the SM would still be experienced in conjunction with the open countryside, the erection of the quantum of built development proposed here would significantly intrude into the rural setting of the SM, such that the purpose location and function of this land and its physical association with the SM would be considerably eroded. Furthermore, while views from the SM towards the south east would remain, they would be urbanised by the provision of a relatively large housing estate. Landscaping, in a screening capacity, would be of limited effectiveness and would in itself depart from the open nature of the site. Whilst the proposal would lead to new public and private views towards the SM, that would be at the expense of existing public and private views which would be lost eroding the ability to understand the significance of the SM from those locations, including from views from Goddards Lane identified within the Local Plan and Neighbourhood Plan.
26. I appreciate that the Council's own Archaeological Officer raised no objections to the proposal in this regard. However, for the reasons above, I agree with HE that the proposal would be harmful to the setting and significance of Bullsdown Camp SM. There would be conflict therefore with paragraph 193 of the Framework, Policy EM11 of the Local Plan and Policy D1 of the Neighbourhood Plan. These require that great weight be given to the conservation of heritage assets, with all development required to conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance. In addition, development proposals must show how they would conserve or enhance the relevant character area identified in The Sherfield on Loddon Character Assessment within or adjacent to which they are located, with regard to amongst other things the local historic environment.

#### *Setting of Listed Building*

27. The parties agree that the appeal site lies within the setting of Carpenters Farmhouse (CF) a grade II listed building. CF comprises a detached property with a number of outbuildings to the east. From my observations on site and the evidence before me the heritage significance of the building is derived in a

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<sup>6</sup> Historic Environment Good Practice Advice in Planning Note 3 (second edition): The Setting of Historic Assets Historic England 2017

large part from its historic form, the grouping of associated buildings of the farmstead and particular architectural features.

28. The evidence<sup>7</sup> also shows that the fields to the north and west were, for a lengthy period of time, associated with CF. While that relationship has now been diluted to some extent, in that CF is now used solely for residential purposes, that historical relationship between the building and the land, together with the separation of the building from the main built up area of Sherfield on Loddon, contributes considerably to its understanding as a farmhouse within the mainly rural landscape. Its setting is therefore an integral part of its significance. Although there are some buildings to the south of Goddards Lane, those most visible are agricultural in nature. Due to the very limited number of residential buildings on the southern side, I saw that the farmhouse is viewed, from a number of vantage points, as being separate from the main built up area of the settlement.
29. There was some discussion as to which would have been the historical principal façade of CF, and whether it was constructed to have a view over the farmland to the north, including the appeal site. Many changes have occurred to the building form over time, with the latest modifications taking advantage of views to the west, where there is a gap in the vegetation. However, it is also apparent that, irrespective of the presence of outbuildings to the east, views are available across to the appeal site from the northern elevation of the building. Whether such views would have been previously available is debateable, given the historic treeline to the east of the northern façade, shown on the First Edition Ordnance Survey Map 1873, and, given that there is no knowledge of the exact number of trees, or their form. Furthermore, the building appears to have been constructed in two clear phases both of which had entrances which may have formed principle entrances.
30. In any case, as set out above, I am of the view that CF had a relationship with farmland to both the north and west. That relationship to the west would not change as a consequence of the development proposed. However, the majority of the farmland to the north would be lost. I recognise that an historic field boundary would be reinstated and an open space buffer of about 50 metres in width, together with landscaping, could be provided along the south and western boundaries of the appeal site. In spite of this, there would be a large mass of built form much closer to CF than the existing housing estates. Although the former farm complex would remain undisturbed, and has some screening around it, the ability to appreciate it as distinct to Sherfield on Loddon would be diminished, through the reduction in the degree of separation and the loss of open farmland, both elements that contribute to the significance of the building in its separate rural location. Furthermore, the proposed greenspace would be formalised in appearance, containing play space and incorporating dog walking footpaths, being sited around a housing estate and would therefore have an entirely different character to open farmland.
31. For the reasons above, I conclude that the proposal would be harmful to the special interest and heritage significance of CF, a Grade II listed building through harm to its setting. It would therefore be contrary to paragraph 193 of the Framework, Policy EM11 of the Local Plan and Policy D1 of the Neighbourhood Plan.

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<sup>7</sup> Mrs Duckett's Proof of Evidence Appendix A

### *Setting of CA*

32. Sherfield on Loddon Conservation Area (CA) covers a large part of the village, and extends along Goddards Lane, encompassing CF. From the evidence before me and my observations on site, the heritage significance of the CA is largely derived from the number of high quality historic and listed buildings, the use of traditional materials, and the siting of the buildings and their relationship to each other and to open space. The relationship of the buildings to the large area of open space known as The Green is important and acknowledged as such in the Sherfield on Loddon Conservation Area Appraisal (CAA). In addition, the CAA also states that there are three historic farm complexes in the CA, one of which is CF, which reinforce the rural character and development of the settlement. I would concur that CF contributes positively to the character and appearance of the CA and the historical evolution of the village and is, therefore, an integral element of its special historic interest.
33. The open agricultural nature of the appeal site and the contribution that it makes to the character and appearance of Goddards Lane and to the separation of CF from the village contributes to the significance of the CA. The historic connection between the village and the agricultural landscape is particularly evident here, as is the historical functional relationship of the former farmstead to its land and its separation from the main body of the village. The CAA includes two important viewpoints - one to the north of Goddards Lane and one to the west, along Goddards Lane towards CF, both of which are repeated in the NP. Given that the farmsteads are an important part of the significance of the CA, the contribution the appeal site makes to the setting of the CA is high, even when the asset is considered as a whole.
34. I appreciate that the land around CF, including the appeal site, is not contained within the CA, whereas, for example, the land comprising the rural setting for the farmhouse and Longbridge Mill on the eastern side of the CA is included. There could be many reasons for this, and it was evident at the Inquiry that it is not known definitively why this area of land was not included. No statutory protection is afforded to the setting of Conservation Areas. However, paragraph 194 of the Framework sets out that the significance of a heritage asset can be harmed or lost through development within its setting.
35. The viewpoint within the CAA towards CF and its associated buildings would be unlikely to change as a consequence of the development proposed. Furthermore, the proposal would not disrupt views between the Green and the buildings that surround it. However, the proposed houses would lead to the loss of the open land afforded by the appeal site which, together with the quantum of development proposed, would decrease the apparent separation of CF from the village core, and therefore erode its historic character and peripheral location to the village. While there would be open space and landscaping along the south and west boundaries of the appeal site, the views through to open countryside that are experienced along Goddards Lane would be reduced through the introduction of houses and additional landscaping such as to enclose the CA to an unacceptable degree causing material harm to its heritage significance. Therefore, the contribution the appeal site currently makes to the rural setting of the CA and the separation of CF from Sherfield on Loddon, would be diminished thereby causing considerable harm to the significance of the CA.

36. For the reasons above, I conclude that the proposal would be harmful to the setting and heritage significance of the Sherfield on Loddon CA. It would therefore be contrary to paragraph 193 of the Framework, Policy EM11 of the Local Plan and Policy D1 of the Neighbourhood Plan.

*Character and appearance*

37. The appeal site is subject to a number of different Landscape Character Assessments from a National through to Local Level<sup>8</sup>. At the Inquiry it was agreed, at a round table discussion, that there are some elements of the landscape within which the appeal site sits that are consistent with themes within the classifications. It is sited within a wider agricultural landscape, with small areas of woodland, mature hedgerows and undulating topography. Around the site are a number of Public Rights of Way (PROW).
38. The appeal site itself consists of a large, open field contained on three sides by mature hedges and trees beyond which is mainly open countryside. The eastern side is formed by the built edge of Sherfield on Loddon consisting of a mix of two and single storey dwellings with boundary fencing and some planting within rear gardens. Its southern boundary borders Goddards Lane and CF. Goddards Lane is, to the west of the main part of the settlement, a characteristic narrow winding country lane bounded by vegetation, forming a pleasant link to surrounding PROW.
39. While the appeal site abuts the settlement, its particular characteristics make it an integral part of the open countryside which contributes positively to the rural setting to Sherfield on Loddon. There was no suggestion though from either party that this is a 'valued landscape' in the terms of paragraph 170a of the Framework. Whilst the landscape here is clearly valued by local people, I am not persuaded that the appeal site includes specific attributes or landscape features which would take it out of the ordinary, sufficient for it to amount to a 'valued landscape' in terms of the Framework. However, the Framework's recognition of the intrinsic character and beauty of the countryside, in my view, recognises that impacts on "ordinary" countryside may nevertheless cross the threshold of unacceptability in some cases.
40. It was explained at the Inquiry that the landscape witnesses had used different methodologies to arrive at their conclusions. I have, therefore, treated the comparison table within Mr Holliday's rebuttal evidence with caution. Mr Holliday confirms that he agrees with the general conclusions within the Landscape and Visual Impact Assessment (LVIA) which accompanied the planning application. This was carried out in accordance with the approach set out in the Landscape Institute Guidelines (Edition 3 2013) (GLIVIA3). I have no reason to doubt the experience or credentials of either expert witness or that the LVIA followed an accepted methodology. Furthermore, I am aware that the approach to landscape assessment followed by Mr Holliday is in accordance with GLIVIA3, and conclusions based on this approach have recently been endorsed by the Secretary of State in a recent appeal decision (APP/Z1510/V/17/3180725). Nonetheless, use of that methodology still

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<sup>8</sup> Natural England's National Character Area (NCA):129 'Thames Basin Heaths, Hampshire County Integrated Character Assessment: Character Area 2C Loddon Valley Forest of Eversley West type 'Lowland Mosaic Small Scale'  
Basingstoke & Deane Borough Council: Loddon and Lyde Valley Character Area 6 – Mixed Farmland and Woodland – Large Scale FW2 landscape type

requires a number of judgements to be made, and I have assessed the proposal using the submitted evidence and my observations on site.

41. The appellant assesses the sensitivity of the Borough Landscape Character Area and the appeal site as medium and the Council medium/high. I have also had regard to the Basingstoke Tadley and Bramley Landscape Capacity Study 2008 (LCS) which was produced to help inform decisions regarding the future extent and direction of development within the Borough. The appeal site is within Local Character Area BA07 – West Sherfield, forming an area to the west of Sherfield on Loddon. The LCS also considers the landscape sensitivity to be medium/high. There is some broad accord here and, having viewed the area on site, I consider that the area has a medium sensitivity. It has a strong rural character and, while being visually relatively well contained, there is some intervisibility within the area, particularly from Goddards Lane and Sherfield Road where the contribution the appeal site makes to the setting of Sherfield on Loddon is readily apparent. Furthermore, it is representative of the landscape designations, and is relatively intact with strong field boundaries and undulating topography.
42. The existing hedgerows would be retained and, given that they would be adjacent to the proposed green infrastructure, I am not persuaded that they would be vulnerable to change. Nevertheless, the scheme would result in the construction of a large housing development of up to 90 dwellings that would extend Sherfield on Loddon to the west into the open countryside. Notwithstanding the outline nature of the proposals, the quantum of housing being proposed on this open field would cause a significant change to the appearance of the appeal site through the change of use and would result in the direct loss of open countryside that forms part of the rural setting to the settlement to its detriment.
43. The LCS recognises the urbanising influence of the settlement edge of Sherfield on Loddon. In my view however, the edge is not as harsh as alleged by the appellant. While visible in the landscape, it is a limited line of housing which, due to the modest height of the houses combined with the topography of the land, some large gaps between the houses and the existing vegetation, is not overly dominant in the wider area.
44. Due to limited levels of visibility within the wider Borough character area the proposal is unlikely to have a significant effect on the wider character of the area. However, at construction, the proposed housing would considerably dominate the immediate landscape. This is reflected in both witnesses' evidence<sup>9</sup>. The built development would be surrounded by open space and a landscape buffer. That said, while tree planting around the site would utilise locally occurring native species, the absence of specific detail does not give me sufficient reassurance that the proposed quantum of development would be satisfactorily integrated into the landscape and its surroundings, particularly given that it would display three edges of built development to the open countryside, and given the significant difference in levels across the site. Furthermore, it would take a lengthy period for any planting to establish and would be much less effective when the trees lost their leaf. This together with the loss of the inherent openness of the site would be considerably harmful to the immediate rural setting of the settlement.

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<sup>9</sup> Mr Holliday rebuttal proof of evidence Appendix 3: Mr Holliday Moderate/major adverse impact and Ms Marsh Substantial adverse impact

45. I am also mindful that the LCS considers that the landscape capacity of the area is low. Mr Holliday explained that the most common score within the assessment is medium. However, these scores relate to landscape value, sensitivity and visual sensitivity. The LCS also states that the study area provides the visual and physical setting to the village and should be retained to prevent any coalescence should development in Basingstoke continue in this direction.
46. The appeal site is a small part of the larger area assessed in the LCS and not all parts of that area will display the same characteristics or perform a similar function. Although the appeal site is part of a strategic gap designated within Policy EM2, the main parties were agreed that the proposal would not diminish the physical and/or visual separation, nor would it compromise the integrity of the gap either individually or cumulatively with other existing or proposed development. Having viewed the area on site I have no reason to disagree with that assessment. However, coalescence is a different issue to the contribution the site makes to the setting of Sherfield on Loddon. In this respect, the LCS specifically refers to the eastern part of the assessed area, where the appeal site is located, as providing the physical setting to Sherfield on Loddon, forming an important buffer that should be retained.
47. As a consequence of its undulating topography, parts of the site are more visible than others in the wider context. The appeal site, and its contribution to the rural setting of Sherfield on Loddon, in the wider landscape is most apparent in views from Sherfield Road. The extent of that visibility varies along the road as is evident from the two different photomontages contained within Mr Holliday's evidence taken from two points on Sherfield Road<sup>10</sup>. The houses would be visible from certain parts of the road to passing motorists. However, drivers have a lower degree of sensitivity, and given that the houses would be visible for a short period only, then there would only be a minor visual impact.
48. The side of the appeal site that would be most prominent in the longer range views would be at the lowest level of the site overall. Although there would be some planting along the boundary it would be unlikely to be of a sufficient height to obscure the housing as is evident in the photomontage from the additional viewpoint on Sherfield Road, where the view of the proposed houses at year 15 is little different to that on completion<sup>11</sup>. Therefore, the visual impact is unlikely to be mitigated to any significant degree and would remain minor in nature.
49. Goddards Lane, to the south of the appeal site, links to the wider PROW. I saw and heard that it is a popular route with local residents. The road is a narrow winding country lane, mainly framed with trees and hedgerow, characteristic of the local area, terminating at a property to the west of the appeal site. The importance attached by local residents to the views from this lane is reflected in the Neighbourhood Plan, which includes a viewpoint from Goddards Lane as a vista. This is an important general view of the wider landscape setting as defined by the CAA. Further valued views along Goddards Lane are included as Parish Views.

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<sup>10</sup> Mr Holliday proof of evidence Appendix 5 Figure 12 D & Figure 13 D

<sup>11</sup> Mr Holliday's Proof of Evidence Appendix 5 Figure 13 D

50. It is accepted by the parties that the exact location of the vista viewpoint as depicted in figure 6-3 of the NP allows limited views across the appeal site due to the embankment and existing vegetation on Goddards Lane. Nevertheless, there are other locations along the lane where there are clear views readily available across the appeal site. Even where there is vegetation, glimpses are to be had through to the appeal site and the open countryside. While the built edge of Sherfield on Loddon is evident, it is but one part of the wider vista and, for reasons given previously, is not dominant. The area has a strong rural character, providing the back drop to this part of Goddards Lane.
51. Although set back from Goddards Lane, the upper part of the proposed houses would be visible at construction and for some time after prior to the landscaping becoming established, as shown within the evidence of Mr Holliday<sup>12</sup>. In addition, based on the illustrative Framework, there would be continuous residential development along the lane. I cannot agree therefore that the impact at construction would only be moderate/minor adverse impact as alleged by Mr Holliday. Instead there would be considerable material harm.
52. Both parties agree that in the longer term there would be minor adverse effect. However, this level of mitigation would only be established after 15 years when the landscape buffer would take effect. I have already expressed concern, based on the evidence before me, as to the effectiveness of any landscape buffer. The photomontage shown in Mr Holliday's evidence shows a view at 15 years of relatively dense tree cover<sup>13</sup>. However, I saw that even where there is tree cover, glimpses are still available through to the open countryside. The essential openness would be lost and the appreciation of the rural setting of Sherfield on Loddon and on the character of Goddards Lane would be considerably eroded, all the more so in winter when the trees lose their leaf and the housing would be more visible. The important vista and Parish Views identified in the Neighbourhood Plan would be lost. Therefore, I am of the view that the harm to the rural setting of the village would not be mitigated to an acceptable degree by the planting proposed. Vehicle users of Goddards Lane would experience similar effects, although would have a lower sensitivity to the change as they would be likely to be paying attention to the narrow road conditions and therefore impacts are likely to be minor.
53. I understand that views across privately owned land may change over time dependant on planting regimes. However, I have seen no particular evidence to suggest that there would be likely to be a significant change to the existing rural landscape which would be equivalent to the extensive and particular built environment of a relatively large modern housing estate.
54. The residents of the houses abutting the appeal site and CF would lose views over the open countryside which would be replaced by housing development. I therefore consider that that there would be a moderate adverse impact even after 15 years. There is no suggestion though, and it is agreed in the Statement of Common Ground, that appropriate living conditions could be achieved for existing residents through careful consideration of any reserved matters submission. Based on my observations on site, and the evidence before me, I am satisfied that although residents would lose their view over the fields this would not be so severe as to equate to material harm to their living

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<sup>12</sup> Appendix 5 Figure 11

<sup>13</sup> Mr Holliday's Proof of Evidence Appendix 5 Figure 11 D

- conditions. Therefore, as this is a private view, I give only limited weight to this impact.
55. Those residents further from the appeal site would have only glimpsed views of the proposed houses seen within the context of existing houses, and there would only be a minor impact.
  56. Views of the appeal site from footpaths 21, 22 and 23 are distant, and interrupted by vegetation. Nevertheless, it is likely that at least the roofs of the houses would be seen from them, particularly in the winter months when vegetation would provide less of a screening effect causing some minor harm in the wider landscape.
  57. Vehicle users of the adjacent roads would experience a change in the view of the appeal site. However, their view would also be dominated by existing housing and while the perception of being on the edge of the settlement would be lost, the effect would be minor.
  58. The historic core of the village would be unaffected by the development proposed. While modern development has been sited to the north, northeast, northwest and west of The Green, it does not automatically follow that such development should continue in this direction particularly given the siting of the appeal site within the rural setting of the village.
  59. Bringing all the above together, although there would only be minor wider landscape effects, the contribution the appeal site currently makes to the local rural setting of the village would be considerably diminished to the material detriment of the character and appearance of the area.
  60. For the reasons above, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies EM1 and EM10 of the Local Plan and Policy D1 of the Neighbourhood Plan. These require that development positively contributes to local distinctiveness, the sense of place and the existing street scene, is sympathetic to the character and visual quality of the area concerned, respects, enhances and is not detrimental to the character or visual amenity of the landscape likely to be affected and should conserve or enhance the relevant character area identified in The Sherfield on Loddon Character Assessment within or adjacent to which they are located with regard to amongst other things the distinctive character of the open landscapes of the parish and the strategic views and vistas valued by the public.
  61. The appellant is of the view that any reserved matters submission would be capable of meeting relevant criteria of Policies D1 and EM10. This would be for the Council, in the first place, to make an assessment. However, I have found that the principle of residential development would be harmful and in conflict with relevant Policy.

#### *Location of the Development*

62. Policies SS1 and SS6 of the Local Plan sets out a broad settlement strategy, with new housing development to be accommodated within settlement boundaries and on specific greenfield site allocations. The appeal site is outside, but adjacent to the settlement boundary of Sherfield on Loddon and thus, for planning policy purposes lies in the open countryside. It is not allocated for development. The Council has, in its Local Plan, allocated green

field sites for development, and allowed for the provision of small scale development outside of settlement boundaries in the open countryside where various criteria are met within Policy SS6 of the Local Plan. Both parties agree that the 90 dwellings proposed would not meet any of the criteria within the Policy.

63. Policy H1 of the Neighbourhood Plan is supportive of housing within the settlement boundary. Policy H2 of the Neighbourhood Plan requires compliance with Policies SS1 and SS6 of the Local Plan.
64. When the Council determined the planning application, it was of the view it was able to demonstrate a five year housing land supply. This has now changed, and Miss Fitzherbert-Green accepted that, in that circumstance, the Councils reason for refusal No 1 regarding the location of the development would not, in isolation, be sufficient reason to refuse the application. The parties are agreed that the appeal site is in an accessible location, close to the settlement with easy access to the facilities and services that future residents would require on an everyday basis. Based on my observations on site, I have no reason to take a different view.
65. Even if I accept that Policy H1 does not apply, as alleged by the appellant, the proposal would still be contrary to the requirements of Policy H2 and Policies SS1 and SS6. However, it is agreed that the conflict with the Policies would be limited, and I am satisfied that this would be an accessible location for development in accordance with paragraph 8b and part 9 of the Framework.

### **Balancing and Conclusion**

66. There is no dispute between the parties that there would be harm to the special interest and significance of the listed building and the heritage significance of the CA and that, in the wording of the Framework, this would be less than substantial. I have also found that there would be harm to the setting and heritage significance of the SM. In as much as there would not be any direct loss of a listed building or the SM and, given that the setting of the CA and SM as seen from the north and south respectively is but one component of its overall significance, I am satisfied that the harm I have identified to the significance of these heritage assets can be considered as less than substantial.
67. While the Council and others have sought to quantify the scale of level of harm on a sliding scale, I am mindful that the Courts have confirmed that less than substantial harm does not equate to a less than substantial planning objection and that any such harm is to be given considerable importance and weight<sup>14</sup>.
68. Nevertheless, having regard to case law<sup>15</sup> I am of the view that the harm caused to each heritage asset would not come near to the ascribed effect of substantial which would "have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced". However, based on my findings I am satisfied that there would be a material level of harm to both the special interest and heritage significance of the listed building and SM and to the character and appearance and heritage significance of the CA. I afford considerable importance and weight to that harm.

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<sup>14</sup> *East Northamptonshire DC v SSCLG* [2015] 1 W.L.R. 45

<sup>15</sup> *Bedford Borough Council v. SSCLG and Nuon UK Ltd* [2012] EWHC 4344

69. Moreover, paragraph 193 also makes clear that the more important the asset, the greater the weight should be given to its conservation. As a SM, Bullsdown Camp is of national importance. Such a designation therefore gives added weight to its conservation in national policy terms. Accordingly, I ascribe very considerable importance and weight to the less than substantial harm to the SM and considerable importance and weight to the less than substantial harm to the CA and listed building. Taken together then, I give very considerable weight to this harm in the heritage and planning balance.
70. I appreciate that the decision maker should give the views of statutory consultees great or considerable weight<sup>16</sup>. I have concurred with HE that there would be harm to the heritage assets and that the harm caused would be less than substantial. My findings give cogent and compelling reasons for departing from its views regarding the level of harm within that less than substantial range.
71. As required by paragraph 196 of the Framework where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
72. At the time the planning application was determined, the Council maintained that it could demonstrate a five year supply of housing land. By the time of the Inquiry, however, its position had changed. At the end of the Inquiry it was agreed that the supply was somewhere between 2.86 years (the appellant's position) and 4.59 years (the position of the Council). The difference between the parties relates to the application of the Liverpool or Sedgfield method for dealing with the agreed past shortfall of 1750 dwellings, the appropriate windfall allowance to be included and the difference in approach as to whether a number of the supply sites should be considered as deliverable or not having regard to the definition set out in the Glossary to the latest iteration of the Framework and the Planning Policy Guidance (PPG)<sup>17</sup>.
73. For the purpose of this appeal, I shall adopt the position of the appellant. That should not be interpreted as any indication that I necessarily agree with that position. I simply adopt it as a worst case scenario in order to carry out the paragraph 196 balance. Such a level of shortfall would mean that the provision of up to 90 houses, in an accessible location would attract significant weight in the balance.
74. The proposal would also deliver 36 units of affordable housing. The Council's Team Leader Register and Accommodation Services states that at November 2018 there were some 4083 households on the Council's housing register which he considered to be evidence of an overwhelming need for affordable housing in the Borough. This officer view was not disputed by the Council at the Inquiry. Although the proposal would only provide a policy compliant level of affordable housing, in my view, given the level of need, this would be a public benefit that would attract significant weight in the balance.
75. There would be economic benefits of the scheme in the form of construction jobs in the region of 114 FTE and an additional 124 FTE indirect jobs. These would be short term only though. In addition, the scheme would deliver approximately £4.6 million of direct Gross Value Added over the construction

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<sup>16</sup> *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin) at [72]

<sup>17</sup> Paragraph 007 Reference ID 68-007-20190722

period. In the longer term, new households would introduce expenditure into the local economy estimated to be at a level of around £3.1 million. The Council do not dispute these figures and identified no economic disbenefits of the scheme. While such benefits may be attributed to any new housing development, the appeal scheme would deliver these benefits, and in my view, therefore they should be included within the public benefit balance and given significant weight. While I appreciate each case should be treated on its own merits, I note that this is a similar approach to the Inspector in appeal decision APP/X0415/W/18/3202026.

76. There would be additional benefits from further council tax income, a new homes bonus and Community Infrastructure levy charge, that could form in the region of a £500,000 payment for the Parish Council. However, no schemes upon which the money would be spent have been identified. In accordance with advice in the PPG<sup>18</sup> it would not be appropriate to make a decision based on the potential for the proposal to raise money for the Council in the absence of evidence to demonstrate how that money would be used to make this particular development acceptable in planning terms.
77. The proposal would deliver a substantial area of public open space of around 2.9 ha including footpaths and a kick about area. While this is significantly in excess of the requirement in Policy EM4 of the Local Plan, some of this is required mitigation for harm caused to the Thames Valley Basin Special Protection Area. I acknowledge that the open space would be available for existing and proposed residents. However, as local residents pointed out, they already have significant areas of open space within the village. In this context, I attribute moderate weight to these public benefits.
78. The appellants Offsetting Report demonstrates that the proposal would achieve a net gain in biodiversity as required by paragraph 175 of the Framework. This is not disputed by the Council. Given the size of the appeal site these public benefits would attract moderate weight.
79. The proposal would deliver a Sustainable Drainage Scheme which would improve greenfield run off rates. However, since it is a requirement of the scheme to control surface water drainage, I only attach very minor weight to this public benefit.
80. Taking all the above into consideration, I am of the view that taken together, the public benefits do not outweigh the harm I have found to the heritage assets whether balanced on an individual basis or cumulatively. Therefore, even if I were to find that the Council has no five year housing land supply and therefore paragraph 11 (d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the application of policies in the Framework provides a clear reason to refuse permission. Consequently, even if I accepted the appellants case for the attribution of weight to the conflict with the most important policies, this would still, in itself, give sufficient grounds for dismissing the appeal.
81. Moving on to the overall planning balance, I have identified that there would be conflict with the development plan, as there would be harm to the character and appearance to the area and less than substantial harm to the significance of heritage assets which latter harm is not outweighed by public benefits.

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<sup>18</sup> ID 21b-011-20140612

Neither would the proposal accord with policies for the location of housing development, albeit the policy conflict would be limited in this particular regard. Considered in total, the material considerations referred to above do not outweigh the conflict with the development plan.

82. For this reason, and having regard to all other matters raised, I conclude that on balance the appeal should be dismissed.

*Zoe Raygen*

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Ms Heather Sargent of Counsel

Instructed by Miss Katherine  
Fitzherbert-Green, Basingstoke  
& Deane Borough Council

She called:

Ms Christina Duckett

Principal Conservation Officer,  
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Council

Ms Christine Marsh

Associate landscape architect,  
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Mr Andy Blaxland

Director, Adams Hendry  
Consulting Ltd

Ms Katherine Fitzherbert-Green

Principal Planning Officer,  
Basingstoke & Deane Borough  
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FOR THE APPELLANT

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She called

Mr Mark Bubb

Associate, Odyssey Consult

Ms Gail Stoten

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Mr Gary Holliday

Director, FPCR Environment  
and Design Ltd

Mr Ben Pycroft

Associate Director, Emery  
Planning

Mr Christopher Ball

Planning Director Gladman  
Developments Ltd

INTERESTED PERSONS

Councillor Robinson	Ward Councillor: Bramley and Sherfield & Sherfield on Loddon Parish Council
Councillor Rowland	Ward Councillor: Bramley and Sherfield and Sherfield on Loddon Parish Council
Councillor Darker	Sherfield on Loddon Parish Council
Councillor Morgan	Sherfield on Loddon Parish Council
Mr Welsh	Historic England
Mr Monger	Local Resident
Mrs Brownen	Local Resident
Ms Skillet	Local Resident
B Neale	Local Resident
Mr Soane	Local Resident
Ms Darker	Local Resident

#### DOCUMENTS SUBMITTED AT THE INQUIRY

1. Mr Mark Bubb Curriculum Vitae
2. Revisions to Planning Policy Guidance – Historic Environment 23 July 2019
3. Revisions to Planning Policy Guidance – Housing supply and delivery 22 July
4. Residential Visual Amenity Assessment (RVAA) technical Guidance Note 2/19
5. Companies House Notice of Administrators progress report
6. Agreed suggested Travel Plan condition
7. Transport Technical Note
8. Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second edition)
9. Opening statement on behalf of the appellants
10. Opening Submissions on behalf of Basingstoke and Deane Borough Council
11. Statement by Councillor Rowland
12. Statement and photographs by Councillor Robinson
13. Statement by Councillor Darker

14. Unilateral Undertaking (Original superseded by document submitted on 20 August 2019)
15. Revised Housing Land Supply Table 15 August 2019
16. Summary of planning obligations
17. Revised Housing Land Supply Table and Scott Schedule 16 August 2019
18. Updated travel plan condition and Road safety Audit planning condition 16 August 2019
19. Agreed replacement Condition No 4 and additional conditions regarding the height of development and compliance with the illustrative Development Framework.
20. Closing statement on behalf of Basingstoke and Deane Borough Council
21. Amstel Group Corp v SSCLG [2018] JPL 1013
22. R (Hollings) v Bath & North East Somerset Council (CO/5159/2017)
23. R (Leckhampton Green Land Action Group Ltd) v Tewkesbury BC [2017] Env LR 28
24. R (on the application of Hill) v Stroud DC [2016] EWHC 3667 (Admin).
25. Shadwell Estates Ltd v Breckland DC [2013] EWHC 12 (Admin) at [72].
26. Wavendon Properties Ltd v SHCLG & Milton Keynes Council [2019]EWHC 1524 (Admin)
27. Bloor Homes Ltd v SSCLG [2017] PTSR 1283
28. Monkhill Limited v SSHCLG [2019] EWHC 1993
29. Hallam Land Management Ltd v SSCLG [2018] EWCA Civ 1808
30. Closing submissions on behalf of the appellants
31. Anita Colman v SSCLG & North Devon District Council & RWE Npower Renewables Limited [2013]EWHC 1138 (Admin)

#### DOCUMENT RECEIVED AFTER THE INQUIRY

1. Suffolk Coastal DC v Hopkins Homes Ltd & SSCLG and Richborough Estates Partnership LLP & SSCLG v Cheshire East BC [2017] UKSC 37