



Appeal Decision

Hearing held on 11 December 2019

Site visit made on 12 December 2019

by David Prentis BA BPI MRTPI

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

Decision date: 20 December 2019

Appeal Ref: APP/N1730/W/19/3235219

Lord Wandsworth College, The Street, Long Sutton, Hook RG29 1TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Headmaster, Lord Wandsworth College against the decision of Hart District Council.
 - The application Ref 18/02670/FUL, dated 19 November 2018, was refused by notice dated 20 March 2019.
 - The proposal is a hybrid application for:
 - Land off Hyde Road - full planning permission is being sought for the erection of 17 dwellings including 2 x 2 bedroom bungalows, 3 x 2 bedroom houses, 6 x 3 bedroom houses, 4 x 4 bedroom houses and 2 x 5 bedroom houses
 - Land at Long Sutton Primary School - installation of new Multi Use Games Area (MUGA), visitor/staff/tennis court parking and coach layby
 - Hesters View - outline planning permission (all matters reserved except for access) for the erection of 8 affordable dwellings (2 x 2 bed and 6 x 3 bed)
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Decision

1. The appeal is dismissed.

Application for costs

2. At the hearing an application for costs was made by Long Sutton and Well Parish Council (the Parish Council) against the Headmaster, Lord Wandsworth College. This application is the subject of a separate decision.

Preliminary matters

3. The appeal relates to a hybrid application. Full planning permission is sought in respect of land off Hyde Road and land at Long Sutton Primary School. Outline planning permission is sought in respect of land at Hesters View, where only access is to be determined at this stage.
4. A unilateral undertaking dated 11 December 2019 (UU) was submitted at the hearing. The UU relates to affordable housing and the proposed multi-use games area (MUGA), car park extension and pedestrian access to Long Sutton Primary School (LSPS). These matters are discussed further below.
5. At the hearing it was agreed by the appellant and the Parish Council that the UU plans are in error insofar as they show a parcel of land to the east of Hyde Road being within the ownership of the appellant when, in fact, it has been

transferred to Hampshire County Council (HCC). The land in question is not within the application boundary and notice of the application was served on HCC. I do not think that anyone has been prejudiced by this error, nor would it prevent the UU from taking effect. At the hearing the Council pointed out a further error in the UU. Paragraph 13.3 duplicates paragraph 12.3, which prevents occupation of any dwelling until the additional parking has been provided. However, as construction of the pedestrian access would be secured by paragraph 13.2, I do not think that this error would have a significant effect on the intentions of the UU. I have taken the obligations contained in the UU into account in reaching my decision.

Main Issues

6. The main issues are:

- the effect of the proposals on the character and appearance of the area;
- the effect of the proposals on the historic environment, including on the character and appearance of the Long Sutton Conservation Area, the setting of the conservation area and the settings of listed buildings;
- whether the proposals would make adequate provision for affordable housing; and
- whether the proposals would deliver planning benefits to which weight should be attached in the planning balance.

Reasons

The policy context

7. The development plan includes the saved policies of the Hart District Local Plan (Replacement) 1996 – 2006 and the saved policies of the First Alterations to the Hart District Local Plan 1996 – 2006 (the saved LP). Policy RUR 2 seeks to restrict development in the open countryside, outside the defined settlement boundaries, unless specifically provided for by other policies of the saved LP. The application site is outside the settlement boundary and the housing proposals at Hyde Road and Hesters View are not provided for by other policies. The Council and the appellant agreed that the proposals would therefore be in conflict with the saved LP.
8. The appellant drew attention to a recent decision of the Secretary of State relating to Pale Lane Farm, Fleet¹ where the Secretary of State found that Policy RUR 2 is out of date because the settlement boundaries do not reflect current housing need. In that case he found that Policy RUR 2 was one of the 'most important policies', such that the tilted balance in paragraph 11(d) of the National Planning Policy Framework (the Framework) was engaged. He also found that Policy RUR 2 (and the conflict with it) should carry only moderate weight. At the hearing, the Council and the appellant agreed that Policy RUR 2 should carry moderate weight. I see no reason to disagree. I consider that Policy RUR 2 is also one of the 'most important policies' for this appeal. I return to the application of paragraph 11 in the conclusion to this decision.
9. The draft Hart Local Plan (HLP) is at an advanced stage of preparation. Consultation on the main modifications has been carried out and the

¹ APP/N1730/W/18/3204011

Inspector's Examination report is expected shortly. Subject to that report, the Council anticipates that the plan will be adopted in February 2020. Policy NBE1 of the draft HLP seeks to restrict development outside settlement boundaries, other than for some specific exceptions which are not applicable to the two housing proposals in this appeal. The draft HLP does not propose any alterations to the settlement boundary at Long Sutton. There is no evidence before me of significant unresolved objections relating to Long Sutton and I do not think that Policy NBE1 is inconsistent with the Framework. Consequently, given the advanced stage that the plan has reached, I consider that significant weight can be attached to emerging Policy NBE1. The housing elements of the appeal proposals would be in conflict with the policy because they do not fall within any of the types of development specified in the policy.

The effect of the proposals on the character and appearance of the area

10. Long Sutton contains several listed buildings, many of which are set within generous plots with mature landscaping, interspersed with some more recent development. The pattern of development is loose and informal. Whilst some buildings are set close to the village streets others are set well back. Several of the winding village streets have no footways and are bounded by hedges. These features result in a rural character.

Land off Hyde Road

11. This section of the appeal site comprises part of a much larger area of agricultural land to the east of Hyde Road. It is part of a gently rolling landscape of open fields separated by hedgerows and woodland within the Hart Downs Landscape Character Area (LCA). There is a linear belt of plantation woodland running north/south, the northern end of which lies within the appeal site. Although this is not a designated landscape, it is an attractive swathe of open countryside which is characteristic of the Hart Downs LCA. The appeal scheme would introduce residential roads and buildings, resulting in the loss of the rural character that currently exists. This would be harmful to the landscape character of the locality.
12. The proposals would include a short terrace and closely spaced semi-detached houses forming a street frontage perpendicular to Hyde Road. Further into the site there would be a group of detached houses, also closely spaced, arranged in a crescent facing The Street. The designs of the individual units would incorporate features found in the locality such as tile hanging and gables. Even so, the repetition of these elements, combined with the orderly layout, would create a suburban appearance that would be poorly related to the established feel of Long Sutton.
13. The site is bounded to the north by The Street, the main route into Long Sutton from the east. This part of The Street has a broad verge, beyond which there is a ditch and a bank sloping up to the appeal site. There is a line of hedging and trees, outside but adjacent to the site, which would provide some screening. However, this is not a strong landscape feature and I consider that the proposed houses would be clearly visible, particularly during the winter months. Moreover, they would be quite prominent as seen from The Street because they would be sited on higher ground. The suburban character of the development would also be readily appreciated from Hyde Road. Although this is a private road it is also a public right of way.

Land at Hesters View

14. This section of the appeal site also comprises part of a much larger tract of agricultural land which is characteristic of the Hart Downs LCA. It is separated from the built form of Chaffers Close and Hesters View by a bridleway which runs south west from Copse Lane. Development at Hesters View and Chaffers Close is largely hidden by vegetation and there is very little built development in view. Consequently, users of the bridleway currently have the sense of being in open countryside. Although there is a strip of woodland to the south east of the site, the proposed houses would be open to view from the north east and the south west. This means that they would be particularly visible to users of the bridleway.
15. Moreover, as viewed from the south west, the proposed houses would be sited at the crest of a rise making them very prominent. Viewed from either direction they would appear as an isolated group of houses, unrelated to the built form of Long Sutton.
16. The application is in outline with layout, scale, appearance and landscape to be determined at a later stage. Nevertheless, I consider that, whatever detailed design were adopted, the development of 8 dwellings would result in significant harm to the rural character of the landscape.
17. A further consideration is the loss of trees and vegetation to create a parking area within a separate triangle of land immediately adjacent to Hesters View. Whilst the proposals are in outline, it is hard to see how this loss of vegetation could be avoided given the number of parking spaces proposed. This would combine with existing parking areas to create a rather vehicle-dominated area between Hesters View and the proposed houses. The loss of vegetation would also open up views of the adjoining sewage treatment plant, which is currently quite well screened. All of this would emphasise the lack of integration between the proposed houses and the rest of the settlement.

Multi-use games area

18. The MUGA would be sited in a paddock which is bounded on three sides by domestic gardens. The south east side of the paddock adjoins a recreation ground. The MUGA would have fencing but would not be lit. Although it would be sited in an attractive open area, the MUGA would be seen in the context of a nearby sports pitch, pavilion and play equipment. In my view it would not appear out of keeping in this setting.

Car park extension

19. There is currently a small informal car park to the south of the recreation ground used by visitors to the recreation ground, play area and tennis court. It is also used by parents dropping children off at LSPS. The proposals include the extension of the car park into an adjoining field. There would be some loss of rural character due to the encroachment of a formalised car park into a currently undeveloped area.
20. There is a mature oak tree close to the north west corner of the tennis court. This appears to be a good specimen with a broad canopy spread. It makes a strong contribution to the rural character of its surroundings. I saw that the canopy spread is protected, on the car park side, by wooden posts which are no doubt intended to prevent car parking which might harm the root system.

The proposals would involve construction of hard surfaces in close proximity to this tree. Even if no-dig construction methods were employed, I consider that the amount of construction would be such that there would be a significant risk to the future health of the tree.

Conclusions on first main issue

21. Taken together, the proposals would be harmful to the character and appearance of the area for the reasons given above. They would conflict with saved LP Policies RUR 2, RUR 3 and GEN 3 which seek to restrict development in the open countryside and to protect landscape character. They would also conflict with Policy GEN 1, which requires development to be in keeping with local character, with Policy GEN 4, which seeks to sustain or improve the urban design qualities of villages and with Policy CON 8 which seeks to protect trees of significant amenity value.
22. Turning to the draft HLP, the proposals would conflict with Policy NBE1, which seeks to restrict development in the countryside, with Policy NBE3, which seeks to protect landscape character and with policy NBE10 which seeks to achieve high quality design which reflects the distinctive qualities of its surroundings.

The effect of the proposals on the historic environment

23. The Long Sutton Conservation Area Proposal Statement notes that the special character of the conservation area does not depend just on its listed buildings but also on the form and layout of the settlement and the landscape within and around it. It goes on to say that the village is in the midst of relatively open farmland and the built up area is generally glimpsed through trees and vegetation. The document identifies an important view from the junction of The Street and Hyde Road across agricultural land forming part of the appeal site. I agree that these features of the conservation area add to its special character and appearance and to its significance as a designated heritage asset.
24. The proposed MUGA would be located within the conservation area. However, for the reasons given above I do not think that it would appear out of keeping in this particular location. It would not harm the character and appearance of the conservation area.
25. The proposed housing development at Hesters View and the car park extension and coach layby at LSPS would be outside the conservation area. No party at the hearing suggested that these elements would be harmful to the setting of the conservation area and I see no reason to disagree.
26. The proposed housing development off Hyde Road would not be within the conservation area although it would be adjacent to the conservation area boundary. The Framework defines setting as the surroundings in which a heritage asset is experienced. The open rural character of the land at Hyde Road is part of the agricultural landscape which forms the setting of Long Sutton Conservation Area. It is therefore part of the setting which makes a positive contribution to the significance of the conservation area.
27. For the reasons given above, I consider that the loss of landscape character would be harmful and that the layout and appearance of the proposed housing would be poorly related to the established character of Long Sutton. These effects would be apparent from the viewpoint identified in the Conservation Area Proposal Statement and, more generally, from The Street and Hyde Road.

The Street, which is itself within the conservation area, is an important approach to Long Sutton. Hyde Road is a public right of way on the edge of the settlement. Consequently, I consider that the proposals would harm the setting of the conservation area in a way that would be harmful to its significance as a designated heritage asset.

28. In the terms of the Framework, the harm to the conservation area would be less than substantial. This does not mean that it would be minor or unimportant. The Framework makes clear that great weight should be given to conserving the significance of designated heritage assets.
29. The Court and Hydegate House are listed buildings in close proximity to the appeal site (land off Hyde Road). The Court dates from the 17th century and has both historic and architectural interest. However, there is no evidence of any historic or functional link between The Court and the appeal site. The Court is set within strong landscaping and is visually self-contained. I do not consider that the appeal site contributes to the ability to experience The Court to any material extent. The proposed development would not therefore be harmful to the setting of the listed building.
30. Hydegate House is a large timber framed dwelling dating from the 17th century². It has both historic and architectural interest. It has a relatively open setting and is seen in the context of agricultural land to the north and to the south (the appeal site). Although there is no evidence of any historic or functional link between the listed building and nearby agricultural land, the openness of the surroundings is an important aspect of the way in which the asset is experienced, including in views from The Street. The appeal site is close to Hydegate House and there are direct views from one to the other, albeit with some screening as described above.
31. As noted above, development on the appeal site would be quite prominent as seen from The Street, due to being sited on higher ground. It would also be prominent as seen from Hydegate House. In my view the loss of openness, together with the suburban character of the proposed development, would be harmful to the setting of the listed building. I consider that the harm to the significance of the listed building would be less than substantial.
32. Eggars Cottage is a listed building in Wingate Lane which backs onto the paddock where the MUGA would be sited. Having regard to my comments above in relation to the impact of the MUGA, and the separation distance that there would be between the MUGA and Eggars Cottage, I do not think that the proposal would have a harmful effect on the setting or the significance of the listed building.
33. In conclusion, I consider that the proposals would result in harm to the setting of the conservation area and the setting of Hydegate House. In both cases the degree of harm would be less than substantial. In accordance with paragraph 196 of the Framework, the harm (in each case) should be weighed against the public benefits of the proposals. I return to those balances in my overall conclusions. The proposals would be in conflict with saved LP Policy GEN 1 which (amongst other matters) seeks to conserve heritage assets. It would be in conflict with Policy CON 13 which seeks to conserve or enhance the character or appearance of conservation areas. This is because, in this case,

² It is thought that the building may have 16th century origins

development in the setting of the conservation area would cause harm to its character and appearance. The proposal would also be in conflict with draft HLP Policy NBE9 which seeks to protect the settings of heritage assets.

Whether the proposals would make adequate provision for affordable housing

34. Saved LP Policy ALT GEN 13 states that the Council will negotiate the proportion of affordable housing on each site based on a guideline of 40% of new housing being affordable in individual schemes. It also states that affordable housing should be integrated with market housing. Policy H2 of the draft HLP requires at least 40% of new homes on developments of 11 or more dwellings to be affordable housing. It goes on to say that the affordable housing should be provided on site, distributed throughout the development. This is consistent with paragraph 62 of the Framework which states that planning policies should expect affordable housing to be provided on site unless off site provision can be robustly justified.
35. The UU would provide for 32% of the units to be affordable housing. Although the UU does not specify the precise location of the affordable units, it is clear from the application documents (including the description of development), and the way the appellant put its case at the hearing, that the intention is for all the market housing to be at land off Hyde Road and all the affordable housing to be at Hesters View.
36. The appellant did not provide a viability appraisal of the appeal scheme as a whole. At the hearing, the appellant explained that the aspiration was to maximise the capital receipt from the land off Hyde Road by having 100% market housing there. This would (it was suggested) enable the funds to be used to carry out works at Gavin Hall within the Lord Wandsworth College campus. Land at Hesters View would be transferred to an affordable housing provider.
37. Thus the appellant's rationale for offering a level of affordable housing below that required by the saved LP and the draft HLP was not based on a conventional viability argument. Rather, the appellant considers that funding works at Gavin Hall would be a higher priority than providing a policy compliant level of affordable housing. There was no suggestion that the works at Gavin Hall were in any way made necessary by the appeal scheme, nor was the appellant able to identify any policy basis for this approach. I conclude that it has not been demonstrated that there is a justification for providing affordable housing below the level required by adopted and emerging policies.
38. I note that the UU provides an option for the decision maker to vary the amount of affordable housing. In practice that could mean 2 additional affordable units, (which would have to be at Hyde Road), bringing provision up to 40% affordable housing. However, in the absence of any information about development costs and values in that scenario, I do not consider that I have an adequate evidential basis for varying the UU.
39. Turning to the location of the affordable housing, the appellant argued that land off Hyde Road and land at Hesters View should be viewed as a single site by virtue of being part of the same application. On that basis, it was suggested, the proposals would accord with the policy requirement for the affordable housing to be on site.

40. I do not agree with the appellant's analysis. The two parcels of land are physically distinct. Land off Hyde Road is at the eastern extent of the settlement and land at Hesters View is almost at the western extent. The appellant may have chosen to include these two separate parcels in the same application but to my mind, as a matter of fact and degree, they are plainly two separate sites. In any event, saved LP Policy ALT GEN 13 requires the affordable housing to be integrated and draft HLP Policy H2 requires it to be distributed throughout the development and mixed with the market housing. The appellant's approach of separating the affordable housing into a physically distinct parcel of land in another part of the village is the antithesis of the approach required by the saved LP and the draft HLP.
41. I conclude that the proposals would not make adequate provision for affordable housing. In this respect the proposals would conflict with Policy ALT GEN 13 of the saved LP and with Policy H2 of the draft HLP.

Whether the proposals would deliver planning benefits to which weight should be attached in the planning balance

42. The proposals would deliver housing, which would bring social and economic benefits, including through increased spending in the local economy from the new residents. However, the total contribution from the scheme would be small in relation to the housing needs of the District. Moreover, the appellant did not dispute the Council's evidence that there is currently a 9.9 year housing land supply in Hart District. Consequently I attach only moderate weight to the benefit of housing delivery.
43. For the reasons given above, I consider that the proposed affordable housing would not meet policy requirements, either in respect of the amount of affordable housing or in respect of the failure to integrate affordable housing within the development. Consequently, I attach only limited weight to the benefit of providing affordable housing.

Funding of works to Gavin Hall

44. Gavin Hall is a building within the campus of Lord Wandsworth College which is used for performing arts. Planning permission was granted in 2015 for a scheme of extension and improvement to Gavin Hall. Some works have taken place pursuant to that permission but the appellant states that it does not have funding to carry out the bulk of the scheme, the estimated costs of which are £4.4 million. The appellant has submitted a valuation report which concludes that the land off Hyde Road (if permitted with no affordable housing) would generate a capital receipt of £3.5 million. At the hearing the appellant indicated that it would be able to achieve funding for the gap between these two figures, meaning that this potential capital receipt would enable the Gavin Hall project to proceed.
45. The appellant drew attention to the outreach activities undertaken by Lord Wandsworth College, pointing out that the benefits of the improved performance space would be enjoyed by pupils from a number of other schools in Hampshire. The appellant's planning statement indicated that the space could also be used by the community of Long Sutton. However, the Parish Council and some of those who made written representations questioned the need for such a facility, given the existence of a village hall within Long Sutton which is suited to hosting local events. Whilst the improved Gavin Hall would

no doubt support the College's outreach activities, there was little evidence before the hearing that it would be of material benefit to the local community in terms of the type of events typically held in a village hall or similar accommodation.

46. As noted above, the appellant did not suggest that there would be any planning link between the appeal scheme and the Gavin Hall improvements in the sense that the Gavin Hall improvements would meet an educational need arising from the proposed housing. Gavin Hall is not a heritage asset so the reference in the Framework to enabling development is not relevant here. In answer to my questions, the appellant was not able to point to any policy support for the proposition that the application of the funds generated by the grant of planning permission to an unrelated project should be regarded as an important material consideration.
47. The appellant did refer to a location in Hart District where, it was suggested, the Council has granted planning permission for housing on the basis that it would fund improvements to a school. However, I was not provided with any detail regarding the Council's reasoning in that case. In any event, I am bound to consider this case on its own merits.
48. Aside from the lack of any planning connection between the grant of planning permission at the appeal site and the proposed works at Gavin Hall, it is important to note that there would be no mechanism to secure the delivery of the Gavin Hall improvements in the event that the appeal is allowed. In answer to my questions, the appellant's planning consultant argued that there is no reason not to believe that the College is genuine in its intentions. Whilst I do not doubt the sincerity of the intentions, the planning system is charged with making important long term land use decisions in the public interest. Planning permission runs with the land and circumstances may change over time. I do not consider that an unsecured assurance of this nature, however well intentioned, is an adequate basis for determining a planning appeal such as this.
49. I note that the Framework refers to the need to create, expand or alter schools³. However, the Gavin Hall works already have planning permission. I do not think that the Framework can be read as creating a link between this appeal scheme and Gavin Hall where no such link otherwise exists. I take account of the potential for improvements to Gavin Hall as a material consideration. However, for the reasons given above, it is a consideration to which I attach very little weight.

The multi-use games area

50. The provision of a MUGA as part of the appeal scheme has resulted from discussions between the appellant and LSPS. The representation from LSPS on the planning application commented that the MUGA would serve the school for sports and for casual playing of ball games, if it is located where it can be supervised from the existing school playground. From what I saw the proposed location of the MUGA could not readily be supervised from the school playground due to intervening features such as a pavilion, fencing and vegetation. This would significantly limit its utility to LSPS.

³ Paragraph 94

51. The appellant states that the MUGA would benefit both LSPS and the local community. However, the UU only provides for use by LSPS. Community use is not secured in the UU. Moreover, the UU does not make any arrangements for future management or maintenance of the MUGA, nor does it say anything about the terms on which LSPS would use the facility beyond being '*ready for use by Long Sutton Primary Schools to the satisfaction of the Council*'. That seems to me to be an important omission given that the relevant Sport England guidance on artificial surfaces for outdoor sport stresses the importance of following a proper maintenance programme to keep the surface in an attractive condition and to encourage use.
52. At the hearing the appellant stated that the maintenance obligation would fall on HCC. However, there is no evidence that HCC would be willing to take on that obligation. The Chairman of the Parish Council pointed out that the existing multi-use tennis court is maintained by a tennis club and he suggested that LSPS would not have the funds to maintain a MUGA. I consider that the absence of any arrangements for ongoing management and maintenance is a factor which calls into question the value of the MUGA to LSPS and the potential for wider community use.
53. In any event, the MUGA would not have any artificial lighting due to amenity concerns. This would significantly reduce the potential for community use outside school hours.
54. For all of these reasons I attach only limited weight to the benefit of the MUGA.

Car park extension, layby and footway

55. Access to LSPS is via Hyde Road, a private road in the ownership of the appellant. Hyde Road also gives access to part of the Lord Wandsworth College campus. It is used by parents dropping off children at both schools. There is a footway in front of LSPS. Part of the frontage is marked out as a bus stopping point and the rest is available for parking. I saw that some parents park in the informal car park next to the tennis court whilst others park alongside the footway. In either case children can be walked to the school gate along the footway, as happens at many other primary schools. I also saw a school bus making use of the designated stopping area which is very close to the school gate. There is no technical evidence that this is an unduly hazardous situation.
56. The footway extends to the north of the school but stops short of The Street. Some cars park to drop off children in the section of Hyde Road which does not have a footway. Whilst that is not ideal, it is a situation that could easily be rectified by relatively minor works to extend the existing footway. It would not require anything like the scope of works proposed in this application.
57. The rationale for the car park extension and bus layby is to remove parking from the front of the school, which would enable two way working. At present drivers experience some short delays because they have to wait for a gap in the oncoming traffic. However, the appellant's characterisation of the current situation appears to me to overstate the problem. From what I saw, any congestion is relatively minor and lasts for only a few minutes. Moreover, the congestion is experienced within a private road. It may cause some minor delay and inconvenience but there is no evidence that it adversely affects safety. Nor is there any evidence that it affects the safety or capacity of the public highway network. Consequently, I consider that the alleviation of such

congestion should be regarded as a minor benefit to which only limited weight should be attached.

Other matters

Access to services and facilities

58. Although Long Sutton has a primary school and a village hall, there are few other services or facilities within the settlement. Access to public transport is very limited so the proposed houses would be highly dependent on use of the private car. The Framework notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Mindful of that advice, and having regard to the scale of the proposals, I do not think that this is a reason for refusal in itself. Nevertheless, I consider that poor access to services and facilities is a further disadvantage of the appeal proposals.

Highway capacity and safety

59. The Parish Council and local residents are concerned about increased traffic passing through Long Sutton. Much of the road network within the settlement is single track with no footways and limited opportunities for passing. However, the appellant's transport statement found that the proposals would result in only a marginal increase in the number of traffic movements through the village in the peak hours. That conclusion has been accepted by HCC and the Council. Further information, including vehicle tracking drawings, was submitted with the appeal statement. This information resolved the Council's outstanding concerns. The Statement of Common Ground between the Council and the appellant confirms that reason for refusal (5), which related to highways matters, has been withdrawn. I agree that this is not a matter which weighs against the appeal. The proposals would accord with saved LP Policy T14 insofar as it relates to highway safety.

Biodiversity

60. The preliminary ecological appraisal submitted with the appeal found that the habitats within the appeal site are common, widespread and easily replaceable. No protected or priority habitats would be affected. The appraisal considered potential impacts on protected species, including barn owl, great crested newt and bats. No likely significant adverse effects on protected species were identified. The appraisal suggested mitigation and enhancement measures which could be secured by planning conditions. I agree that would be an appropriate approach and conclude that the proposals would accord with saved LP Policy CON 5, which seeks to protect habitats and species, and with draft HLP Policy NBE5 which seeks to conserve and enhance biodiversity.

Surface water drainage

61. The appeal site itself is at low risk of flooding. The concern here is the potential for increased flood risk at adjoining land. It is proposed that surface water drainage at the land off Hyde Road would be managed through infiltration trenches. The design is based on assumed infiltration rates. HCC, as Lead Local Flood Authority, considers that infiltration testing should be carried out before the grant of planning permission. However, it would be possible to require such testing under a condition. If the assumed rates are not achieved then, in this particular scheme, there is scope to increase the size of the infiltration trenches accordingly so this would be a reasonable approach.

62. HCC also sought further information on the management of exceedance flows in the event of a failure of the surface water drainage system. The appellant's response to HCC's comments provides evidence that excess surface water would be likely to flow towards a wooded area to the south of the site rather than towards Hyde Road or The Street. Overall, I consider that the risks of flooding to adjoining land could be appropriately managed by way of a planning condition. On that basis the proposal would accord with saved LP Policy GEN 11 and draft HLP Policy NBE6, which seek to avoid unacceptable increases in the risk of flooding.

Conclusions

63. The proposals would result in less than substantial harm to the significance of the Long Sutton Conservation Area and to the significance of the listed building Hydegate House. In accordance with the Framework, the harm is to be weighed against the public benefits of the scheme. Public benefits are not limited to heritage benefits. The public benefits are:

- delivery of housing, to which I attach moderate weight;
- delivery of affordable housing, to which I attach limited weight;
- the potential for improvements to Gavin Hall, to which I attach very little weight;
- provision of a MUGA, to which I attach limited weight; and
- provision of car parking, a layby and a footway, to which I attach limited weight.

64. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this case the public benefits of the proposals would not be such as to outweigh the harm to the Long Sutton Conservation Area through development in its setting. Nor would they be sufficient to outweigh the harm to Hydegate House through development in its setting. The proposals would therefore be contrary to the Framework in relation to the historic environment.

65. Turning to the development plan, I have concluded that the proposals would be in conflict with saved LP Policies RUR 2, RUR 3 and GEN 3 (countryside and landscape character), GEN 1 (local character), GEN 4 (urban design), CON 8 (trees), CON 13 (conservation areas) and ALT GEN 13 (affordable housing).

66. I have also concluded that the proposals would accord with Policies CON 5 (habitats and species), T14 (highways) and GEN 11 (flood risk). However, due to the importance of the policies that the proposals would be in conflict with, I consider that the proposals are in conflict with the development plan as a whole.

67. It is therefore necessary to consider whether there are other considerations which may indicate a decision other than in accordance with the development plan. The first such consideration is the Framework. I have concluded that Policy RUR 2 is out of date because the settlement boundaries do not reflect current housing need. The conflict with Policy RUR 2 should therefore carry only moderate weight. Moreover, I consider that Policy RUR 2 is one of the

'most important policies' for this appeal. Applying paragraph 11(d) of the Framework, this is potentially a case where the tilted balance could be engaged. However, for the reasons given above, I consider that the application of policies in the Framework for designated heritage assets provides a clear reason for refusing the development proposed. It follows that the tilted balance set out in paragraph 11(d) is not engaged in this case.

68. The balance of other considerations must have regard to the moderate weight afforded to the conflict with Policy RUR 2. It must also have regard to the benefits listed above.
69. On the other hand, the balance should take account of the failure to preserve the setting of a listed building, which is a matter of great weight. It should also take account of conflict with draft HLP Policy NBE1 (countryside), to which I attach significant weight. I also attach some weight to the poor access to services and facilities, which I have found to be a further disadvantage of the appeal proposals.
70. Although the proposals would conflict with other policies of the draft HLP as identified above, these conflicts are (in substance) the same as the conflicts with the policies of the saved LP. They do not therefore add further weight to the case against the appeal.
71. My overall assessment is that the other considerations do not indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

David Prentis

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nick Cobbold	Bell Cornwell
Terence Lyons	Flavia Estates
Alan Corner	Hydro Logic
Adam Williams	Headmaster, Lord Wandsworth College
David Sanger	Green Earth

FOR THE LOCAL PLANNING AUTHORITY:

Rob Moorhouse	Principal Planning Officer
Andrew Ratcliffe	Landscape Manager

INTERESTED PERSONS:

Katie Lamb	DMH Stallard, on behalf of Long Sutton and Well Parish Council
Cllr Nick Trew	Chairman, Long Sutton and Well Parish Council
Cllr John Kennet	Ward Member, Hart District Council
Pamela van Moppes	Local resident
Graham Roberts	Local resident
Phillippa-Kate Owen	Local resident
Peter Milnes	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Statement of Common Ground
- 2 Hart District Local Plan – map extract
- 3 Pale Lane Farm, Fleet – Secretary of State’s decision and extracts from the Inspector’s report (APP/N1730/W/18/3204011)
- 4 Unilateral Undertaking dated 11 December 2019