



## Appeal Decision

Inquiry opened on 10 January 2023

Site visit made on 19 January 2023

**by Mike Robins MSc BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29/03/2023**

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**Appeal Ref: APP/H1705/W/22/3302752**

**The Street, Bramley, Hampshire RG26 5BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Holly Gardiner of Wates Developments Ltd. against Basingstoke and Deane Borough Council.
  - The application Ref 21/03758/OUT, is dated 7 December 2021.
  - The development proposed is for the demolition of one dwelling and erection of up to 140 dwellings and a community building of up to 250sqm under Use Class E, together with sports and leisure facilities.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of one dwelling and erection of up to 140 dwellings and a community building of up to 250sqm under Use Class E, together with sports and leisure facilities. at The Street, Bramley, Hampshire RG26 5BP, in accordance with the terms of the application, Ref 21/03758/OUT, dated 7 December 2021, subject to the conditions set out in Schedule 2 below.

### Preliminary Matters

2. The application was made in outline with all matters other than access reserved for later determination. While references were made to masterplans and other details in the Design and Access Statement (DAS), these have been treated as illustrative.
3. Following screening by Basingstoke and Deane Borough Council (the Council) and by the Secretary of State, the proposed development was considered to fall under the criteria of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The planning application for the appeal scheme was therefore accompanied by an Environmental Statement (ES), dated March 2022. The ES was produced in accordance with the Regulations, and I am satisfied that the ES reasonably complies with the provisions of Schedule 4 of the EIA Regulations. I have taken into account the Environmental Information, as defined in the EIA Regulations, in determining the appeal.
4. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit the appeal.

The Council confirmed in a letter to the appellant, dated 11 October 2022, its putative reasons for refusal. These comprised matters of landscape character, visual quality and sense of place; heritage concerns, in relation to listed buildings and the Bramley and Bramley Green Conservation Area (the CA); access for pedestrians; store servicing; drainage and infrastructure. A revised plan for the access, the principle of which was accepted, led to the County Highway Authority withdrawing its concerns and subsequently to the Council not pursuing reasons for refusal concerning the access and store servicing.

5. The Inquiry sat for 8 days and heard from the main parties as well as Councillors representing the Ward, District and Parish Councils. Statements of Common Ground (SoCG) in relation to planning matters; landscape; housing land supply; highway matters, with Hampshire Country Council (HCC); and drainage matters, with Thames Water, were agreed between the main parties and relevant consultees. The Council subsequently presented evidence only on landscape, heritage, housing land supply, drainage and planning matters. Nonetheless, issues regarding highway matters and infrastructure remained a significant concern for local residents and Councillors.
6. In addition to two unaccompanied visits I made to view the roads surrounding the site and the wider context of Bramley and Bramley Green, an accompanied visit was made with representatives of both main parties and local councillors. This included the opportunity to visit Stokes Farm, St James Church and the site itself and to take views from the surrounding roads and footpaths.
7. A planning obligation by unilateral undertaking, made under s106 of the Town and Country Planning Act 1990 (the UU), was submitted after closing the Inquiry. This made provision for among other matters, affordable housing, community and sports facilities, travel plans, a rights of way contribution and highway works. It is noted that the Council consider that the contribution to Public Rights of Way (PRoW) is necessary but the appellant does not, and in such circumstances the Council would retain their putative reason for refusal. This will be considered later in this decision.
8. Two appeal decisions on land near to the site relating to a solar farm and a battery storage facility were decided after closure of the Inquiry. The main parties were given the opportunity to comment on these.

### **Main Issues**

9. I consider the main issues in this case to be:
  - Whether the proposal complies with the development plan and if not, whether there are any material considerations that would justify a departure from it, including the extent of the housing land supply shortfall;
  - The effect of the proposal on the landscape character and appearance of the area, including the settlement pattern;
  - The effect on heritage assets;
  - Whether the proposal makes adequate provision for foul drainage and other infrastructure requirements; and
  - The effect on transport capacity and highway safety.

## Reasons

### ***Background and policy position***

10. The appeal site lies to the western edge of Bramley, a village defined in the Basingstoke and Deane Local Plan, adopted 2016 (the Local Plan) as a larger settlement for which there should be appropriate levels of growth. Policy SS1 sets out anticipated growth with housing to be delivered through development within existing settlements, primarily Basingstoke but also the larger villages, and through allocated or exception sites. In the Local Plan at that time the need for Bramley was envisioned to be at least 200 homes<sup>1</sup>, which could be brought forward on multiple sites or one phased site. There have been a number of recent housing developments in the area, the largest being 200 houses at St James Park to the northeast of the site off Minchens Lane. The Parish Council identify some 351 houses that have been developed in proximity to the appeal site, and a considerably greater number to be delivered within the wider Parish.
11. Bramley benefits from a Neighbourhood Development Plan, made in 2017 (the NDP), which identifies among other matters, the settlement boundary, some key views and vistas, a vision for housing delivery as well as further facilities seen as needed or desired by the local community. The settlement boundary to the western side of Bramley, Figure 6a of the NDP, is drawn tightly around the houses and businesses comprising properties along Minchens Lane, The Street and extending into the area around St James Church. Accordingly, the appeal site, proposed on fields of approximately 21.4 hectares (Ha) located behind The Street, lies outside of the settlement boundary, where Policy H1 of the NDP seeks that development will only be supported where it is in accordance with the relevant Local Plan policies for housing in the countryside.
12. The relevant policy is Policy SS6, which allows for development only where housing would meet one of seven criteria, including exception sites. It is common ground that the appeal site does not comply with this policy.
13. While the Local Plan does not therefore envision development on unallocated, greenfield sites outside of settlement boundaries, the Council accepts that they cannot meet their five-year housing land supply (HLS) requirements. While I deal with the extent of that shortfall below, this does mean that policies which are most important for determining the proposal are out-of-date, as set out in the National Planning Policy Framework (the Framework)<sup>2</sup>. The Local Plan addresses such circumstances in Policy SD1, and the Council, in this case, accept that some housing development will have to be delivered on unallocated, greenfield sites.
14. In terms of the spatial strategy for housing, the most important policies are agreed by the main parties to be Local Plan Policies SS1, SS5 and SS6 and NP Policy H1. Other policies relating to landscape, heritage and infrastructure are dealt with later.
15. Although not argued by the Council, a strong concern expressed by local Councillors was that the spatial strategy, as regards Bramley, has been achieved and that housing, if required should be delivered elsewhere. While this related partly to infrastructure and road network capacity, it also

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<sup>1</sup> Policy SS5

<sup>2</sup> Framework Para 11

concerned, as set out above, the Local Plan promotion of *'at least 200 houses'* for Bramley; this has been exceeded. As a result, the proposed housing in this scheme would exceed the minimum amount set out in Policies SS1 and SS5.

16. This concern is detailed in the Preface and elsewhere within the NDP and would appear to have contributed to the decision to not allocate any sites within the Plan<sup>3</sup>. There is logic to the development plan seeking not only to focus development on the larger towns and villages, but to assess their needs and spread housing development across the centres in accordance with those needs and sustainability criteria. However, towns and villages require certain levels of housing and growth to support or increase the provision of services and facilities, be that retail or leisure facilities, and the closure of schools, shops, pubs and other facilities in villages due to lack of demand or economic viability is evidence of that. Consequently, to focus all of development into only one of the centres may be to the disbenefit of others where such housing may be necessary for the vitality of that centre.
17. In this context, it would appear that the Council, in drawing up the Local Plan, assessed the needs of Bramley against the level of facilities and the identified levels of housing need, at that time some 72 households, to come up with the figure of 200. However, quite rightly they did not identify this as a maximum, and it is clear that the level of housing need has increased in Bramley<sup>4</sup>.
18. The expectation of 200 houses cannot be considered a maximum and the proposal here must be assessed on whether it represents an appropriate level of growth and whether it accords with relevant policies for protection of the countryside, heritage assets and other issues. These are dealt with in the main issues that follow, but I consider that there is no compelling evidence before me to suggest that delivering in excess of the minimum levels for Bramley would fundamentally harm the spatial strategy or deprive other centres of necessary growth.
19. Consequently, while development outside of the settlement boundary would conflict with Policies SS1 and SS6, the approach I take is to assess compliance with a range of policies most important for determining this proposal and consider these against the principles of Local Plan Policy SD1 and the policies of the Framework taken as a whole to determine whether the acknowledged conflict with the development plan's spatial strategy, specifically development outside of the settlement boundary in the countryside, and any other harms are determinative in this case.
20. Although the Council are developing an emerging Local Plan update, it was common ground between the main parties that this is not at a sufficiently advanced stage to carry weight in relation to this appeal. I see no reason to disagree.

### ***Housing Land Supply***

21. A material consideration in how such policy conflict must be assessed is the Framework and in particular the five-year housing land supply (5YHLS) which, to support the objective of significantly boosting the supply of homes, should be clearly set out in planning policy.

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<sup>3</sup> NDP Para 5.23

<sup>4</sup> The SoCG confirms that the number of households on the housing register with a verified local connection is 102.

22. Although it is common ground that the Council cannot currently demonstrate a 5YHLS, the main parties do not agree on the extent of the shortfall. The Council recently published their Annual Monitoring Report (AMR). There are minor differences between the main parties regarding start dates and lapse rates, but it was accepted that these were of minor importance. The principle differences arise in relation to whether specific sites can be considered deliverable.
23. The Framework glossary confirms that 'deliverable' includes all sites with detailed planning permission, or, for non-major development, sites with planning permission, unless there is clear evidence that homes will not be delivered, or major development with outline permission or allocated sites where there is clear evidence that housing completions will begin within 5 years.
24. To summarise the party's positions leading into the round table discussions held at the Inquiry, the Council considered there to be a moderate shortfall of a 4.6 years' supply and the appellant, a severe shortfall of 3.71 years' supply. During those discussion, and in their closing statement, the Council accepted that the actual figure may be somewhere between the two.
25. To understand the level of shortfall I have reviewed the disputed sites. It is important to note that such an assessment can only be based on the evidence presented at that time along with some judgment of the likely outturn, which will change over time. Such assessments must always, therefore, be made on a case specific basis.

*Sainfoin Lane*

26. This is an allocated site for 32 houses. Although application was made in December 2021 it does not have planning permission. The Council report that the developer has committed to delivery starting in 2023/24, but the appellant notes the absence of permission and refers to significant technical objections.
27. I have some detail on the technical challenges on the site, and note those identified regarding landscape and highways. In such circumstances, clear evidence is needed to confirm that housing will be delivered within the five years, and in absence of a planning permission, and noting the delay since the application was made, this is of importance to show that the site is deliverable. To that end, the Council have provided little other than the developer's estimates, and I consider that the site, at this time, cannot be considered deliverable.

*Elmdene and Fairholme Road*

28. This is a site for 13 houses for which planning permission was granted in February 2022. While I note the appellant refers to a previous permission that was not implemented and that there has been over seven years without development progressing, there is no clear evidence that homes will not be delivered as identified by the developer. I consider that this site is deliverable.

*Upper Cufaude Farm*

29. This is a large, allocated site proposed to deliver up to 390 units. The Council has identified that the developer has just reached completion of another

allocated site and is moving onto this with a view to build out at a similar rate, and they predict some 190 houses in the five-year period.

30. Nonetheless, the appellant notes that there have been no application to address reserved matters or deal with the pre-commencement conditions and they consider that the trajectory is too optimistic.
31. This is clearly a deliverable site, but evidence is still required to demonstrate the quantum of housing that will be achieved. This site has outline permission, and a signed legal undertaking in 2021, and on the Council evidence it is likely that, on completion of their existing development at Vyne Park, the developer will focus on this site. This may mean a start date in 2023, but reserved matters are still required. However, the delivery of housing, at a reduced rate, is anticipated for 2024/25. In absence of a reserved matters application, I do not consider that there is clear evidence that such a programme will be achieved, albeit some housing is likely to be delivered on the site. As such, I consider a year's delay to be a reasonable estimate. Consequently, although deliverable, I find this site likely to deliver some 120 units in the five-year period.

*Manydown*

32. This is an allocated site for up to 3,400 houses, of which the Council suggest delivery of some 570 within the five-year period. This site represents the largest point of disagreement between the parties and the appellant argues that there is a long history of delays. They point out that there is a highly complicated planning permission, no developer currently associated with the site and a need for multiple developers to build out at the proposed rate. They suggest this indicates that the site is not deliverable.
33. The Council accept that the site had previously stalled and that the permission is a complex one. However, while they note that Condition 5 has a cascading set of requirements necessary before reserved matters are resolved, they consider many had been addressed and what is described as a master developer has been involved since 2019. As a result, they point to a recently approve planning statement<sup>5</sup>, which includes a 15-year programme of delivery with commencement this year. Despite this, they accepted that the challenges on the site may mean some delay and that 570 may be optimistic.
34. This is an allocated site with permission but awaiting completion of reserved matters, and as such, evidence is required that housing will be delivered. I am satisfied that the Council has shown recent progress, which is indicative of a step change in the deliverability of the site. The involvement of the master developer, while not strictly a housebuilder, is nonetheless an important step in producing planning statements, addressing infrastructure requirements and moving the reserved matters applications forward.
35. However, I do not consider that the evidence provided to me is sufficient to justify the relatively early start to delivery and the rapid increase in numbers. Consequently, while I accept that the site is deliverable, there is likely to be at least a year's delay in resolving matters. This would need to include approval of conditions 5 and 7, the temporary access, required framework submissions and other elements of the outline permission<sup>6</sup>, as well as seeking the

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<sup>5</sup> ID16i

<sup>6</sup> ID16ii



involvement of a range of housebuilders. A start date of 2025/26 would be more realistic and would suggest delivery of approximately 250 units on this site.

*Andover Road*

36. This is a site for 14 houses, which has outline permission and applied for reserved matters approval in July 2021. It would appear to me that in addition to other issues, the need to address nutrient impacts through confirmation of neutrality remains an issue. Despite some reassurance from Councillors, there is no substantive evidence before me that this has, or can be resolved.
37. I also note that previous AMRs have considered this site to be non-deliverable and I have no clear evidence to explain why circumstances have changed. Based on the evidence presented to me, I consider that this site is not deliverable at present.

*Evingar Road*

38. This is an allocated site with a hybrid permission which includes 60 houses and a reserved matters application submitted in May 2021. The appellant suggests that this site has significant constraints and has stalled.
39. Nonetheless, the Council argue that there is progress and that the issue of nutrient neutrality has been resolved, albeit no evidence was provided on this. However, a developer is involved who has confirmed a trajectory for delivery starting 2023/24.
40. This is a site that requires clear evidence of deliverability, and in absence of a decision on the reserved matters, and no timetable presented to me of when that might happen, it seems unlikely that housing could be delivered within the coming financial year. Nonetheless, at only 60 houses, even were the start of delivery to be delayed for two years, it would still be built out within the five-year period. With developer involvement, progress on reserved matters and a realistic build out rate, I consider that the site is deliverable.

*Aldermaston Road*

41. This is a site with outline permission for 21 houses. The site is reportedly owned by Homes England and cleared and ready for development. Nonetheless, the appellant notes that it has been marketed with no developers choosing to take up the option.
42. While this site may appear to have a realistic prospect of delivery, the failure of the offer to the market suggests that more evidence is needed to show that it remains deliverable, especially as it was agreed that Homes England would not develop it independently. On this basis, I find that this site cannot be considered deliverable on the basis of the evidence provided at this Inquiry.

*Conclusion on HLS*

43. Such assessments are of their time and cannot be entirely precise, but my assessment of deliverability, made against the Framework's expectations, are that there are likely to be some sites that cannot achieve the Council's suggested build out rates. Nonetheless, there is sufficient evidence of progress on others to confirm that they can be considered within the assessment of the 5YHLS. To that end, my assessment would suggest a figure around 3,700

which would represent around a 4.1 year supply. I note the Council felt the shortfall was moderate and the appellant, severe. I also note that in the Station Road development in Oakley<sup>7</sup> a similar level was found, which was 'broadly accepted' to represent a significant shortfall.

### ***Landscape Character and Appearance***

44. The appeal site comprises a large area of agricultural land immediately to the west of the rear gardens of houses along The Street. Notwithstanding the outline application, the issue of the nature of the scheme, for example its layout and design features, was discussed throughout the Inquiry. In particular, the appellant's assessments, including that of landscape character and urban design, were based on an illustrative plan in the DAS. Such plans are not binding and at reserved matters stage alternative proposals could come forward modifying details of the layout, design elements, materials or landscaping for example, promoted in the earlier stage of the scheme.
45. On this basis, the Council questioned whether such reliance could be placed on this illustrative proposal. Outline applications with such matters reserved will always have this issue. The responsibility lies with the applicant or appellant to demonstrate that a scheme of suitable quality can be delivered on the site.
46. While the Council suggest that they may not ultimately have control if a different scheme is presented that does not reflect that used in the assessments, I consider that this concern is overplayed. Councils do have the opportunity during pre-application discussions and any subsequent application for reserved matters to address the case put for any changes and consider each matter against the development plan. While I accept that the refusal of a reserved matters application may ultimately lead to an Inspector taking the final decision, the responsibility still lies with the appellant to show how any changes they may promote would still achieve the high quality of design and the appropriate protection of any specific features considered at the outline stage.
47. In my assessment of both landscape and heritage matters, it is clear that there are some key design and layout choices promoted that would need to be respected if future reserved matters applications were to be successfully made, and which would clearly, if not respected, provide reasons to refuse an application. Even in absence of a parameters plan or similar, this would have to include the areas of open space, the principle of the layout, the proposed absence of any buildings over 2.5 stories and, taking into account the general character of the village and its location, the approach to the materials proposed.
48. On that basis, one of the clear design decisions in this case is the extensive provision of large areas of public open space, leisure and recreational facilities, restricting housing to only approximately a quarter, 24%, of the site. The housing, community facilities and community building are proposed in the DAS to be in the eastern part of the site adjacent to the settlement edge, with the surrounding area to the west and south identified as community orchards and meadows with retained and reinforced hedgerow and tree planting.

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<sup>7</sup> APP/H1705/W/21/3269526



49. Currently, the appeal site comprises four large expansive open fields divided by hedgerows. There is only a gentle slope across the site, which remains relatively flat resulting in a visually contained site, other than from immediate local views associated with the public rights of way that lie to three sides of the site, and from the rear of the properties along The Street.
50. It is common ground that the site is not a designated landscape, nor is it considered a 'valued landscape' in the terms of the Framework<sup>8</sup>. Nonetheless, such areas of countryside do have a value both in landscape and aesthetic terms and in this case, in relation to the setting of the village itself, the conservation area (CA) to the south and to other listed buildings.
51. At a County level the appeal site is part of the North Hampshire Lowland Mosaic, with the landscape to the east and north of the appeal site classified as being in the Loddon Valley and Western Forest of Eversley character area. At a local level, the most recent assessment is the Basingstoke and Deane Landscape Character Assessment, 2021 (the BDLCA), which identified land to the west of Bramley, including the appeal site, as LCA 4, North Sherborne, and land to the north, east and south of the appeal site as LCA 6, Loddon and Lyde Valley.
52. The appeal site is reflective of a number of the key characteristics for this area as set out in the North Sherborne LCA including the pattern of arable farmland within an undulating landform. Just off site are further elements including characteristic woodland copses and a network of footpaths. The site is a contributor to the LCA strategic aim of conserving the rural pattern of farmland.
53. The BDLCA also considered Bramley with Bramley Green, observing that it is a settlement comprising a number of older parts, once isolated but now absorbed into the larger settlement. While noting the introduction of the railway, settlement growth is associated with housing built in the latter half of the 20<sup>th</sup> Century and into the 21<sup>st</sup> as modest scale urban extensions. It further considers that the north-western edge and setting, which includes the appeal site, is relatively flat with large scale, open fields, although smaller nearer the church, and with large steel pylons as a notable and detracting element associated with the sub-station at Bramley Frith Woods. The Brenda Parker long distance footpath that runs along the northern edge of the site is surfaced at this point providing access to this sub-station.
54. Among the key issues identified for this LCA is the pressure from housing development, including extensions to the existing urban edge such as at Bramley, among other settlements. However, it does state that new development should be associated with the existing settlements and should respond to the existing urban edge, here identified as being 'soft' and well-integrated into the surrounding landscape.
55. In the Bramley Village Character Assessment the area to the south of the appeal site is classified as Area A, (Silchester Road/The Street passing through the conservation area), whereas the area to the east of the appeal site is classified as Area B (The Street past the conservation area toward the station).

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<sup>8</sup> Framework para 174

56. Set in context, the properties to the part of The Street which adjoins the appeal site present a mixture of styles and heights with generally mature domestic gardens, with a range of boundary treatments, some, such as at Stocks Farmhouse, relatively open to the adjacent fields. Although the main parties' views differed on this, my own view is that the experience of the settlement edge taken from the surrounding footpath network here is one of a relatively soft transition to the agricultural character, where the housing and village is not a strongly perceived or hard and defined feature. It contributes to the characteristics of the landscape and the setting of the settlement.
57. To the southern side, there are smaller fields and more extensive hedgerows and other vegetation towards the older parts of the settlement comprising the CA and the church. Nonetheless, the church tower is viewed from longer distance at points on the Brenda Parker Way but also on approach along footpaths to the south and west of the appeal site. Two further listed buildings, Stocks Farm and Middle Farm are found along the eastern boundary of the site and the Council argue that their settings also contribute to the landscape value of the appeal site.
58. The appellant presented a Landscape and Visual Impact Assessment (LVIA) as part of their application and this was reviewed and updated by their witness to the Inquiry. A number of permissions and appeals were referenced including the St James Park development<sup>9</sup>, the redevelopment of land adjoining Clift Surgery<sup>10</sup> and the Station Road development in Oakley, a greenfield development of 110 homes with surrounding footpaths, a CA and nearby listed buildings; this scheme was also promoted by the appellant.
59. These assessments concluded that the proposal has been landscape led, referring to the level and quality of open space proposed, and while finding the site enclosed and of medium sensitivity, accepted that introducing housing to a greenfield site inevitably leads to some localised harm.
60. The Council argue that the site would be harmful in landscape and visual terms but would also harm the urban setting of the village, a point addressed by the appellant with evidence on the proposed design and layout, albeit within the context that these remained reserved matters.
61. Dealing with the settlement pattern and urban design point, it was apparent that the Council view was that, even restricted to the eastern side of the site, the proposal would be of a depth incompatible with the current linear form found along The Street, which they considered to be the focus.
62. It is clear that Bramley is a sum of three distinct parts, Bramley around the Church, the central part around the level crossing and Bramley Green to the east. While these have coalesced and the village expanded, these core elements, and in particular the areas of Bramley and Bramley Green covered by the CA, retain a distinct historic character. The presence of the large army base to the south has resulted in a sweep of development rather than a purely linear form between these elements.
63. Consequently, I find the Council's approach somewhat limited when the development proposed would form part of the accepted agglomeration of elements that make up present day Bramley. Development involving cul-de-

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<sup>9</sup> 14/01075/OUT

<sup>10</sup> APP/H1705/W/22/3300098

sacs or perimeter blocks is evident in locations all around the settlement, including relatively close to the appeal site, such as Beaurepaire Close or Ringshall Gardens, and is the form of the more recent development, such as St James Close or Cortland Drive. As a consequence, development at depth behind the main road through the village is not uncommon.

64. Nonetheless, this would represent a significant incursion into the countryside to the rear of The Street, and, as noted in the Landscape Sensitivity Assessment for Basingstoke and Deane (2021) (the LSA) development of the appeal site (BRAM001)<sup>11</sup>, would be considered inconsistent with the general pattern of the settlement and the existing pattern of ribbon development along The Street.
65. I took a number of opportunities to walk around the area, and the experience of the village when on The Street, Minchens Lane or the surrounding footpaths is of a rural settlement. There are strong links to open spaces from The Street, for example, or to open countryside elsewhere. These root it in its rural setting. While the appellant argues compliance with national design guide expectations, such findings are dependent on reserve matters, and while I do not doubt that a high quality could be secured in terms of layout or materials, the housing proposed would affect that experience, some connections to open countryside would be eroded and there would be some harm to the setting from this proposal.
66. Turning to landscape character, the methodology adopted by both main parties was generally agreed, although they reached different conclusions. The appellant found the site to be of medium sensitivity increasing to high only at the southern edge, and took an elemental approach to effects, finding major/moderate and negative effects on the eastern part of the site, noted as being logical considering the introduction of housing on a greenfield site here, while effects on the wider landscape, assuming some benefits from new planting, would be minor.
67. The Council argued that the appellant had underplayed the existing value of the landscape, notably in relation to its role in the setting of heritage assets, and considered its sensitivity to be high. However, the principle point of difference was in relation to the treatment of the open space associated with the development. The Council found this would be of a more suburban and managed character and significantly more harmful than the appellant's view that the proposed planting, meadows, orchards and wetland features would be of neutral or even positive value. The Council further argued that the value of the site was such that there was no capacity to accommodate housing<sup>12</sup> or the associated open space and finding the landscape effects to be permanent, major/moderate negative with a significant level of change across the whole of the site.
68. There are two matters to address here before considering my own assessment of the landscape effects of the proposal. Firstly, the proposed scheme, albeit in outline form, has obviously sought to respond to the sensitivity of the site. The large areas of open space proposed and the focus of housing to the northern and eastern part of the site is clearly an attempt to focus the acknowledged harmful effects of introducing housing in a greenfield location to the area away

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<sup>11</sup> CD5.4

<sup>12</sup> Notwithstanding the Council's planning witness conceding that some linear form development could take place to the rear of The Street

from the CA and listed church to the south and provide a buffer of sorts from the footpaths surrounding the site. It is necessary therefore to address some elements of the proposal separately.

69. Secondly, as the site is not nationally designated for landscape, guidance from both GLVIA3<sup>13</sup> and more recent guidance from the Landscape Institute<sup>14</sup> are useful, but they can only provide a framework for professional judgment.
70. The existing landscape is a managed one; agricultural use will change the nature of the fields throughout the seasons and there will, at times, be evidence of activity within those fields. However, entering into this landscape from access points around the CA, Middle Farm and on Brenda Parker Way, there is a relatively fast transition to a rural character. The village and sounds associated with it fade quickly and the expansive open nature of the fields provide an experience of entering onto the open countryside. Filtered views mean there remains some slight urban influence, but along the path to the west of the site, for example, the overriding experience is a measure of isolation and tranquillity.
71. There are some detracting elements, including the pylons, but I did not find these materially reduced the experience of the landscape here.
72. The introduction of housing would extend the urban influence further into this area, reducing both the strong rural character and elements of tranquillity experienced. I fully accept that there will be a measure of protection to the footpaths through the extensive open space proposed. I also disagree with the Council that such areas must necessarily be harmful to the degree suggested. They would be managed, with paths and possibly benches, marked play areas or equipment. However, while their form would not be as intrusive as housing, and the network of field boundaries would be retained, such features and the associated intensification in use, would materially change the rural character of the site.
73. I visited the other areas of open spaces around the village, including that at Bramley Green. I accept that such open space can retain a more rural character to the urban areas, that is exactly what these areas provide for Bramley. However, at Bramley Green, and in contrast to the open space proposed for this scheme, the space is influenced by the Sherfield Road and the access roads crossing it. It sits more naturally as a functional but beneficial element of the village setting, whereas in the appeal scheme, while providing some mitigation for the introduction of housing, the space brings with it further harmful landscape effects. I accept there are other benefits from this space which I address below, but in landscape terms within this area, which is strongly reflective of the wider landscape character, it cannot be considered of neutral or positive effect.
74. I have considered whether, with the recent decisions on appeals relating to a solar farm<sup>15</sup> and a battery storage facility<sup>16</sup>, there would be a cumulative effect, but note those found the relatively low level and screened structures to have only a localised impact.

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<sup>13</sup> Guidance for Landscape and Visual Impact Assessment – Third edition - 2013

<sup>14</sup> Technical Guidance Note 02/21 – Landscape Institute

<sup>15</sup> APP/H1705/W/22/3304561

<sup>16</sup> APP/H1705/W/21/3289603

75. Overall, I consider that there would be major/moderate negative effects where the housing is proposed and moderate negative effects associated with the open space. I therefore consider that the appellant's conceptual approach that the housing would have the typical but inevitable effect of housing within greenfield areas to be essentially true but find that they have underplayed the landscape effects
76. Turning to visual effects, the NDP sets out a number of important viewpoints, 1 to 6, and vistas, 4, 4a and 5, that they considered contribute to the character and rural setting of Bramley. These are reflected in the appellant's chosen viewpoints, 1-11, a number of which were developed into photomontages, albeit drawing on the illustrative layout. Roughly analogous viewpoints were also assessed by the Council, A-I.
77. A Zone of Theoretical Visibility was produced, and I have no challenge to its accuracy. It confirms that the landform and location of the site means that visual effects are relatively localised. Nonetheless, the site is seen in views from the rear of houses and from the perimeter footpaths that surround the other three sides of the site. I am satisfied that the appellant has identified and assigned sensitivities to the respective receptors in their LVIA and the updated conclusions by their witness.
78. A range of findings are presented in terms of the effect of the proposal. A similar argument remains between the main parties that where an important view or vista is noted, the illustrative layout has generally provided an intervening area of open space as a buffer from the housing, which the appellant considers is effective mitigation while the Council consider these areas to be significantly harmful in their own right.
79. As such, the appellant argues that while the housing would be visible in some views the effects would reduce over time and only one viewpoint, that on the Brenda Parker Way, would experience long-term significant visual effects, although this is one of the NDP important viewpoints. Thus, they find that the proposal would respect the important views and vistas and would complement the existing character of those views. The Council find these harms to be more extensive, ranging from medium high to very high, with the only medium effect being for the lower sensitivity residents along The Street.
80. I walked the footpaths as part of the accompanied visit, but also took the opportunity to visit when the sun was rising to gain a better understanding of the views. As a result of the large fields, extensive views are available across the site from the footpaths, either through gaps in hedgerows or where they run within the field boundaries. These views pick upon features such as the church tower and a generally filtered view of the rear of housing to The Street and Minchens Lane. Some buildings stand out more than others and, in some views, the more recent development of St James Park can be seen.
81. The NDP gives value to these views over the appeal site for an obvious and understandable reason that they provide the open vista as one leaves the urban area. These open views are revealed as you emerge from the area around Middle Farm, walk from or towards the church or appreciate the long views through the relatively sparse hedgerow along Brenda Parker Way.
82. While the housing proposed would be relatively well-contained by the existing hedgerows, and over time the planting would screen it more, there are still

- long sections of the surrounding footpath network from which the proposal would be seen as an extension of the existing settlement edge, and from some points, truncation of the current open views experienced.
83. I find it hard to accept that the introduction of meadow and orchards would complement these existing views, the truncation and erosion would exist, but also cannot fully accept that, while representing a visual change, it would be harmful to the great extent promoted by the Council. As such, I consider that the proposal would fail to complement the important NDP views, but the harm would be moderate in all but the particular case of NDP viewpoint 6 where housing, if developed in line with the illustrative layout, would be prominent and in the foreground.
84. Before drawing these matters together, there was some discussion over the findings of the Council's own LSA, in which the appeal site was considered as Site BRAM001. As part of the development of their evidence base for the emerging Local Plan, this assessment considered a number of potential sites for development and scored these sites over a range of criteria. This was then summed to find an overall score to inform the landscape sensitivity of the site to development. The scores were subject to review and alteration if specific elements were felt to be over or under weighted.
85. The appeal site generally scored in the middle of the range except for a low sensitivity score for landform and drainage and higher scores for historic value, settlement pattern and intactness. The presence of the footpaths contributed to a maximum score on type of visual receptors.
86. Overall, the site scored 52 and was considered to have a medium landscape sensitivity, but the summary noted the continuum of rural character extending to the west and the inconsistency with the pattern of the settlement, as addressed above. Medium sensitivity is defined as a site with characteristics susceptible to change but which may be able to accommodate development. For context, another site referred to by the appellant in this Inquiry, Station Road, Oakley, was also scored at 45; a lower score but still of medium sensitivity.
87. The Council's witness questioned whether the exercise had properly weighted the relevant criteria and noted that the score placed the site at the upper end of medium. However, while this is a relatively broad-brush approach, nonetheless I consider that the findings, in landscape terms, align with the characteristics of the site, mainly due to the relative visual containment and localised effects.
88. Drawing these matters together, there would be the expected harm associated with the introduction of housing on a greenfield site, there would also be harm to the LCA and village setting through the extension of the urban form and loss of agricultural and rural character as well as visual harm to users of the footpaths and to a more limited extent, the existing residents of The Street. The extensive provision of open space would reduce but not remove this harm and as a result the proposal would conflict with Local Plan Policies EM1 and EM10, and NDP Policy D1 in this regard. These policies seek to ensure that proposals are sympathetic to the character and visual quality of the area and respect the quiet enjoyment of the landscape from rights of way, positively contribute to local distinctiveness and protect, complement or enhance the Bramley Character Areas.



### **Heritage Matters**

89. The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, s66(1). It also requires, with respect to any buildings or land in a conservation area, that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, s72(1). This statutory duty is further expressed in policy at a local and national level.
90. There are four designated heritage assets as well as some non-designated assets (NDHA) that have been considered. These are the Church of St James, Grade I, Middle Farm, Grade II, Stocks Farm, Grade II, and the Bramley and Bramley Green Conservation Area (the CA). The NDHAs are buildings within the CA. Through the process of planning application, EIA and the appeal, the relevant heritage assets located around the site have been assessed by a number of different bodies and individuals. These included Historic England (HE), the Council's Conservation Officer and the two heritage witnesses to the appeal.
91. The Council argued that, in accordance with the principles set out by the Court of Appeal in *R(Wyatt)v Farnham Borough Council [2022] EWCA Civ983* (Wyatt), great weight must be given to HE's position, which found the harm to the CA, Stocks Farm and the Church to lie in the middle of less than substantial (LTS)<sup>17</sup> harm. Notwithstanding this, the Council's own officer suggested a greater level of harm to the Church and the CA, while their own heritage witness to the appeal found lower levels of harm to the CA but higher to Stocks Farm.
92. Despite these differences, the Council argue that their cases align to an extent, indicating material harm to the principle historic assets that accords with the great weight given to the views of HE, and contrary to the appellant's own assessment, which the Council suggests represented a significant outlier.
93. In this context, the appellant argues three main points. Firstly, that the HE response should not necessarily be given great weight in light of later evidence, and that their responses to the application strayed beyond their remit to the level that they were unlawful. Secondly, that the Council's witness employed an unfounded matrix approach that resulted in double-counting; and thirdly, that the witness's reliance on this, the lack of historical information and limited direct appraisal of the site itself, led to an assessment that underplayed the importance of the full range of contributors to the significance of the assets and led to an over-estimation of harm.
94. Firstly, I see nothing of value in the argument that HE's advice at the screening stage of the EIA may have differed from their position as a consultee. Such comments are made with very different expectations and tests in mind. However, there is a principle that evidence presented and tested at an Inquiry carries additional weight for a decision maker. Nonetheless, as a starting point, it is my view that evidence provided from an expert national agency, in this case HE, must be given significant weight. As the body that has a direct role preserving and listing historic buildings and providing much of the

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<sup>17</sup> As per Framework paragraphs 199 and 202

- accepted guidance to authorities and applicants on how to consider assessment of those assets, their views are clearly of importance.
95. However, the appellant refers to the High Court Judgement, *Council of the City of Newcastle-upon-Tyne v SSLUHC [2022] EWHC 2751 (Admin)* (Newcastle) and a review of such case law in the Journal of Planning and Environmental Law<sup>18</sup> (JPL) to suggest that such great weight may not hold in the face of expert witness evidence tested at an Inquiry, especially if the statutory consultee's evidence was not itself tested.
96. It strikes me that no matter the views expressed in the JPL or indeed that of the High Court, the starting point should be that of the Court of Appeal, in this case, Wyatt. Here, the judgement sets out the significant weight that can be expected to be given to the advice of an 'expert national agency', and that if a decision maker departs from that advice, they must have cogent reasons for doing so, noting that this is a basic point derived from a wealth of case law. By further reference to *Visao Limited v SSHCLG [2019] EWHC 276 (Admin)* (Visao), the Council noted earlier case law that suggests those reasons should be 'cogent and compelling'.
97. While in Newcastle, 'substantial reservations' are raised regarding whether the authorities do establish such a principle, it does not seek to resolve the point, but notes that with 'ample material', a decision maker, an Inspector in that case, could disagree with the statutory consultee.
98. To my mind this does not address the matter of whether such advice should be given significant or great weight but goes to the requirements for cogent reasons for a decision taker to step away or disagree with it. This is perhaps at the heart of the arguments made in the JPL. Nonetheless, a statutory consultee's views should be given significant weight as a result of their direct involvement, expertise and experience in the relevant matters. However, there is no reason why further evidence, and the testing of that evidence by other parties could not aid the decision maker in reaching a different view, only that to do so, that judgment must be explained.
99. While I accept that in their first letter<sup>19</sup>, in addition to their commentary on the significance of the assets, HE commented on the policy approach, which is acceptable, but also on matters of allocation and need, public benefits and compliance with that policy. Such comments on matters of need and compliance would be outside of their remit and expertise, nonetheless, I do not read this as infecting their analysis of the assets. Similarly, their second letter<sup>20</sup> focusses on the assets, and reaches similar conclusions following the submission of further information. I have therefore given their position significant weight but have reviewed the case in light of the further evidence submitted; my findings are addressed below.
100. Turning to the second issue, the Council's witness employed a matrix approach, taking the value of the asset as well as the magnitude of change to derive a level of significance, which was then applied as a grading linked to a spectrum of response within the Framework's LTS and Substantial Harm categories. I can see the source of such an approach in landscape studies, EIA

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<sup>18</sup> ID22 - Issue 12 2022.

<sup>19</sup> 8 March 2022

<sup>20</sup> 21 April 2022

approaches and that set out in the ICOMOS guidance<sup>21</sup>. The assessment of harm to significance is quintessentially one of judgement and providing a methodology that would appear to deal with the value of the asset, the scale of the change and a calculation of a relative level of significance is superficially attractive.

101. However, a number of clear issues arose when tested, not least that the concept of categorising harm as LTS or Substantial is a function of the Framework's approach, which then provides a clear commentary as to the relative weight that arises from these based on the value of the asset. Taking the value into account in assessing the effect on assets must differ from the approach expected by the Framework as it can only lead to counting the value of the asset twice in calculating the weight to be derived.
102. Furthermore, it is clear that the matrix as presented could not lead to a finding of substantial harm for assets listed below Grade I or II\*; this is plainly wrong, and the suggestion of adding a column to allow for this retrospectively is no answer without a full appraisal of the implications for doing so to the methodology as a whole.
103. Nonetheless, at the heart of the methodology is an approach that seeks to identify the asset, assess its significance, and in this case, the contribution made by its setting, and then to assess the effects of the proposed development, and I have drawn the relevant parts of the assessment out to inform my own, as I have done with the appellant's own evidence on this matter.
104. It is common ground that the issues in relation to this case concern matters of setting only. The setting of an asset is the surroundings in which it is experienced and is not fixed. Consequently, while in my view, it can be mapped illustratively at a point in time, it cannot be permanently fixed nor can it, for example, be described as a fixed distance to or from the asset. While views will play an important part in assessing settings, other factors, such as historic relationships, are also relevant, and it is reasonable to take account of cumulative change over time.

#### *Bramley and Bramley Green Conservation Area*

105. Designated in 1983, a Conservation Area Appraisal (CAA) was produced following a review in 2003. The two parts of this CA are well separated, and the proposal would have no effect on that part associated with Bramley Green.
106. In relation to Bramley, a range of listed buildings are identified noting the importance of the Church and the open spaces in the village centre and identifying the open countryside to the north as creating an important setting for the village.
107. Although now part of the wider settlement, this original part of Bramley is largely uninfluenced by more modern development, notwithstanding some newer buildings within the CA. Its origin as a hamlet growing into a rural village of some significance is clear with the presence of the Church, the large Vicarage, Grays House, and other higher status buildings such as the Manor House, which forms another important part of the village. The presence of

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<sup>21</sup> ID3 – International Council on Monuments and Sites – Guidance on Heritage Impacts for Cultural World Heritage Properties

Church Farm and Street Farm within the CA reinforces its rural character. The CA map includes key views and vistas which include that out from the churchyard, from the western fields looking towards the Church and from the School House looking north

108. The significance of the CA, although primarily drawn from its architectural and historic interest, notably in the cluster of buildings and spaces around the Church, Grays House, Church Farm and the Old Bells, also depends on its close relationship with the surrounding agricultural land. In this regard, I note the specific inclusion of open land to the north, west and east of the Church within the CA.
109. This land remains as open land, albeit used for grazing and horses, and immediately adjoins the southern field of the appeal site, which itself includes the footpath section running from Middle Farm, and is within the CA.
110. Although it is not clear if the CAA reference to open countryside to the north refers solely to the fields drawn within the CA boundary, I am of the view that the well-established footpaths running within the northern edge of the CA and approaching from the north, as well as views north from the School House mean that the setting of the CA definitely extends out into the appeal site.
111. To the eastern side of the CA lies Middle Farm and a number of associated NDHAs. While intervisibility between the listed building and the appeal site is effectively precluded, there are more complete views with the NDHAs and the footpath emerges from this grouping into the southern fields of the site. Here, the central and southern fields materially contribute to the rural setting of the CA.
112. Longer distance views towards the CA from Brenda Parker Way can make out the Church and other buildings on the northern edge, but not their relationship to the CA as a whole. While the clarity of these view can change during the day and the season, I do not consider they contribute to the experience of the CA in the same way as the relationship to the central and southern fields does.
113. Development within these fields would have a direct effect on the CA where the footpath lies within it and on the rural setting in which the original parts of the village and its Church are experienced. The open land and vegetation along the northern edge of the CA limits intervisibility, particularly from within the historic core, but nonetheless there would be some harm to that setting through an erosion of the open countryside and rural character to the north.
114. It is important that there is a conscious response in urban design terms to the setting of assets, and to this extent, the illustrative plans for this proposal promote the retention of open space including a community orchard within the southern field. There was debate over the acceptability of an orchard here, and while its use may be proposed as a community one and involve increased use and activity of the area, orchards are a feature of traditional agricultural practice and indeed historic maps provide reference to such associated with land now developed around Middle Farm. However, the subtle differences arising from the increased use, potential provision of hard surfacing for walking routes or more manicured approach to land use will erode the rural character somewhat. Development of housing to the central field will increase the urban presence in views from within and on approach to the CA, and while the

effect of this will decrease over time with landscaping, there will be a direct loss of open countryside from this part of the setting.

115. While HE originally found the level of harm to be in the middle of the range of LTS harm, the appellant categorises it at the low end as did the Council at the Inquiry. My own view is that retention of the southern field as open land would be necessary to limit harm to the setting to the lower end of LTS and, in this case, the comprehensive review of the historic development of the village and its surroundings presented at the Inquiry leads me to a slight departure from the views of HE.

#### *Church of St James*

116. This is a Grade I Church, described in its listing as Norman with 12<sup>th</sup> century origins and a number of later additions. This small village church stands within a pastoral setting to the north of the CA. The main entrance, a later porch addition, and the larger windows face south towards the vicarage and the core of the village, while the graveyard to the north and its extension to the west is set on the edge of the countryside. There are a grouping of NDHAs around the School House to the north of the Church and a more recent, albeit sensitively designed Church hall lies a short distance to the east
117. The significance of the Church derives from the architectural and historic importance of the building, and its high value derives not just from its age but also particular physical features of the building. Nonetheless, to understand its function as a village church within a rural context, the setting also contributes. However, while historic mapping shows that the Church once stood in a more exposed area, the introduction of buildings around School House/Old School House and the development of barns to Church Farm and the Church hall itself, have all contributed to some change in the Church's setting. It retains its rural, edge of village character, and while its strongest relationships are into the village and the buildings and spaces there, an important relationship remains to the open land to the north, as set out in the CAA.
118. Although the Church and its setting are best appreciated from the western field within the CA and the identified views in the CAA, it, or more particularly its tower, is experienced in a number of views from the north. These are available from existing nearby footpaths, but also development of the site would open views of the tower and there are, as set out above, some views across the whole of the appeal site from the Brenda Parker Way.
119. While the long distance views do not, to my mind, assist in understanding the setting of the Church and its relationship to the village, set as they are within extensive vegetation and with other buildings to the foreground, there is a clear experience for those walking in from the north, west or east on the perimeter footpaths, that you are approaching a rural village with a Church building of some importance set on its edge.
120. The extension of urban character through introduction of housing in the fields on the centre and eastern part of the site would erode that experience, but only as walkers traverse past the development, while the more managed landscapes proposed within the open spaces of the development would alter the experience only somewhat. The Church would be experienced less within an open rural context, and more as part of the wider village. However, these are not substantial changes within the wider context of the Church's setting.

The debate over the recent permission for a garage to the north of the Church does not alter my views on this.

121. While HE originally found the level of harm to be in the middle of the range of LTS harm, the appellant categorises there to be no harm, finding that any views would not be illustrative of the historic or architectural interest of the Church. The Council found the impact to be minor, but elevated this to the middle of the LTS range through use of their matrix. My own view is again that retention of the southern field as open land would be necessary to limit harm to the setting, but the footpaths would experience change as set out above. The Church would be experienced less as a rural Church and more as a part of the village, in something of a continuum of the enclosure that has taken place since its origins. For reasons set out above, the harm would be at the lower end of the LTS spectrum, and again I consider that, in this case, the comprehensive review of the historic development of the Church and its surroundings presented at the Inquiry leads me to a slight departure from the views of HE.

#### *Middle Farm*

122. Middle Farm is a Grade II listed farmstead located alongside The Street and sitting at the north-eastern end of the CA. Noted as a timber framed building with 16<sup>th</sup> Century origins the house is no longer a farm and much of the immediate surroundings have been developed, albeit over some considerable period with some being conversion of former barns and considered NDHAs in their own right. A footpath passes just north of the house and enters into the southern field of the appeal site and the CA.

123. Any farmhouse must draw on its relationship to its agricultural lands to inform its historic context. However, the extent of development surrounding the site and its position now on the main road through the village, means that I consider there would only be a very minor change in the experience of the asset, principally for those using the nearby footpath.

124. The significance of this asset derives from its architectural interest, with some artistic and historic interest, the latter, in part, illustrated by a now mostly severed connection with its farmlands. Accordingly, the introduction of public open space to the southern fields would have a limited effect on the appreciation of this asset's role as one of the early farms in the village. I find this to be at the lower end of LTS harm to the significance of Middle Farm. I appreciate that the Council's witness found this relationship of slightly more value, although also at the low end of LTS and I note HE did not consider Middle Farm.

#### *Stocks Farm*

125. Stocks Farm is a Grade II listed farmhouse dating from the early 19<sup>th</sup> Century. It is located off Minchens Lane and consequently off the main route through the village. Now in residential use, it is reported to have ceased operating as an agricultural business over 30 years ago. The farmhouse sits in a large domestic curtilage including a pond, swimming pool and tennis court. The garden has an open boundary to the appeal site.



126. Near the driveway entrance is a well preserved, and listed, granary sitting on straddles, while to the north of the farmhouse there are a number of courtyard barns and outbuildings, most now converted to commercial use.
127. The appellant's review of title maps show the land associated with the farmhouse as including the northern and eastern fields of the appeal site proposed for housing, while parts of its other lands, including those to the north are now also built on, including the development at St James Park.
128. It is in this context of a loss of a direct link between the farmhouse and its former landholdings that the Council promoted a moderate impact on the setting, translated through their matrix to an impact at the upper end of LTS harm. This is greater than the medium level of harm identified by HE and the low level of LTS harm identified by the appellant.
129. The significance of the farmhouse derives primarily from its architectural and artistic, as well as its historic interest. While the functional links to the farmlands have been separated and patterns of use changed by the conversion of the outbuildings and the farmhouse itself, as well as the introduction of new housing, nonetheless there is a legible relationship between Stocks Farmhouse and the land to the west.
130. As such, while a considerable element of the farmhouse's setting is informed by the relatively intact buildings to the north and by the listed granary to the east, this visual relationship with the land to the west is a component. It is also important to take account of cumulative change over time. Much of the farmhouse lands locally, and with visual links, have been lost either to housing, parking or recreational use; the appeal site is the last remaining direct link and, in my view, this means that this element cannot be discounted when considering the significance of Stocks Farm.
131. I accept that farmhouses can still be appreciated even without direct access to farmlands, Middle Farm is one such case, but those relationships are a part of identifying and illustrating their historic context. Here the proposal would erode that. This is not a matter of designed views, which are rarely an important element of a farmhouse which develops over time according to the needs of the business, with main facades often facing away from the functional areas.
132. As set out above, urban design responses are important in such circumstances, and this is acknowledged by the appellant's approach as set out in the illustrative plans. These propose a separation of the housing blocks adjacent to the boundary with Stocks Farm and use of the area for a green corridor and drainage features. This would help retain something of an open character, but this area would not have the same character as the open fields, housing would still be present and the suggestion that a distant view through the site to other open meadow areas as being mitigation is not realistic.
133. However, the relationship of the farmhouse to the land has been significantly altered, partly through development to the north and east, but also the extensive development of the residential curtilage in which it sits. The functional relationship to the farm buildings remains clearly legible, although the visual appreciation of the historic link with the site and surrounding land is now relatively weak. There is no longer a functional link with the appeal site

134. Overall, I consider that there would be harm to the setting of Stocks Farm which would reduce the legibility and appreciation of its value as an important farmhouse within the village. However, the relatively large curtilage and the proposed layout, to be secured later through reserved matters, would retain an open aspect. This would result in harm in the lower part of the range of LTS harm to the significance of the asset, although I concur with the position of HE, not in magnitude, but in that the harm to Stocks Farm would be greater than that to the other assets.

#### *Initial Conclusion on Heritage Assets*

135. The appeal site sits adjacent to a number of heritage assets which are important components of Bramley and which demonstrate much of its historic development as a rural village. While I have found the harm to some towards the lower or even lowest parts of the range of LTS harm, that to Stocks Farm would be somewhat greater, while harm to the Grade I listed church must reflect the greater importance of that particular asset. Harm to heritage assets must be given the considerable importance as weight commensurate with the acknowledgement that heritage assets are an irreplaceable resource.

136. To this extent, the proposal would conflict with Local Plan Policies EM10 2c and EM11 as well as Policy D1 of the NDP. These seek to conserve or enhance heritage assets and protect the local historic environment. It is important to note that the Framework sets out the great weight that should be given to such assets but also that such LTS harm should be tested against the public benefits of the scheme; I address this in my planning balance below.

#### ***Foul Drainage***

137. I am satisfied, despite the ongoing concerns of a number of those objecting to this proposal, that the Council's Community Infrastructure Levy (CIL) approach and further commitments in the appellant's submitted UU could address the additional pressure on infrastructure and service provision in the village; I address this in more detail below.

138. However, on the basis of the evidence provided by the Parish Council and the discussions between the Council, the water company, Thames Water, and the appellant, including a submitted SoCG on this matter, there is clearly an issue with foul drainage capacity in the village.

139. The appellant's case is that there is a duty on Thames Water under s94 and s37 of the Water Industry Act 1991 (the WIA) to provide capacity to accommodate new developments; this is agreed in the SoCG. Thames Water have indicated that they have a scheme for network reinforcement in place for Bramley, although requiring internal approval, they consider it could be delivered within their standard timescales of 18-20 months. As a result, the appellant is seeking a condition to address this matter, with temporary arrangements were the Thames Water scheme to be delayed.

140. Notwithstanding this, it is clear that there remains considerable concern within the village that such improvements will be delivered on time and will address not just the impact of the proposed scheme but the existing and ongoing problems that residents in various locations across Bramley are dealing with now. Even during the period of the Inquiry there was evidence of

sewers discharging within the village<sup>22</sup>. The local Council representatives referred me to considerable levels of correspondence<sup>23</sup> with Thames Water and set out their own concerns that any improvements will not achieve the necessary benefits for the whole village. They point to developments at St James Park, Bramley View and Centenary Park all taking place without a comprehensive scheme to address the issues.

141. I have considerable sympathy with local residents who have been affected but must consider the commitments that have been made by both the water company and the appellant in relation to this specific case. To that end I have a clear commitment from Thames Water that they have a solution awaiting implementation and that it will be delivered within their normal timescales, unless there is, what they described, as a complex solution being needed, in which case they would agree an infrastructure phasing plan.
142. This is an expected requirement on the water company who have a statutory duty to accommodate new developments. This duty is enforceable under s18 of the WIA, in this case by Ofwat. In planning terms, while I note the concerns of the local councillors that neither Thames Water nor the enforcing authority are meeting those commitments, the Framework specifically requires that in taking planning decisions it should be assumed that separate pollution control regimes, in this case including the WIA, should operate effectively<sup>24</sup>. This does not mean that a proposal to operate with an unsustainable or inappropriate foul drainage scheme cannot be considered, but does apply where a proposal is to connect to a mains drainage network and there is no objection from the water undertaker.
143. The point of disagreement with the Council concerns the wording of the condition that would ensure that the proposal is delivered in line with the provision of upgrades to the foul drainage network. In this case, I consider that a 'Grampian' condition could meet the relevant tests and could address concerns regarding the risk of pollution.
144. However, initial proposals, on which there was disagreement, related to the appellant's suggestion that should the anticipated improvements not be delivered, that the scheme could still deliver up to 50 units with provision for tankering the foul drainage. The scheme would require storage and a pumping station on site. At the round table session, it was established that it would be feasible that the storage capacity could hold foul flows from up to 50 units and allow for a daily, or more frequent, tankering of waste away to a suitable treatment works. However, this would represent a materially less sustainable solution and, as it would entail additional costs and environmental risks, and in my view, is not one suitable to be considered as a long-term solution.
145. At the time of the production of the SoCG, the Council remained concerned that the appellant's proposed condition expressly allowed for temporary measures as opposed to an infrastructure phasing plan that would link the delivery of housing with the provision of sufficient capacity. Following the round table discussion at the Inquiry, a revised version of the appellant's condition was presented identifying a timescale for improvements and specific triggers for implementation of agreed temporary measures.

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<sup>22</sup> ID17

<sup>23</sup> ID9

<sup>24</sup> Framework paragraph 188

146. To my mind, the focus must be on delivery of capacity improvements to align with occupation of any housing. The Planning Practice Guidance (PPG) notes that local authorities should consider how development should be phased where the timescales for improvement works do not align with development needs. However, developers should also be able to have confidence in their investment decisions and cannot be unfairly disadvantaged by delays which may be outside of their control.
147. As such the proposed revised condition seeks phasing of the occupation to delivery of improvement or submission of an infrastructure phasing plan, in this case, to include timescales for implementation and temporary measures for up to 50 houses. To my mind, a phasing plan should only be considered if the water undertaker is unable to deliver within its stated expected timeframe of 18 to 20 months, as set out in the SoCG, and it is important that any plan or temporary measures be agreed in writing with the Council. In such circumstances, I consider that this condition would meet the relevant tests and ensure that development of this site would not lead to exacerbation of the known sewerage issues within Bramley. It would therefore comply with Local Plan Policies CN6, EM6, EM12, which seek to ensure that infrastructure is provided by new development which should protect water quality and not result in pollution detrimental to quality of life.

### ***Highway Safety and Capacity***

148. This is not a matter of contention between the appellant and the Council following the submission and acceptance of the revised detailed design for the access. Nonetheless, I appreciate there are a number of ongoing concerns regarding The Street and the highway capacity through the village, with the potential for associated use of less suitable alternative routes.
149. On this matter, the appellant and the highway authority, Hampshire Country Council, agreed a SoCG. This confirmed that, subject to the original transport Assessment and two further addendums (the TA), details of the revised access arrangement, revised junction capacity testing, additional travel plan information and footway improvements, among other matters, they, and subsequently the Council, had no objections to the proposals.
150. Bramley is a village with some facilities and services, including the pub, shop, bakery and a range of community facilities. It has very good and accessible train links and is of a scale that most places are walkable. Indeed, I walked the route from the proposed access to the train station and over the level crossing and found it a relatively short and easy route, notwithstanding some issues with the pavements and crossing points, some of which are identified for improvement under this scheme.
151. Principle concerns remaining related to the excessive speeds of some drivers on The Street and the contribution the scheme could make to congestion in the village associated with operation of the level crossing. A wider issue was raised in relation to the increasing use of the rail line resulting in a greater number of crossing closures needing a strategic solution to the crossing. However, this is not a matter that could be addressed in relation to a single development, but is a matter that may be considered at a plan level and may involve solutions more associated with the road and rail network than development.

152. It is clear that the TA identified that speeds above the speed limit are a potential issue along The Street. While it can be argued that enforcement should ensure that speed limits are observed, I am satisfied that the junction and associated visibility spays have been designed to respond to these higher speed levels. I note that the design has been informed by an independent Stage 1 Road Safety Audit and would be subjected to further assessment before construction.
153. Turning to the issue of congestion. The TA made some assumptions on the levels of traffic likely to be associated with the scheme utilising industry standard approaches based on the TRICS<sup>25</sup> database. From this, an assessment of the split of drivers turning right and left out of the entrance was applied to assess the contribution of new traffic from the proposal to existing levels of traffic in the village. This was compared with the existing traffic flows based on survey data. Following discussions at the Inquiry, I am satisfied that these figures are reasonable and have allowed for the influence of the pandemic on travel levels.
154. While this strongly suggests that the scheme would not lead to a severe impact or unacceptable impacts on highway safety, local residents and Councillors remained concerned about the effect on queueing at the level crossing.
155. This train route is a busy one, evidence given at the Inquiry suggested some 36 freight movements and 96 passenger movements a day and that these are likely to increase. The TA considered existing capacity and queueing associated with level crossing closures and found that while there would be some additional cars added, the effect on using alternate routes would be minimal.
156. As suggested by interested parties, the level crossing would appear to close on some occasions for a longer period to allow for two trains to pass. It is unavoidable that at these times queue lengths will be increased and the scheme would add some additional cars to this queue. In addition to the perceived disruption residents suggest would be involved, there were concerns expressed regarding "rat-runs" triggered by these queue lengths. However, the assessment identified this would be around 30 extra cars per hour and would add only around two vehicles to the back of the maximum queue at the level crossing.
157. There are clearly a number of routes that can be taken to head towards Basingstoke as an example, from Bramley. The use of Minchens Lane as an alternative to bypass the crossing would place cars onto a noticeably poorer route with limited passing paces and forward visibilities. Nonetheless, the time delays do not appear to support a significant change to such routes over the well-established and, even with some queuing, faster route available to access the A33. On balance, while there could be some effect in delays; this position is agreed with the highway authority who found any increase to be within the capacity of the crossing; overall, I cannot conclude that these effects would meet the test of being severe in terms of the Framework<sup>26</sup>.

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<sup>25</sup> The Trip Rate Information Computer System

<sup>26</sup> National Planning Policy Framework – Paragraph 111

## Other Matters

158. A number of concerns were put forward by local residents and other interested parties of which most have been addressed in the main issues above. However, among those put to this appeal, two remain: the development of a greenfield site and impact on ecology; and the overall impact on infrastructure, and in particular the capacity of the GP surgery.
159. While I note that an application was made for the site to be a Local Green Space<sup>27</sup>, it is not recorded as such in the NDP<sup>28</sup> and there is no evidence before me that it is to be taken forward as such in the emerging Local Plan. In terms of ecology, while the proposal would build on current agricultural land, there is substantial evidence, in the biodiversity net gain calculations for example, that there would be an overall positive effect on biodiversity, albeit that cannot be species specific, and some species reliant on open farmland may be affected while other species may benefit very significantly. On balance, I do not consider that this weighs against the proposal.
160. Turning to infrastructure, I deal below with the contributions that will be made by the scheme and I note that it expressly seeks to address facilities identified in the NDP<sup>29</sup> as needed or desired by the community. This includes the community building which has been proposed, although not secured, as another retail outlet to the west of the settlement. Nonetheless, I also note the very real concerns regarding the GP surgery.
161. Proposal such as this contribute to an overall infrastructure requirement in accordance with plans set out by the Council, who have not objected on this basis. While I do not have sufficient evidence to conclude that the provision of storage in the community building to support the capacity for the surgery is secured, I do note that it is a proposal and overall, I conclude that additional pressure on infrastructure does not weigh materially against the proposal.

## Planning Balance

162. That this is a sensitive site would not be an overstatement. There are heritage assets of value, direct public access to a network of public footpaths to three sides, including ones of obvious local use and a longer distance network regional value. The effect of that sensitivity is a proposal that includes an exceptionally high level of open space to provide separation, screening and the provision of facilities sought by the community.
163. I have found harm to heritage assets and have given this weight in accordance with my statutory duties and Framework expectations. Nonetheless, this harm would generally be to the lower end of LTS and must be considered against the public benefits of the proposal.
164. The scheme would provide important public benefits, including the provision of new and affordable homes in a district with an acknowledged shortfall in housing land supply, together with the provision of other community facilities. It would also provide considerable biodiversity benefits, additional footpath links and secure some pedestrian improvements within the local area.

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<sup>27</sup> ID 11

<sup>28</sup> NDP - Illustration 6d

<sup>29</sup> NP Paragraph 5.35



165. Although the main parties differed on the descriptors to be applied to the scale of these benefits, I have taken on board their arguments, including in relation to the proposed facilities meeting or otherwise the needs of the community.
166. I give very significant weight to the benefits of the housing, notably in acknowledgement of the specific need in Bramley for affordable housing and in the district for market housing. I give significant weight to the economic benefits that would arise, and I give moderate weight to the community facilities as, while they would appear to be sought by the community, some, and possibly all in relation to the allotments, are in part to meet the needs of the development. I also give moderate weight to the biodiversity benefits, as although these would be considerable, they are a result of the need to create buffers around the housing to reduce harms to the heritage assets.
167. Nonetheless, set against my findings of heritage harm, even taking account of the importance of the Grade I listed church, I consider that these public benefits, taken in the round, would outweigh the LTS harm I have identified.
168. Turning then to the main issues and compliance with the Development Plan. I have generally found the relevant policies to be consistent with the Framework, including Policy SD1 that has a direct link to the Framework and the presumption it sets out in favour of sustainable development. Notwithstanding my findings on highway matters and drainage, I have found that the proposal does not align with the settlement strategy, Policy SS1 and Policy SS6, and would result in harm to the landscape character and appearance of the area contrary to Local Plan Policies EM1 and EM10 and NDP Policy D1. I have set out that this harm would be moderate to major adverse and I consider this to be of moderate weight against the proposal. I have also found harm to heritage assets contrary to Local Plan Policies EM10 and EM11 and NDP Policy D1. I have found this harm to be significant.
169. In addition, the appellant identified nearly 18Ha of the site as best and most versatile (BMV) agricultural land. Any development of a greenfield site will result in the loss of countryside, either of agricultural, recreational or ecological value. In this case, while much may be retained as open land, it would be lost from production other than for community use, and the loss of BMV consequently represents moderate harm against the proposal.
170. I have found benefits arising from the provision of housing, biodiversity, community facilities and economics that can be considered holistically as being of very significant weight in favour of the proposal. Nonetheless, overall, I consider that the proposal would not accord with the development plan and must be considered in accordance with Local Plan Policy SD1 against other material considerations, including the Framework.
171. As a result of the HLS position, those policies most relevant must be considered out-of-date and the tests under paragraph 11d) apply. My finding regarding heritage assets means that there are no policies within the Framework which provide a clear reason for refusal. The proposal therefore falls to be considered under paragraph 11d)ii.
172. In such circumstances, the adverse impacts I have identified do not significantly and demonstrably outweigh the very significant weight I have

identified in terms of the proposal's benefits; the presumption in favour of sustainable development applies.

173. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. However, in this case other considerations indicate the decision should be taken otherwise than in accordance with the development plan.

### **Planning Obligation**

174. The Council has an adopted CIL Schedule, but additional contributions are addressed in the submitted Unilateral Undertaking (UU). This additionally sets out the provision of 40% affordable housing, which the Council have accepted would ensure appropriate provision, the provision of equipped play space, multifunctional green spaces, the skate park, bowling green and clubhouse, allotments and community building. It further secures the highway works including pedestrian and crossing improvements.
175. The Council raised concerns regarding the community building use, but I note that the UU requires Council agreement of a marketing, maintenance and management plan which should allow sufficient control over the intended use. However, it would remain dependant on commercial opportunities to determine whether it would be a shop, storage for the surgery or some other use for the community. Concerns regarding the allotments are adequately addressed in the requirement to approve the specification.
176. The UU also addresses contributions in relation to monitoring requirements and specifically to a School Travel Plan and to public rights of way, and I have considered these matters in light of the Framework, paragraph 57, and the statutory tests introduced by The Community Infrastructure Levy (CIL) Regulations, 2010.
177. In terms of these contributions, I note the justification in the HCC responses dated 21 July 2022<sup>30</sup> and in principle acceptance by the appellant in the SoCG; I see no reason to disagree.
178. However, as set out above, the appellant questions the extent of the rights of way contribution sought. It is obvious that the introduction of housing here and links to the footpath network would result in increased pressure on these footpaths from new residents as well as from increased use by people from outside the development attracted by and accessing the new facilities proposed.
179. A detailed submission was made<sup>31</sup> confirming the costings and intended delivery associated with the sums sought. On this basis, I am satisfied that this contribution meets the relevant tests
180. The S106 agreement is a material consideration. I am satisfied those provisions relating to affordable housing, community facilities and financial contributions meet the three tests of the 2010 Regulations, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Each may be justified by reference to the objectives of

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<sup>30</sup> CD2.9

<sup>31</sup> ID19

the relevant parts of the development plan. I have therefore taken it into account in determining the appeal.

### **Conditions**

181. Turning to conditions. I have had regard to the advice in the Planning Practice Guide and the suggested conditions, which were discussed at the Inquiry. In addition to standard commencement conditions, for an outline application (Conditions 2, 3 and 4), I have imposed a plans condition as this is necessary in the interests of certainty and highway safety (1). Specifications for the Reserved Matters are required to ensure delivery of a high-quality development (5), including landscaping (6) and site levels (7).
182. Pre-commencement conditions are required. I have imposed these in the interest of ensuring appropriate controls during the construction period related to living conditions and highways safety (8), as well as servicing of the community building (9) and highway improvements (10), also to accord with proposals and secure highway safety. Tree protection shall be secured through an approved protection plan (11) and, in light of the past historic connections of the site, archaeological surveys, and, if required, mitigation programmes are also necessary (12 and 13). Similarly, a condition requiring a contaminated land assessment is required, along with any required remedial works (14) and verification (15), to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Finally, to address flood risk, I have imposed a pre-commencement condition to prepare a drainage strategy (16) and to include future maintenance and management responsibilities (17).
183. To protect and enhance species and habitats on site, I have imposed conditions to ensure compliance with the prepared strategies and assessments, subject to verification surveys prior to works commencing on site (18 and 19), and to protect bats, I have imposed a condition requiring a lighting scheme (20). For highways safety and to ensure an appropriate provision I have imposed a condition seeking details of refuse and recycling provisions (21), and to ensure sustainable water use, one requiring details of construction to maximise efficiency (22). To address any noise concerns from required mechanical heating or ventilation, an internal noise rating is set out (23). Accessible and adaptable housing standards are required for a minimum of 15% of properties (24)
184. Prior to occupation, the access and appropriate visibility splays must be secured (25), as well as the future management and maintenance of streets within the development (26), in the interest of highways safety. Finally, it is necessary to address the foul drainage restrictions associated with the sewerage capacity issues within Bramley (27), as considered in my drainage section above.
185. I have chosen not to impose two conditions suggested by the Council which expressly dealt with matters that will be subject to Reserved Matters applications. Furthermore, there was discussion at the Inquiry over whether a condition requiring compliance with the DAS should be imposed, although no such condition was formally tabled. This scheme is highly dependent on a design which delivers on the ambition of extensive and protective open space of ecological value as set out in the DAS. I am satisfied that the requirement to comply with this ambition is sufficiently clear that a condition would be

unnecessary and, as set out above, I consider that the Council would be in a strong position to resist any deviation from the principal layout and delivery of facilities encompassed in the illustrative masterplan.

### **Conclusion**

186. The appeal scheme would conflict with the development plan taken as a whole. However, in this instance, material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan.

187. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Mike Robins*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Charles Banner KC  
and Nick Grant

Counsel for and instructed by Wates  
Developments Ltd

They called:

Jeremy Smith  
BSc(Hons) PGDip LA, MCLI

Landscape: Director - SLR Consulting Limited

Richard Burton  
AOU BA(Hons) DIPLA CMLI

Urban Design: Director - Terence O'Rourke Ltd

Gail Stoten  
BA(Hons) MCIA FSA

Heritage: Director - Pegasus Planning Group

James Bevis  
MEng CMILT

Transport/Highways: Partner of i-Transport LLP

Alan Brackley  
BEng(Hons) CEng FICE  
FIStructE FCIHT

Drainage: JNP Group Consulting Engineers

Asher Ross  
BSc(Hons) MPhil MRTPI

Planning: Director - Wates Developments Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

Heather Sargent  
of Counsel

Instructed by Basingstoke and Deane Borough  
Council

She called:

Dr David Hickie  
BSc(Hons) MA PhD CMLI  
ASLA CEnv MIEMA IHBC

Landscape and Heritage:  
Principal Consultant David Hickie Associates

Tim Dawes  
BA(Hons) MRTPI

Planning Matters:  
Planning Director Planit Consulting

### INTERESTED PARTIES:

Mr Carne  
Cllr Flocks  
Cllr Bell  
Cllr Tomblin  
Cllr Durrant  
Cllr Robinson

Local Resident – Stokes Farmhouse  
Parish Councillor – Chair of Planning Committee  
Bramley Parish Council  
Parish and Ward Councillor  
Parish and Ward Councillor  
Ward Councillor – Chair of Development Control Committee

## **SCHEDULE 1: DOCUMENTS**

Inquiry Documents and Core Documents are available on [22/00029/FTD | Outline planning permission Stocks Farm The Street Bramley Hampshire \(basingstoke.gov.uk\)](https://www.basingstoke.gov.uk/planning-permission/stocks-farm-the-street-bramley-hampshire)

### INQUIRY DOCUMENTS

ID1	Notification Letter
ID2	British Standard 7913 – 2013 – see core document CD.5.16
ID3	ICOMOS guidance on heritage
ID4	Extract GLVIA 1
ID5	Council’s Case Law Authorities a) Wyatt b) Visao Limited
ID6	Council’s Opening Statement
ID7	Appellant’s Opening Statement
ID8	Cllr Bell’s comments
ID9	Package of sewerage statements and emails from the Parish Council
ID10	Future Development Challenges – Overview
ID11	Local Green Space – Site Promotion Form
ID12	Councillors Tomblin’s comments
ID13	Cllr Robinson’s comments
ID14	Housing Land Supply Statement of Common Ground
ID15	Basingstoke and Deane Borough Council: Updated Housing Land Supply Position (January 2023)
ID16.1	17/00818/OUT Manydown Decision Notice
ID16.2	23/00032/FUL Manydown Planning Statement
ID17.1	Sewage problems in Bramley, Feb 2023
ID17.2	Sewage Photos Bramley
ID17.2	Sewage Photos Bramley
ID18	Use Class Order – Extract
ID19	Countryside Planning Service – Right of Way Contribution Calculation
ID20	Council Closing Statement
ID21	Appellant Closing Statement
ID22	JPL Article
ID23	Case Law – Swainsthorpe Parish Council, R v Norfolk County Council [2021] EWHC 1014 (Admin)

### Submitted after the Inquiry

ID24	Unilateral Undertaking signed and dated 1 February 2023
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## CORE DOCUMENTS

### CD1: Application Documents

- CD1.1 – Planning Statement
- CD1.2 – Design and Access Statement
- CD1.3 – Landscape and Visual Appraisal
- CD1.4 – Transport Assessment
- CD1.5 – Framework Travel Plan (May 2022)
- CD1.6 – Heritage Statement (March 2022)
- CD1.7 – Flood Risk Assessment and Drainage Strategy
- CD1.8 – Utilities Appraisal
- CD1.9 – Environmental Statement
- CD1.10 – Foul Water Drainage Strategy (31 January 2022)
- CD1.11 – 1st Transport Assessment Addendum (5 May 2022)
- CD1.12 – 2nd Transport Assessment Addendum (17 August 2022)

### CD2: Council / Consultee Documents

- CD2.1 – Council Screening Report (Ref: 21/03344/ENSC)
- CD2.2 – Updated Housing Land Supply Position (March 2022)
- CD2.3 – Council's Putative Reasons for Refusal
- CD2.4 – 1st Historic England Response (8 March 2022)
- CD2.5 – 2nd Historic England Response (21 April 2022)
- CD2.6 – Council's Historic Environment Response (3 May 2022)
- CD2.7 – Council's Landscape Team Response (26 April 2022)
- CD2.8 – HCC Highways 1st Response (31 March 2022)
- CD2.9 – HCC Highways 2nd Response (21 July 2022)
- CD2.10 – HCC Highways 3rd Response (19 October 2022)
- CD2.11 – Council Annual Monitoring Report 21-22 (December 2022)

### CD3: Planning Policy

- CD3.1 – Basingstoke and Deane Local Plan 2011-2029
- CD3.2 – Bramley Neighbourhood Development Plan 2011-2029 (March 2017)
- CD3.3a – Conservation Area Appraisal Bramley and Bramley Green
- CD3.3b – Conservation Area Map Bramley and Bramley Green
- CD3.4 – Housing SPD (2018)
- CD3.5 – Landscape, Biodiversity and Trees SPD (2018)
- CD3.6 – Planning Obligations and Infrastructure SPD (2018)
- CD3.7 – Heritage SPD (2019)
- CD3.8 – National Design Guide

### CD4: Case Law / Judgements

- CD4.1 – APP/H1705/W/21/3269526, Land to the East of Station Road, Oakley, Hampshire Station Road Decision
- CD4.2 – APP/H2265/W/20/3256877, Land West of Winterfield Lane, East Malling ME19 5EY Winterfield Lane Decision
- CD4.3 – APP/H2265/W/20/3256877, Land between Woodchurch Road and Appledore Road, Tenterden, Kent TN30 7AY Tenterden Decision
- CD4.4 – APP/D0121/W/21/3286677, Rectory Farm, Chescombe Road, Yatton, Bristol BS49 4EU Yatton Decision

- CD4.5 – APP/H1705/W/21/3276870, Land Adjacent to Two Gate Lane, Basingstoke RG25 3TG Two Gate Lane Decision
- CD4.6 – APP/H1705/W/21/3274922, Land west of Pond Close, Overton RG25 3LY Pond Close Decision
- CD4.7 – APP/H1705/W/20/3256041, Land south of Silchester Road and west of Vyne Road, Bramley RG26 5DQ Silchester Road Decision
- CD4.8 – APP/A1720/W/20/3254389, Land east of Posbrook Lane, Tichfield, Fareham PO14 4EY Posbrook Lane Decision
- CD4.9 – APP/L3815/W/22/3291160, Land south of Clappers Lane, Earnley, Chichester PO20 7JJ Clappers Lane Decision
- CD4.10 – APP/H1705/W/22/3300098, Land adjoining Clift Surgery, Minchens Lane, Bramley, Basingstoke, Hampshire RG26 5BH Clift Surgery Decision
- CD4.11 – Council of the City of Newcastle Upon Tyne v Secretary of State for Levelling Up, Housing and Communities [2022] EWHC 2752 (Admin) (01 November 2022 Newcastle HC Judgement)

#### CD5: Other / Misc

- CD5.1 – Landscape Institute and IEMA: Guidelines for Landscape and Visual Impact Assessments Version 3 (2013)
- CD5.2 – Assessing Landscape Value Outside National Landscape Designations (Landscape Institute Guidance Note 02/21)
- CD5.3 – Basingstoke and Deane Landscape Character Assessment (2021)
- CD5.4 – Basingstoke and Deane Landscape Sensitivity Study (2021)
- CD5.5 – Basingstoke and Deane Green Infrastructure Study (2018)
- CD5.6 – Natural England’s National Landscape Character Area (NCA) 129: Thames Basin Heath
- CD5.7 – Hampshire County Integrated Character Assessment (May 2012)
- CD5.8 – Basingstoke, Tadley and Bramley Landscape Capacity Study (February 2008)
- CD5.9 – ILP Guidance Note 01/21 – The Reduction of Obtrusive Light (2021)
- CD5.10 – Historic England The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (2nd Edition)
- CD5.11 – English Heritage Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment (London, April 2008)
- CD5.12 – Historic England Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2 (2nd Edition, Swindon, July 2015)
- CD5.13 – Historic England Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12 (Swindon, October 2019)
- CD5.14 – Planning Practice Guidance: Historic Environment (PPG) (revised edition, 23rd July 2019)
- CD5.15 – Secretary of State Screening Direction
- CD5.16 – BSI Guide to the Conservation of Historic Buildings (2013)

#### CD6: Appeal Documents

- CD6.1 – Appellant’s Statement of Case
- CD6.2 – Overarching Statement of Common Ground
- CD6.3 – Council’s Statement of Case

- CD6.4 – Statement of Common Ground between Appellant and Hampshire County Council (Highways)
- CD6.5 – Statement of Common Ground between Thames Water, Basingstoke and Deane Council and the Appellant (Drainage)
- CD6.6 – Statement of Common Ground between Appellant and Basingstoke and Deane Council (Landscape)

## **SCHEDULE 2: CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan –Application Boundary
  - Proposed Site Access Arrangement, No: ITB15312-GA-001 Rev F
- 2) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Applications for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) Applications for the approval of reserved matters shall be supported by a statement of how the development will be of a high quality of sustainable design. This will include reference to how the layout, design and construction of the development will involve the efficient use of natural resources through reducing resource requirements in terms of energy demands and water use; the consideration of opportunities for renewable and low carbon energy technologies; the use of passive solar design to maximise the use of the sun's energy for heating and facilitate sustainable cooling of buildings; and the mitigation of flooding, pollution and overheating.
- 6) Applications for the approval of landscape reserved matters shall be accompanied by a hard and soft landscape plan, ground levels and contours across the site and an implementation programme.

The development shall be carried out and thereafter maintained in accordance with the details so approved, (and in accordance with the separate Landscape Management Plan secured under any agreed Unilateral Undertaking, to include detailed long term design objectives, management responsibilities and maintenance schedules for all landscape areas to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity, and including provisions for review at least every five years).

Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the local planning authority.
- 7) Applications for the approval of reserved matters shall be accompanied by a measured survey and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby agreed datum point which shall be submitted to and approved in writing by the local planning

authority. The development shall be carried out in accordance with the approved details.

- 8) No development shall take place (including site preparation and any groundworks) until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The approved Management Plan shall be adhered to throughout the construction period. The Management Plan shall include:
- Procedures for maintaining good public relations including complaint management;
  - public consultation and liaison;
  - arrangements for liaison with the Council's Environmental Protection Team;
  - all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the local planning authority, shall be carried out only between the following hours: 0730 Hours and 1800 Hours on Mondays to Fridays and 0800 and 1300 Hours on Saturdays and at no time on Sundays and Bank Holidays;
  - deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
  - mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
  - procedures for emergency deviation of the agreed working hours;
  - an undertaking to require all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment;
  - control measures for dust, dirt and other air-borne pollutants;
  - measures for controlling the use of site lighting whether required for safe working or for security purposes;
  - the approved plan shall be adhered to during the demolition / construction period of the development;
  - means of direct access (temporary or permanent) to the site from the adjoining maintainable public highway;
  - the parking and turning of vehicles of site operatives and visitors off carriageway, timeframes of delivery to be provided;
  - loading and unloading of plant and materials away from the maintainable public highway, where appropriate;
  - storage of plant and materials used in constructing the development away from the maintainable public highway;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - a scheme for recycling and disposing of waste resulting from construction work, the management and coordination of deliveries of

plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (0630 to 0930) and PM peak (1600 to 1830) periods;

- the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary;
- method of cleaning wheels and chassis of all HGV's, plant and delivery vehicles leaving the site;
- means of keeping the site access road and adjacent public highway clear of mud and debris during site demolition, excavation, preparation and construction. No vehicles shall leave the site in a condition whereby mud, clay or other deleterious materials shall be deposited on the public highway.

The scheme shall be implemented in accordance with the approved details and shall be installed and operational before any development commences and retained in working order throughout the duration of the development.

- 9) No development shall take place until a Service Management Plan including details of how the servicing of the use Class E unit will be managed, including limits on the maximum size and weight of vehicle which will serve the unit, has been submitted to and approved in writing by the local planning authority. The maximum size of vehicle serving the Class E unit shall not exceed 7.5T box van or a 7.5T rigid vehicle. The development shall be operated in accordance with the approved Service Management Plan for the lifetime of the development.
- 10) No development shall take place on the site until a scheme has been submitted to and approved in writing by the local planning authority detailing pedestrian and cycle connections to the surrounding network and improvements to the local pedestrian facilities on the highway including tactile paving provision and the upgrading of the bus stops, together with a scheme of delivery. The approved connections and highway works shall be implemented in accordance with the scheme of delivery agreed above.
- 11) No development or other operations (including site preparation and any groundworks) shall commence on site until a Tree and Hedgerow Protection Plan has been submitted to and approved in writing by the local planning authority to secure protection to trees and hedgerows which are to be retained on or close to the site (including the new access). These details shall include an Arboricultural Impact Assessment (AIA), an Arboricultural Method Statement (AMS) and a Tree/hedge Protection Plan, all prepared in accordance with BS5837:2012 "Trees in relation to design, demolition and construction". The approved tree and hedgerow protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree and Hedgerow Protection Plan.



- 12) No development shall take place on site until an archaeological evaluation of the site has been carried out in accordance with a written scheme of investigation which has first been submitted to and approved by in writing the local planning authority. The results of the investigation shall inform mitigation required in connection with condition 13.
- 13) No development shall take place on site until a programme of archaeological mitigation (if required) has been submitted to and approved in writing by the local planning authority. The programme of archaeological mitigation shall be carried out in accordance with the approved details.
- 14) No works pursuant to this permission (excluding demolition, removal of existing hardstanding and any underground infrastructure) shall commence until there has been submitted to and approved in writing by the local planning authority:-
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the local planning authority,
- (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring.
- Important note: Unless part (a) identifies significant contamination, it may transpire that part (a) is sufficient to satisfy this condition, meaning parts (b) need not be subsequently carried out. This would need to be agreed in writing by the local planning authority. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the local planning authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM).  
<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- 15) The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the local planning authority a verification report carried out by the competent person approved under the provisions of condition 14(b) that any remediation scheme required and approved under the provisions of condition 14(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:
- as built drawings of the implemented scheme;

- photographs of the remediation works in progress;
- certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(b).

- 16) No development shall take place until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment and Drainage Strategy ref: C86573-JNP-XX-XX-RP-C-1001, has been submitted and approved in writing by the local planning authority. The submitted details should include:

- A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
- Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
- Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.

The drainage features should have the same reference that the submitted drainage layout.

- Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
- Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
- Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
- Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall be carried out in accordance with the approved details.

- 17) Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a) Maintenance schedules for each drainage feature type and ownership
  - b) Details of protection measures.
- 18) The recommendations and procedures contained within the Dormouse Mitigation Strategy by Ecology Solutions dated May 2022 shall be subject to a verification survey prior to works commencing on site. The verification survey report shall be submitted to and approved in writing

- by the local planning authority. Development should be undertaken in line with those recommendations, including any approved modifications arising from the survey.
- 19) The recommendations and procedures contained within the Ecological Assessment by Ecological Solutions dated 12/2021, shall be subject to a verification survey prior to works commencing on site. The verification survey report shall be submitted to and approved in writing by the local planning authority. Development should be undertaken in line with those recommendations, including any approved modifications arising from the survey.
  - 20) No development above ground floor slab level shall commence on site until a fully detailed lighting scheme has been submitted to and approved in writing by the local planning authority. The lighting scheme shall include full lighting specifications and address the cumulative effects of external lighting sources upon nocturnal animals sensitive to external lighting (such as owls, bats and dormice). The lighting shall be installed before the development is first occupied and shall thereafter be operated and maintained in accordance with the approved scheme.
  - 21) No development above slab level shall take place on site until details of the refuse and recycling storage and collection facilities have been submitted to and approved in writing by the local planning authority. All dwellings shall provide for 1 number 140ltr refuse 2-wheeled bin, 1 number 240ltr recycling 2-wheeled bin and 1 number glass recycling box within their respective curtilages with a transit route between the storage and collection point not more than 15 metres carrying distance from the carriageway. The areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling. The approved details shall be constructed and fully implemented before the use hereby approved is commenced and shall be thereafter maintained in accordance with the approved details.
  - 22) No development above ground floor slab level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 23) Where it is necessary to install mechanical ventilation heat recovery (MVHR) the internal noise levels associated with any mechanical units and associated ductwork shall not exceed noise rating (NR) 25. The ventilation system shall be designed to ensure that noise from external sources is not conducted into any habitable room.
  - 24) A minimum of 15% of the properties (an appropriate housing mix) shall be built to accessible and adaptable standards (M4(2) compliant) to enable people to stay in their homes as their needs change. No development above ground floor slab level shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 25) No dwelling shall be occupied until the means of vehicular access to the site has been constructed in accordance with the approved plans (Drawing No. ITB15312-GA-001 Rev F). No structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans. These splays shall be maintained at all times thereafter. The access road and turning area shall be constructed to the equivalent of adoptable standards that thereafter maintained to a suitable condition to withstand repeated use by delivery vehicles or a waste collection vehicle of a minimum gross weight of 26 tonnes.
- 26) No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established, details of which shall have first been submitted to and approved in writing by the local planning authority.
- 27) No dwelling hereby permitted shall be occupied until
  - 1) the network reinforcement works necessary to accommodate the development are operational and the existence of sufficient sewage capacity is confirmed in writing to the local planning authority by the sewerage undertaker or
  - 2) an infrastructure phasing plan to ensure no exacerbation of sewage flooding in Bramley has been submitted to and agreed in writing with the local planning authority. The infrastructure phasing plan shall include details of the proposed infrastructure together with timescales for implementation, as well as trigger points for when any temporary measures may be brought into effect and details of what those temporary measures comprise.