



Appeal Decision

Virtual Hearing Held on 3 December 2020

Site visit made on 1 December 2020

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 22nd December 2020

Appeal Ref: APP/H1705/W/20/3248187

Land on the South and South East side of Harts Lane, Burghclere, Hampshire.

- 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 Falcon Developments (SE) Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 19/02215/OUT, dated 13 August 2019, was refused by notice dated 13 November 2019.
 - The development proposed is residential development of up to 35 dwellings with access on to Harts Lane, open space, landscaping and accessible natural greenspace.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The proposal seeks outline planning permission with all matters reserved. The Local Planning Authority (LPA) dealt with the proposal on this basis and so shall I. The application was accompanied by an illustrative site plan and a plan showing an indicative access arrangement, both of which are underpinned by a Design and Access Statement. Given that matters of access, layout, landscaping and design remain reserved for future determination, I accept that details could change, with the LPA being in control of their determination at a reserved matters stage. Nonetheless, I am invited by the appellant, in relation to matters of character and heritage, for a proposal that must at this stage be assessed on its maximum (up to 35 dwellings), to give some credence to the fundamentals of the illustrative site plan. This includes focusing the housing in the western and central parts of the site and the proposed location and quantum of open space, including the accessible natural greenspace.
3. At the time the LPA made its decision the emerging Burghclere Neighbourhood Plan (eBNP) had yet to be examined and any conflict with the nascent plan was not a reason for refusal. Matters have now moved on with the eBNP having been examined and the Borough Council determining that the eBNP can now proceed to referendum. Reflecting on the content in the Statement of Common Ground (paragraphs 4.6-4.9) and the submissions of Burghclere Parish Council I consider matters of prematurity to the eBNP to be a main issue for this appeal. Furthermore, given its advanced stage I will also consider the other main issues in this appeal against the most relevant policies in the eBNP. For the avoidance of doubt, eBNP policy references in this decision are those in the submission plan (November 2019).

4. This appeal was submitted at the beginning of March 2020. A separate appeal decision dismissing a proposal for permission in principle for 9 dwellings on a smaller part of the appeal site was issued in April 2020. The LPA and others have given weight to this appeal decision [3242216] in their statements. In the interests of fairness, I invited the appellant to submit a further statement on this and other matters including the eBNP, which I have taken into account together with submissions at the hearing.
5. As part of the appeal the appellant has submitted a Unilateral Undertaking (UU) which would provide planning obligations pursuant to Section 106 that would provide for affordable housing, on-site open space and financial contributions for off-site play equipment and education travel planning. I deal with the UU below in the decision.
6. The main issues for this appeal are as follows:
 - (i) Whether the proposal would undermine the plan-making process for the emerging Burghclere Neighbourhood Plan;
 - (ii) The effect of the proposal on the character and appearance of the area; and
 - (iii) The effect of the proposal on the setting of The Church of the Ascension, a Grade II listed building.

Reasons

The adopted Spatial Strategy to deliver the housing requirement

7. The adopted development plan comprises the Basingstoke and Deane Local Plan 2011-2029 (BDLP) which was prepared and examined in the context of the 2012 National Planning Policy Framework (NPPF), including the requirement to significantly boost the supply of housing. The BDLP was adopted in 2016 and sets out a housing requirement for 15,300 dwellings over the plan period.
8. Policy SS1 sets out a spatial strategy to deliver this housing through, principally, a combination of capacity within settlement boundaries, local plan allocations and a quantum of housing allocated through the neighbourhood planning process. Policy SS1 therefore confirms that housing development outside of settlement boundaries, in the countryside, will be managed to a limited number of exceptional circumstances. For the purposes of Policy SS1 of the BDLP the appeal site is outside of the adopted settlement boundary for Burghclere and therefore in the countryside. The proposal would not comprise one of the exceptional circumstances in BDLP Policy SS6 for new housing in the countryside.
9. Policy SS1 recognises the role of neighbourhood plans in meeting the Borough's housing requirement. This is set out further in Policy SS5 of the BDLP. Burghclere is identified as one of a handful of 'other settlements' which are collectively expected to deliver an additional 150 homes through neighbourhood plans. There is no specific apportionment to Burghclere but Policy SS5 makes clear that the requirement is "at least 10 homes" and that LPA will support "local communities to identify the most appropriate means of meeting this requirement, through Neighbourhood Planning".

10. I deal with the eBNP in detail below, but it allocates land elsewhere in the village in excess of the "at least 10 homes" required by Policy SS5 of the BDLP, having alternatively considered and discounted the appeal site. Policy SS5 does not countenance large-scale windfall housing developments above and beyond the neighbourhood planning process. The aggregate 150 figure in Policy SS5 for 'other settlements' is, in contrast to those named settlements in the policy, not expressed as a minimum. As such the BDLP clearly seeks only a limited spatial role for the 'other settlements' tier including Burghclere in meeting the Borough's housing requirement. Overall, I find the appeal proposal would conflict with BDLP Policies SS1, SS5 and SS6.
11. There is no dispute that the LPA cannot demonstrate a five-year supply of deliverable housing land. Accordingly, these BDLP policies, which are relevant to delivery of housing, and therefore amongst those most important for determining the appeal proposal, are to be considered out-of-date in accordance with paragraph 11(d) of the NPPF. That does not mean the conflict with these spatial policies carries no weight, and I return to this in the final section of this decision. It does mean, however, that subject to the application of policies in the NPPF that protect areas or assets of particular importance thus providing a clear reason for refusal, the presumption in favour of sustainable development pivots to granting planning permission for the appeal proposal unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The Emerging Burghclere Neighbourhood Plan

12. At the time the LPA made its decision the emerging Burghclere Neighbourhood Plan (eBNP) was yet to be examined. As set out above matters have now progressed following both the conclusion of the examination and the issuing of a Regulation 18 Decision Statement by the Borough Council confirming that the eBNP can proceed to referendum. In the current circumstances surrounding coronavirus pandemic a referendum cannot take place until 6 May 2021 at the earliest. Accordingly, there is little dispute that the eBNP is not presently part of the adopted development plan thus engaging paragraph 14 of the NPPF.
13. Nonetheless, given its advanced stage and the clear spatial strategy in Policy SS5 of BDBP that growth in the village should be locally plan-led through a neighbourhood plan process, the examined eBNP is a material consideration of some significance. The advice in the Planning Practice Guidance¹ (PPG) unambiguously confirms that the advanced status of the eBNP means it should be given significant weight in so far as it is material to the appeal proposal.
14. Policy B1 of the eBNP identifies a settlement boundary for the village. The appeal site is outside of the settlement boundary which the eBNP makes clear is intended to be a local articulation of Policy SS1 of the BDLP. Consequently, whilst the appeal proposal would conflict with eBNP Policy B1, the lack of a deliverable five-year housing land supply means any conflict would be of limited weight, consistent with my findings at paragraph 11 above.
15. The eBNP allocates land at Harts Lane/Winchester Road for a minimum of 15 dwellings at Policy B2. This would positively meet the requirements of BDLP Policy SS5 including an element of affordable housing. The appellant submits that the latest identified need for affordable housing in the parish would not be

¹ Paragraph: 107 Reference ID: 41-107-20200925

met through Policy B2 alone thus providing a justification to exceed the “at least 10 dwellings” in BDLP Policy SS5. The issue with this approach is that the eBNP is required to be in general conformity with the BDLP. A significantly higher housing figure or allocation in the eBNP in an attempt to wholly meet affordable housing need as a proportion on open market housing schemes would not be in accordance with BDLP Policy SS5. Nor is it the outcome of the recent eBNP examination process.

16. The appeal proposal is for up to 35 dwellings, including 16 affordable dwellings. This is appreciably more than a doubling of the scale of growth the neighbourhood plan process in Burghclere has been considering, in accordance with BDLP Policy SS5. In seeking to allocate land for at least 15 dwellings, in addition to other opportunities for supply in the village, the eBNP is positively accommodating housing growth in excess of that envisaged in Policy SS5. As independently examined, the eBNP reflects the intention that neighbourhood plans should positively facilitate, and not inhibit, locally acceptable growth. The appeal proposal would markedly conflict with the eBNP on the fundamental issues of scale of growth envisaged in Burghclere and its location given the considerable plan-making efforts to identify and allocate the Policy B2 site.
17. The NPPF sets out at paragraph 49 that the circumstances justifying refusal of a development proposal on the basis of prematurity are limited. Paragraph 50 of the NPPF provides further clarification including that reasons for refusing planning permission on grounds of prematurity must pass a threshold of a clear indication that granting permission for the development concerned would prejudice the outcome of the plan-making process (my emphasis). I appreciate the matter of prematurity was not a reason for refusal and is not directly a matter in dispute between the two main parties in the SOCG. Prematurity, in the context of NPPF paragraphs 49 and 50 is, however, a matter raised by the Parish Council given the advanced stage of the eBNP and the scale of development proposed.
18. Allowing an additional 35 dwellings at this advanced stage in the eBNP process would in my mind have a prejudicial and undermining effect on the neighbourhood plan process in two ways. The first detrimental effect would be a general disillusion in the benefits, efforts and objectives of neighbourhood planning within the community in Burghclere, which has spent over 2 years preparing its plan. The scale and location of the appeal proposal is so substantial, that were this appeal to grant permission in advance of the referendum it would predetermine decisions about the scale and location of new housing development in Burghclere. Consequently, it would seriously undermine the plan making process of the eBNP.
19. The second harmful consequence, identified by the Parish Council, is the very real prospect that the eBNP would not be endorsed at referendum were planning permission granted for the appeal proposal. Whilst I accept there is no guarantee that any neighbourhood plan will pass its referendum, I find the degree of engagement in the preparation of the eBNP and the clear expectation regarding the general scale of growth for Burghclere in BDLP Policy SS5, means the appeal proposal would significantly risk the referendum to an unacceptable degree. This degree of risk in a genuinely plan-led system would be particularly harmful.

20. I have had regard to the very recent Oxleas appeal decision in the village [3256370]. Notwithstanding giving significant weight to the eBNP the Oxleas decision nonetheless allowed permission in principle for a single dwelling in light of the lack of the five-year housing land supply and the tilted balance at paragraph 11(d). The location and substantial scale of the appeal proposal before me is in clear contrast to that of the Oxleas decision. Accordingly, the circumstances are materially different to justify an alternative outcome on the weight to any adverse impact against the eBNP process in the balancing exercise.
21. To conclude on this issue, to grant permission for the appeal proposal would in the context of paragraph 49 of NPPF, undermine the plan making process by making decisions about the scale and location of new development in Burghclere that are central to the eBNP. Having regard to paragraph 50 of the NPPF given the advanced stage of the eBNP, which now only requires its referendum, there is a clear indication that granting planning permission for the appeal proposal would prejudice the outcome of the plan-making process. These are adverse impacts to the objective of having a plan-led system which must be weighed in any balance.

Character and Appearance

22. The appeal site comprises an area of pasture extending to just under 3 hectares on the south and east side of Harts Lane. The site is bounded by mature and largely continuous hedging and trees along its frontage with Harts Lane. An informal track and maintained hedge separate the appeal site from the sylvan environment of the parish church to the north. To the south and west mature landscaping within the grounds of St Michael's School reinforces the rural context, obscuring inter-visibility with school buildings. Elsewhere the boundaries of the site, where they adjoin adjacent pasture fields and the sports field of St Michael's School are more open, comprising principally of post and wire fencing.
23. This openness allows the site to be experienced as part of the wider fabric of rolling verdant fields extending towards the North Wessex Downs to the south. The topography of the site rises very moderately from Harts Lane so that the south and east parts of the site form a shallow ridge plateau with adjoining pasture fields before sloping down to a tributary valley of the River Enborne. Whilst residential development extends along Harts Lane opposite the appeal site the extensive vegetation along the Harts Lane boundary of the appeal site serves as a clear demarcation between settlement and the countryside.
24. Characteristics of the host landscape at this location include, amongst other things, the subtle but complex landforms of gentle undulations and tributary valleys of the River Enborne, a patchwork of farmland and woodland with often an enclosed, intimate character including small-scale fields, and intact hedgerow structures. Development is not a characteristic feature in the landscape, particularly looking from within Harts Lane towards the North Wessex Downs. From Footpath 13 looking north across the site there are occasional filtered views of occasional dwellings on Harts Lane but these are not prominent features due to vegetation and intervening distances.
25. It therefore follows that the appeal site has a strong rural character. It is integrally part of the characteristic and intact mosaic of small-scale fields of the host landscape. The landscaped grounds of the adjoining St Michael's School

and the treed setting of the parish church mean the predominant rural character south of Harts Lane, including the appeal site, is clearly distinguishable from settlement to the north. The mature vegetation along the site boundary to Harts Lane reinforces the rural character of the site and makes a positive contribution to landscape character at this location.

26. I am mindful that whilst layout remains to be determined, given the size of the site, the appeal proposal would likely be able to deliver both a significant area of naturalistic open space and a low density of development. Nonetheless, what is presently a verdant, pastoral field would to an appreciable degree be given to built development. The result would be a conspicuous intrusion of settlement into open, gently undulating countryside with a limited and poor relationship to any adjoining development. The clustered and nucleated settlement pattern referred to by the appellant is largely confined to the north of Harts Lane such that the appeal proposal would appear in stark contrast to the generously scattered pattern of development south of Harts Lane. The retention of a relatively modest gap within the north of the site would not sufficiently mitigate the landscape harm arising from extensive loss of what is presently an undeveloped and discernible area of countryside at the edge of this part of Burghclere village. Accordingly, I share the LPAs assessment that the landscape at the appeal site has a medium/high susceptibility to the development proposed and the resultant impact on the character of the landscape would be significantly adverse.
27. In terms of matters of visual amenity, notwithstanding the scope to set dwellings moderately back from boundary vegetation along Harts Lane with intervening open space and landscaping, the proposed development would be visible from points within Harts Lane, including the new highway entrance to the development, in oblique views from the track gateway² and in winter months through gaps in the vegetation. More widely the physical loss of what is currently open countryside would be highly perceptible creating a sense of built enclosure and significant consolidation of settlement at a point on Harts Lane that still retains a strong rural connection because of the appeal site.
28. The required highways junction and associated footways would be a notable urbanising feature, which when taken with the necessary visibility requirements, would appreciably erode the visual qualities of the existing vegetation as a positive rural landscape feature in this part of the village. The new access point would afford direct views into the built development. I appreciate this is from a perspective where housing on the north side of Harts Lane provides a settlement context but the extent of the visual harm to the verdant boundary and loss of rural openness would be keenly and harmfully experienced by footway users along Harts Lane, including those following the predominantly rural Brenda Parker Way.
29. In large parts of Harts Lane, the combination of vegetation and topography limits views of the North Wessex Downs to the south from the footway along Harts Lane. The combined gateways to the track and an adjoining small portion of land adjacent to the northern corner of the appeal site provide the principal long-range south/south-east view from Harts Lane towards the Downs. This view has long been valued (VP5 in the 2002 Village Design Statement) and has recently been examined as an 'important view' in the eBNP (VP3).

² Appellant viewpoint 04 and eBNP viewpoint 3

30. I accept that given the size of the site it would be feasible to retain a modest open corridor along the alignment of this principal view. Whilst the layout remains to be determined, it is difficult, however, to conceive of a detailed proposal that would not peripherally impinge on what is currently an appealing rural view devoid of any development save for a distant narrow radio mast and the line of pylons across the Downs. The appeal proposal would conspicuously narrow the view through a combination of visible built form and any enclosing landscaping attempting to screen the development. The wider sense of openness from this viewpoint across the undulating landscape to the backdrop of the Downs would be adversely encroached upon. The result would be significant harm to the visual amenity and rural connectedness provided by this viewpoint to both local residents and users of the Brenda Parker Way.
31. Despite a significant number of trees within the churchyard, the appeal site is visible from a number of perspectives within it. The graveyard has a tranquil, rural ambience allowing for reasonably secluded contemplation including restful views across the appeal site as part of a wider rural perspective along its southern side. Given the potential intervening distance to new houses I do not consider the appeal proposal would materially harm the rural tranquillity of the churchyard. The appeal proposal, as a sizeable residential development would, however, affect the rural outlook particularly in the initial years following construction. From the alignment of the main paved path to the current graveyard³ there is scope through a detailed layout to retain a principal open perspective through an appreciable area of natural greenspace. In other perspectives, landscaping and intervening open space, including natural greenspace, would lessen the visual impact over time but there would remain a residual, perceptible erosion of the wider rural context for those visiting the graveyard. I ascribe this visual impact moderate harm.
32. Public Footpath No.13 runs directly along the south-south east boundary of the appeal site. Views of development in Burghclere are generally limited to occasional filtered views, over distance, of the upper parts of some houses on Harts Lane. Whilst the open sports field of St Michael's school is visible, the school buildings are not noticeable. The character of the footpath is rural, providing at the point of the appeal site a sense of being on an open ridge, characteristic of the undulating landscape, before the land falls away to the south affording long-range views across to the North Wessex Downs.
33. Notwithstanding the proposed extent of natural greenspace between the footpath and the proposed dwellings and the potential for other landscaping, the scale and extent of the proposed housing would be highly visible including in the general vistas of important viewpoints 6 and 7 as identified in the eBNP. The potential proximity and extent of housing in an otherwise rural setting for users of this path would be visually discordant to such an extent that landscaping, including within the natural greenspace, would be ineffective for a significant period of time. Notwithstanding the views across to the Downs, the development would harmfully distract from and interfere with the rural experience as users of the path move slowly through this part of the Hampshire countryside. The adverse visual effect would be significantly harmful.
34. I therefore conclude, taking account of the proposed mitigation and the fact that all details remain to be determined, that the identified adverse impacts to

³ Appellant Viewpoint 11

the character of the host landscape, the visual amenity from various perspectives and the positive contribution of the site to the rural setting of Burghclere would be significant. Consequently, the proposal would be contrary to BDBP Policies EM1 and EM10 in that it would not be sympathetic to the character and visual quality of the area concerned. Nor would it positively contribute to local distinctiveness and the sense of place. Both policies are consistent with the NPPF at paragraphs 127 and 170. The proposal would also conflict with the guidance in the LPAs Landscape, Biodiversity and Trees Supplementary Planning Document 2018 and the Design and Sustainability Supplementary Planning Document 2018.

35. Furthermore, the proposal would be contrary to eBNP Policies B10 and B11 for similar reasons. The proposal would also fail to preserve key features of a number of important views identified in the eBNP including key viewpoints 3, 6 and 7, especially in relation to the "the juxtaposition of the village edge and surrounding countryside". This would be contrary to the local specificity in eBNP Policy B11.

Heritage

36. The duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the NPPF states that "*great weight should be given to the asset's conservation*".
37. The Grade II listed Church of the Ascension is broadly to the north/north-east of the appeal site. It is a Nineteenth century building whose heritage significance is its period architecture as an ecclesiastical building.
38. There is relatively little broadly contemporaneous development in the immediate vicinity of the church other than occasional cottages on Harts Lane and other community buildings consequent to the church including Portal Hall and the primary school on Church Lane. This gives weight to the LPAs submission that the church was conceived and located to be experienced in a rural context. Further Twentieth Century residential infill along the north side of Harts Lane and to the east on Church Lane has consolidated the settlement pattern in this part of Burghclere but it is notable that the immediate setting of the church still retains a strong sense of spaciousness with moderate but verdant gaps to other nearby developments maintaining the generally rural setting of the church.
39. The extent of vegetation and of trees in the immediate space around the church means it is not a prominent building in many parts of the nearby streetscene or more widely within the surrounding countryside. This includes from Harts Lane, including at the appeal site frontage. The traditional lych gate is visible at distance from the proposed appeal site access but the degree of intervening and retained vegetation, including that within the grounds of the church, would preserve the rural setting of this feature.
40. There is no evidence that the appeal site has a functional or historic relationship with the Church. The appeal site is beyond the original curtilage of the church as defined by the avenue of mature lime trees and further separated by the open triangular area of the extended graveyard. Whilst there is no strong pattern of settlement to the south and east of the church including the appeal site, I also find that there is very little that would indicate that the

church was purposefully intended to be experienced from a wider rural context in this direction. Through an appropriate layout of open space, in combination with the existing graveyard extension, the appeal proposal would maintain a comparable degree of separation to the church as that found with established development on the north side of Harts Lane and to the east on Church Lane. In these circumstances the church would continue to be read in various perspectives as a rural parish church.

41. I have given particular attention to the views from Public Footpath No.13 as part of the surroundings in which the church can be perceived. Whilst I have found significant harm to the landscape character and visual amenity from viewpoints along this footpath, that is not the same as setting. In terms of how the church is experienced from this path, despite its relative proximity, even in winter with no deciduous foliage, it is not a particularly conspicuous feature to which the eye is drawn. Glimpses of parts of the church building from this footpath are confined to short range views within which the built form of the appeal proposal would not intrude. Whilst the proposed development would be visible in longer range views from this footpath to the south-west, the almost negligible profile of the church together with the proposed area of intervening natural greenspace means there would be no harm to its otherwise generally rural setting.
42. In terms of tranquillity with regards to noise or light spill, I find the likely intervening distance of the housing would mean that the ambient conditions around the church, including for quiet contemplation, would not be adversely affected. As set out separately above, whilst I find there would be a modest harm to the visual amenity for visitors to the graveyard extension in terms of an intrusion in the rural outlook this involves a perspective within which the heritage asset is not visible or discernible. The significance of the designated heritage asset and how it is experienced within the immediate grounds of the churchyard, given the intervening distance of the proposed housing and existing and proposed vegetation, means there would be no harm to its setting.
43. I therefore conclude that the setting of the Grade II listed Church of the Ascension would be preserved. The proposal would therefore accord with Policy EM11 of BDLP, guidance in the Basingstoke and Deane Heritage Supplementary Planning Document (March 2019) and paragraphs 184 and 193 of the NPPF in terms of the importance to conserve and enhance the significance of heritage assets.

Other Matters

Housing Land Supply

44. As set out above there is no dispute that as of 1 April 2019, there is not a five year deliverable supply of housing land in the Borough. The BDLP sets out a housing requirement of 850 dwellings per annum, against which an agreed shortfall of 1,795 dwellings had accrued since the start of the plan period. I accept this is a substantial level of unmet of housing need irrespective of recent improvements in delivery in the latest Housing Delivery Test results which mean a 5% buffer should be applied.
45. Whilst there is a clear preference for recovering such shortfall within a five year period ('Sedgefield') as expressed in the PPG at paragraph 68-031-20190722, the same paragraph allows for the alternative of recovering the shortfall over a

longer period through strategic plan-making. The BDLP applies the latter approach ('Liverpool') given the need to maintain necessary focus on delivering larger sustainable strategic sites as part of the most appropriate plan strategy. Despite the degree of accrued shortfall now being contrary to that presented to the BDLP Inspector I am mindful that the BDLP is less than five years old. As such I am cautious about readily sanctioning a deviation from reasonably recent strategic plan-making prepared in the context of the NPPF.

46. Whilst I have had regard to the Alderbury appeal decision⁴ (and other decisions provided by the appellant) I cannot in light of the two parts of the same PPG paragraph, conclude that 'Sedgefield' is the default or obligatory approach here. Each case must be determined on the particular circumstances. The Alderbury appeal was considered against a slightly older Core Strategy with a separate, draft site allocations plan, in contrast to the full plan of the BDLP. The Alderbury decision also notes the lack of plan review in light of the housing shortfall which appears to further justify 'Sedgefield' in that decision. The same does not apply here given the LPA has formally triggered a review of the BDLP and intends to adopt the new plan in 2023. The references to the Fylde Annual Position Statement are now of little applicability given the change in circumstances there, as discussed at the hearing. Taking all of this into account, recovering the shortfall over a longer period remains, at this moment in time, is the justified approach for dealing with the shortfall in the Borough.
47. In terms of the NPPF definition of "deliverable" and the PPG guidance⁵ on the evidence of the deliverable yield, the focus of disputed supply is principally on large outline permissions and local plan and made neighbourhood plan allocations. The appellant has on a site-by-site basis discounted the LPAs forecast of deliverable supply from these sources with reference to the PPG guidance, the Woolpit decision⁶ and other appeals and in particular the absence of written agreements between the LPA and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates. Consequently, the appellant seeks a reduction in deliverable supply of 1,282 dwellings against the LPAs delivery figure of 5,251 dwellings in the five year period.
48. Like the Woolmer Green decision⁷, I agree that the onus is on the LPA to demonstrate that it has a deliverable supply with regard to what is required at PPG paragraph 68-007-20190722. The LPA relies on its 2019 Annual Monitoring Report (AMR) at Appendix 4 which sets out a comprehensive schedule of housing sites with individual site trajectories. The appendix in the final column includes a reasonably detailed summary of planning status, site ownership, infrastructure interdependencies and general site assessment. The information presented in this column meets the evidential requirements of bullet points 1, 3 and 4 of the PPG paragraph.
49. With regards to bullet point 2 of the PPG paragraph the AMR refers to the outcomes of a "housing monitoring consultation" to explain the projected delivery forecast. There are also references to "statements of intent" having been prepared for some of the disputed sites. There is no evidence that the Council has fabricated or misrepresented the responses it has received to the

⁴ APP/Y3940/W/18/3200041

⁵ Paragraph 007 Reference ID: 68-007-20190722

⁶ APP/W3520/W/18/3194926 (in particular paragraphs 65-73)

⁷ APP/C1950/W/17/3190821 (paragraph 30)

consultation with the named site developers/owners in an effort to summarise detailed information. On the other hand, by providing a summary, the AMR falls slightly short of the supporting detail that the PPG now seeks. As such, I can only find a partial compliance with bullet point 2 of the PPG paragraph. However, I find the LPAs evidence, in the main, to be of sufficient quality that I have some difficulty in fully endorsing the appellant's invitation to wholesale discount the disputed sources of supply, without going into much more granular detail of individual sites. Accordingly, the supply picture is likely to be somewhere between the appellant's 3.67 years⁸ and the LPAs 4.86 years.

50. Like my colleague, in the recent Goddards Lane decision in the Borough, for the purpose of considering this issue, it would be appropriate for me to apply "a worse-case scenario", which would be the figure of 3.67 years. This should not be regarded as an unqualified endorsement of the appellant's approach given what I have set out above in finding that the LPAs approach to assessing delivery is in large part consistent with the PPG. I note in the context of a 2.86 year supply the Goddards Lane decision ascribed "significant" weight to the benefit of additional housing⁹. The LPA also acknowledges that against its measure of supply, "significant" weight should nonetheless be given to the benefit of additional housing. The appellant alternatively invites me to give "substantial" weight, but I conclude, for the reasons given above, that significant weight to the benefit of the additional houses would be a justified evaluation based on the evidence before me.

Planning Obligations

51. As part of the appeal, the appellant has provided a Unilateral Undertaking (UU), dated and signed by those with an interest in the site, which includes various obligations by way of a Deed pursuant to Section 106 of the Town and Country Planning Act 1990. I consider the obligations in turn against the necessary tests.
52. In respect of affordable housing the proposed obligation would meet, and indeed moderately exceed at 46%, the requirements of BDBP Policy CN1 which seeks 40% affordable housing on qualifying proposals. The UU sets out a tenure mix in accordance with Policy CN1 and further commits an affordable housing scheme to be submitted to, and approved in writing by, the Borough Council. Overall, the affordable housing obligation meets the required tests and I have therefore taken it into account.
53. The provision in the UU in relation to improving off-site equipped play to meet the demands arising from the development meets the required tests and would ensure compliance with BDBP Policy CN6. I am satisfied that there is a reasonable prospect of an implementable off-site scheme in the parish as discussed at the hearing. I have therefore taken the obligation into account. Similar applies in relation to the proposed on-site open space including provisions for future maintenance in accordance with an agreed landscape management plan.
54. In respect of the education travel plan contribution the appeal site is within walking distance of Burghclere Primary School, including a safe footway along both Harts lane and Church Lane. Burghclere also has the Clere Secondary

⁸ Scenario D in the Housing Land Supply Statement of Common Ground 11 November 2020

⁹ Paragraph 50 of APP/H1705/W/16/3226286

School, within reasonable walking and cycling distance from the appeal site. There is scant evidence before me that unsustainable travel from the appeal site to local schools would be an issue or there is a lack of appropriate cycling storage at either school. I find the obligation does not meet the required tests and I have therefore not taken it into account.

55. I therefore conclude that the effects of the proposal on the provision of affordable housing, off-site play equipment provision and on-site open space would be acceptable by virtue of the provisions within the submitted UU.

Surface Water Flood Risk and Highway Safety

56. In respect of surface water flood risk, the appellant has provided a Flood Risk Assessment addendum (October 2020) containing a revised drainage strategy showing an alternate outfall further to the east. This latest information has satisfied the concerns of Hampshire County Council as the Local Lead Flood Authority. I therefore find that there would be an acceptable impact in relation to drainage (foul and surface), subject to conditions, and thus there would be no conflict with Policy EM7 of the BDLP.
57. I have observed the highway conditions on Harts Lane, including during part of the AM peak period on a school day. Whilst my observations can only amount to a snapshot, I am satisfied that the likely number of vehicle movements associated with the appeal proposal could safely access and egress via Harts Lane. I am also content that pedestrians could safely cross Harts Lane to use the wider footway network in the village. Therefore, I am not persuaded that the appeal proposal would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Planning Balance and Conclusion

58. In terms of the extant development plan, the proposal would conflict with Policies SS1, SS5, SS6, EM1 and EM10 of the BDLP. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise in accordance with s38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF is an important material consideration including the application of the presumption in favour of sustainable development where policies most important for determining the proposal are out-of-date. That is the case here with Policies SS1, SS5 and SS6. As set out above, there would be no harm to the setting of the designated heritage asset. Therefore, given the absence of a five-year deliverable housing land supply, the tilted balance at paragraph 11(d) of the NPPF is engaged.
59. The appeal proposal would generate a number of benefits. For the reasons set out above, given the degree of shortfall in delivery, the benefit of additional housing to meet the Borough's objectively assessed housing need attracts significant weight. Given the identified need for affordable housing in the parish, the specific provision of 16 affordable houses would also be a benefit of significant weight. The appeal proposal would also provide benefits in the form of on-site open space including public access and net biodiversity gain. Whilst I accept that the proposed scale is to some extent mitigation in excess of policy requirements, I nonetheless give appreciable weight to the wider public and environmental benefits. In terms of economic benefits, the appeal proposal would create employment opportunities during construction and the households that occupy the dwellings can reasonably be expected to support the viability of

local businesses and services. It would also generate revenue through New Homes Bonus. Given the scale of the scheme at up to 35 dwellings, I give these economic benefits significant weight.

60. I have found that the scheme would not adversely affect surface water flood risk or highway safety. I have also found the setting of the Listed Building would be preserved. These are requisites for development to be acceptable and so are neutral in the balance.
61. Turning to adverse impacts. The appeal proposal by virtue of its countryside location is outside of defined and emerging settlement boundaries for Burghclere. Consequently, due to its location and scale it would be contrary to the spatial strategy set out in Policies SS1, SS5 and SS6 of the BDLP, further reflected in Policy B1 of the eBNP. However, due to the housing land supply situation, these BDLP policies are out of date and any weight to the eBNP policy is similarly affected. I therefore ascribe only limited weight to the adverse impact arising from the conflict with these spatial strategy policies.
62. The appeal proposal would result in a significant adverse impact on the landscape character. There would also be a significant adverse impact on the visual amenities of receptors using local footpaths and within Harts Lane including the detrimental intrusion into a number of established important local views. There would also be a moderate visual harm for those visiting the graveyard. The identified adverse impacts would be contrary to Policies EM1 and EM10 of the BDLP which are consistent with the NPPF and therefore carry full weight and with Policies B10 and B11 of the eBNP which have significant weight. The identified harm therefore carries significant weight in the balance.
63. The proposal would be contrary to the positively prepared scale and location of housing land in the eBNP. Given the advanced stage that the eBNP has reached, this conflict would be an adverse impact of significant weight, consistent with the PPG¹⁰. Furthermore, in the context of what is envisaged for Burghclere in Policy SS5 of the BDLP and thus anticipated in the eBNP, the appeal proposal is so substantial, with reference to NPPF paragraphs 49 and 50, that it would undermine, and prejudice the outcome of, the plan-making process. Given the importance assigned to neighbourhood planning as a locally owned process to manage growth and the concerted and positive efforts in Burghclere to prepare a neighbourhood plan, these are adverse impacts to which I give very significant weight.
64. I am mindful that this weighting will contrast with the recent Oxleas appeal in the village for a single dwelling. The circumstances here are materially different in respect of both site specifics and the substantial scale. In contrast to Oxleas, were this appeal proposal to be allowed, it is my view that there would be an unacceptably high probability that the conclusion of the eBNP would be derailed at the referendum stage in 2021 together with an unacceptable denting of future parish confidence in, and commitment to, the benefits of neighbourhood planning.
65. Bringing all of this together, I find the cumulative weight of the adverse impacts would significantly and demonstrably outweigh the aggregate significant benefits that have been identified. As such the appeal proposal would not amount to the sustainable development for which there is a

¹⁰ Paragraph 107 Reference ID: 41-107-20200925

presumption in favour of, as set out at paragraph 11 of the NPPF and repeated at Policy SD1 of the BDLP. I have taken into account all other matters raised but there is nothing to persuade me other than to conclude that the appeal should be dismissed for the reasons given.

David Spencer

Inspector.

APPEARANCES

FOR THE APPELLANT:

Steven Brown BSc(Hons) DipTP MRTPI
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FOR THE LOCAL PLANNING AUTHORITY:

Phillip Richards BSc(Hons) MSc
Paul Johnston BA(Hons) DipLA CMLI
Daniel Ayre BA(Hons) MSc (Cons)
Andy Blaxland BA(Hons) DipTP DipMgt MRTPI

INTERESTED PERSONS:

Richard Carrow	- Burghclere Parish Council
Cllr John Izett	- Ward Member for Burghclere, Basingstoke & Deane Borough Council
Tony Garland	- Local Resident and for Harts Lane Residents Association
Father John Brucciani	- St Michael's School

DOCUMENTS received after the hearing:

Doc 1. Signed Unilateral Undertaking dated 4 December 2020