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# Appeal Decision

Inquiry Held on 18-21 October 2022

Site visit made on 21 October 2022

**by Stephen Wilkinson BA BPI DIP LA MBA MRTPI**

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

**Decision date: 15 December 2022**

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**Appeal Ref: APP/H1705/W/22/3301468**

**Land at Oakdown Farm, A30, Dummer, Basingstoke, RG23 7LS**

- 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 Newlands Property Developments LLP (SPV Equies Newlands (Basingstoke) Limited) against the decision of Basingstoke & Deane Borough Council.
  - The application Ref 22/000667, dated 25 February 2022, was refused by notice dated 19 May 2022.
  - The development proposed is demolition of three dwellings, outbuildings and related structures and construction of commercial and industrial units (use class B8) with ancillary offices (use class E(g)(i)), associated infrastructure works (including parking and landscaping), and full details of site levels, access, drainage, tree retention and diversion of underground pipeline.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Given the size of the proposed development the appeal was accompanied by an Environmental Statement as required by Regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
3. In advance of the Inquiry commencing, I was informed by the Council that reference to Policy EM4 in its first reason of refusal was a drafting error and this should have referred to Policy EM1.
4. Dummer Parish Council had Rule 6 party (R6 party) status at the Inquiry.
5. The appeal was accompanied by a draft Section 106 Agreement (S106A). During the Inquiry the Council confirmed that the provisions of this draft addressed its second reason for refusal. A completed S106A was received after the Inquiry closed which is addressed later in this decision.
6. The Council adopted the Basingstoke and Deane Local Plan 2011-29 in 2016 and its emerging plan has been paused. Accordingly, I give no weight to the emerging policies although I do give limited weight to the studies which informed its evidence base which were referred to by the parties.
7. Finally, the appellant submitted in evidence a completed LVIA<sup>1</sup> on which the landscape and visual effects of the appeal scheme was based. Both the R6

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<sup>1</sup> Landscape and Visual Impact Assessment

party used the appellant's LVIA to inform their evidence. I am satisfied in this approach.

## **Main Issues**

8. The main issues are:
- the effect of the proposed development on the landscape character and appearance of the area; and
  - whether or not the scheme includes the infrastructure necessary, directly required and related in scale and kind to the proposed development.

## **Reasons**

### ***The appeal scheme***

9. The appeal site comprises around 49.9 ha and occupies 2 parcels of land. The larger parcel (which is the primary focus of this decision), comprises a lozenge shaped area lying between the A30 Winchester Road and the M3 motorway (the M3) just west of Junction 7, extending to Up Street at its western end. The smaller parcel, comprising around 5ha, lies immediately south of the M3 is proposed for mitigation to achieve Biodiversity Net Gain for the whole scheme.
10. The appeal scheme would involve the creation of a single development platform at 146.88m AoD extending across virtually the whole of the appeal site. Put simply the northern part of the site would be raised with the southern part lowered slightly to achieve a uniform height for the development platform.
11. The platform would accommodate three large warehouse buildings of which Plot 1 would comprise 18.61ha, Plot 2, 5.51ha and Plot 3, 2.03ha. These buildings would be of functional design with heights varying from 21.00m, 18.00m and 15.50m respectively. Each building would be completed in profiled metal with a defined colour for each building which fades in intensity from its lower levels. The three plots would extend to around 800m in length with breaks between each plot and would have a total GEA of around 111,375 square metres.

### ***Main issue - Character and appearance***

12. There are several limbs to this main issue relating to the site's landscape context, the setting of Basingstoke, its natural and cultural heritage and the landscape and visual effects of the scheme. Each of these is addressed below.

### **Landscape Context**

13. The site lies within the Hampshire Downs NCA<sup>2</sup>, Hannington and Dummer Downs LCA7b<sup>3</sup> (County) with the larger parcel lying within the 'Open Downs' and the smaller parcel within the 'Downland Mosaic Large Scale'. At a local level the site lies within the Dummer and Popham Down LCA17<sup>4</sup> and Open Arable LCT<sup>5</sup> and is located around 4km from the North Wessex Downs AONB<sup>6</sup>.

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<sup>2</sup> National Character Area

<sup>3</sup> Landscape Character Area

<sup>4</sup> CD G4

<sup>5</sup> Basingstoke and Deane Landscape Assessment; HAD 2021

14. The site does not itself form part of a valued landscape as defined by Paragraph 174a) of the National Planning Policy Framework (the Framework); this is agreed by both the appellant and Council<sup>7</sup> and this matter does not form part of the R6 party's case either.
15. Common to each of the landscape assessments are references to pockets of open and semi enclosed arable farmland bounded by trimmed hedgerows, woodland blocks with a settlement pattern of scattered farmsteads and housing. Views across the area identify a range of ridgelines some of which are topped with hedgerows. The LCA17 identifies that a unifying element of this landscape is the dry valley within which the appeal site lies.

### ***Landscape effects***

#### ***The appeal site***

16. Although the site lies between the A30 and the M3 which have altered its field pattern, originally derived from the Parliamentary enclosures, it still maintains landscape features characteristic of the LCA17. These include mature tree belts particularly along the road corridors and at its north eastern edge, hedgerows along field boundaries and an undulating topography. Although there are several vacant farm buildings including three residential properties, the fields across the site are in arable use and are in good condition.
17. When viewed from both the north and south the site is seen as an integral part of the surrounding landscape. Although it is not distinctive, it is broadly representative of the landscape of the LCA17; a point acknowledged by the appellant<sup>8</sup>.
18. The location of the M3 within a cutting along most of the site's southern boundary together with the extent of mature tree belts significantly reduces the impact of the road on the area's landscape character. This allows the appeal site to contribute positively to the 'Open Downs' and LCA17. I recognise that the impact of noise derived from traffic along the M3 impacts on the experiential qualities of the area, but this does not adversely impact on the site's landscape qualities.
19. For these reasons, the appeal site has a high landscape function value in common with its 'Open Downs' character and with the wider LCA17.
20. Extensive engineering works would be required to create the development platform. These works would involve raising the site's northern edge and part backfilling the southern half. The scale of changes proposed to the site amount to a high level of change leading to a substantial impact on the existing site. The extent of the development platform together with the heights of the retaining walls of up to 8metres along its northern edge, would create features which would be uncharacteristic of the receiving landscape. The appellant acknowledges<sup>9</sup> that there would be a total change to the majority of the site with a major/moderate adverse impact on the site

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<sup>6</sup> Area of Outstanding Natural Beauty

<sup>7</sup> Statement of Common Ground

<sup>8</sup> ID 21

<sup>9</sup> Mr Holliday PoE pars 6.9

at completion which would reduce to moderate adverse given the impact of mitigation.

21. The scheme would also include the creation of a new vehicular access from the A30 with a new roundabout of around 70m in diameter. This alone would result in the loss of a length of 120m of trees both on the site's northern boundary and within the central reservation of the A30 resulting in harm to this characteristic feature of the local landscape.
22. These changes to the site would be of a high scale of change and would be irreversible. They would be major effects.

#### *Natural and historic heritage*

23. The site has moderate natural heritage value. This is reflected primarily in the 30 bird species found on the site, the colony of dormice nests and the potential of the large trees for bat roosting and foraging. Although some of the hedges include gaps several are classified as 'important' by the Hedgerow Regulations 1997.
24. The site has moderate heritage value. This is derived from the old Roman Road, on which the A30 is aligned and the location of a Grade II listed milestone on the A30 on the edge of the site. Anecdotal evidence presented by interested parties<sup>10</sup> refers to the site's historical connections related to the old drover's path at its north eastern edge, the author Jane Austin and a former Prince of Wales.
25. The most recent landscape sensitivity study<sup>11</sup> identifies the site as scoring a 2 in respect of both its natural and heritage values. For these reasons, I acknowledge that each of these matters have moderate value.

#### *The setting of Basingstoke*

26. A string of wooded copses some of which are ancient woodland or have biodiversity value, including Peake Copse SINC<sup>12</sup>, Ganderdown Copse and South Wood and tree belts along the A30/M3 junction broadly define the boundary between LCA17 and LCA 16, 'Basingstoke Downs', which lies to the east.
27. Construction is underway following the grant of permissions for residential development at the former Basingstoke Golf Course and Hounsome Fields for around 1,700 dwellings<sup>13</sup>. The development of the golf course is largely contained by Peake Copse whilst Hounsome Fields<sup>14</sup> only extends a finger of housing towards the A30. This would lie behind a tree belt within the site, opposite the north-eastern edge of the appeal site. The site's relative isolation is identified in the recent landscape sensitivity study in April 2021<sup>15</sup>.
28. Despite these recent permissions the tree belts around Trenchard Lane and the north eastern edge of the site are sufficiently mature as to prevent the erosion of LCA17 at this point.

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<sup>10</sup> Mr J Holden

<sup>11</sup> Ibid FN10

<sup>12</sup> Site of Interest for Nature Conservation

<sup>13</sup> 15/04503/OUT and 19/00971/OUT

<sup>14</sup> ID5

<sup>15</sup> CDG3

29. If allowed, the appeal scheme would sit as an outlier within LCA17, distinct from its open and arable character. It would have adverse impacts on the approach to and from the town. Given the tree belts and copses in the area the appeal scheme could not be regarded as an extension to the town complementing the recent permissions. Its location would detract from the area's landscape qualities and the setting of the town.
30. During the Inquiry, reference was made to the Council's Vision document<sup>16</sup> which outlines the development potential of the land around Junction 7 of the M3. This includes reference to the appeal site although not to this appeal scheme. However, this document has no planning status and is not reflected in adopted policies. Accordingly, I give it limited weight.
31. For the above reasons, I find that the site has a medium landscape value overall as part of the 'Open Downs' and the LCA17.

#### *Summary of landscape effects*

32. I acknowledge the appellants argument that the selection of the appeal site is in itself a form of site 'selection mitigation' in that the site does not lie in or adjacent to the AONB. However, the site has a medium landscape value given that it contains many features which are characteristic of the LCA17. Whilst the site does not lie in a valued landscape, the significance of the scheme's landscape effects are derived from its scale, massing and the extent of ground works required which introduce a form of development at complete variance with its established pattern.
33. The extent of ground works required to create the development platform is evidence that the site is highly susceptible to the scale of development proposed by the appeal scheme; these works would have a high magnitude of landscape effect. These would be major effects.
34. Overall, the extent of change would be major. These changes would have the greatest impacts on LCA17 and the site's 'Open Downs' character.

#### **Visual effects**

35. The main parties agreed a set of viewpoints and visual receptors from around the site which were shared on my site visit.
36. I am satisfied that the series of photomontages included in the appellant's evidence and agreed by the other parties accurately describe the extent of visibility from the local footpaths (FP)<sup>17</sup> and roads.
37. The Zone of Theoretical Vision (ZTV) is drawn broadly around the area prescribed by the ridge north of the site, Longwood Copse Lane to its north, Clump Farm to the east, Dummer village to the south and Maidenthorn Lane to the west. The extent of the ZTV reflects local topography, tree belts and copses.
38. I address the viewpoints (VPts) and receptors which reflect the site's most significant impacts based on the accompanied site visit completed during the Inquiry.

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<sup>16</sup> CD E3

<sup>17</sup> Mr Holliday PoE Appx 7

39. The natural changes in topography across the area are important in exposing the receptor to a range of different views of the site. For example, from the east along footpath FPD4, the user would experience intermittent views towards the appeal site due to the location of intervening paddocks and their surrounding hedgerows.
40. From Viewpoint M (VPtM) at year 0 (Y0), the appeal scheme would be visible through the trees as a line above the existing horizon. By Year 15 (Y15) when mitigation planting on the southern edge of the site would have taken effect, the scheme would not intrude as clearly. The user would experience minor adverse impacts, an experience shared by users of the footpaths along the village's northern edge.
41. However, between VPtM and VPtL along FPD4, the appeal scheme would become more visible. This is despite the effects of mitigation planting between Y0 and Y15. However, the overall impression for the user of FPD4, travelling west, would be that the scheme would dominate the horizon resulting in major adverse effects.
42. Further west from VPtL<sup>18</sup>, the proposed scheme would be visible as a long continuous horizontal element above the hedgerows at Y0. The breaks between each of the three buildings and their different heights would be insufficient to reduce the impact of the appeal scheme as the dominant structure in the landscape. Mitigation planting would only partially reduce its impact with the result that the user would still experience major adverse effects at Y15. However, the user's experience would change significantly on the descent along the FPD3 towards the motorway embankment when views would lessen and diminish.
43. VPtL lies close to the view identified in the Dummer Conservation Area Appraisal (CAA) located by the cemetery wall; it is outward facing. The CAA identifies the importance of Dummer's relationship to its agricultural past. This view informs the village's rural context and is important to the CAA; for this reason, it has significance which I accord a high value. From this VPt the scale of buildings, as for VPtL would be highly visible and mitigation by Y15 would not sufficiently reduce these impacts. Given that this is a stand alone view and there is no kinetic experience compared to walks along footpaths, I find that the impacts on users would be major adverse even by Y15.
44. During the site visit my attention was drawn to the impact of the scheme on occupants of properties along the north side of Up Street and Tower Hill whose rear gardens and rooms face the appeal site. I accord these receptors a high value. These properties currently enjoy an open rural vista across the fields which extends towards the ridge hedgerows beyond the appeal site towards VPtS. The appeal scheme would intrude into this view and the extent of mitigation proposed would be insufficient to fully address its impacts. The scheme would remain the dominant landscape feature even after Y15 resulting in a major adverse visual effect on occupants of these properties.
45. VPtN lies towards the western end of the village and allows views of the southern and western elevations of the scheme. Proposed mitigation would only partially address these impacts by Y15. Whilst the visibility of parts of

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<sup>18</sup> CD A84R



the scheme would be reduced by mitigation a large part of the site would still be visible above the skyline. This would still have a major adverse impact on users.

46. Users of FPD2 and FPD3 would experience major adverse impacts which would gradually diminish on the approach to the M3 as the site recedes from view.
47. Further south from the 'additional VPt' located beyond the tennis courts on the southern edge of Dummer the appeal scheme would appear intermittently as a low grey building reflecting both its physical distance and the extent of mitigation planting on its south side. This would not be significantly intrusive and I find that the impact on the receptor would be minor adverse.
48. A clearer view of the site is obtained from its most western edge located close to the Sun Inn near the junction of the A30 and Up Street. At Y0 existing boundary planting and land profiling would provide limited screening, resulting in 'Plot 3', being dominant in views from the road and for residential occupiers of the Sun Inn and users of its beer garden. These views would only be partially obscured by Y15, despite the extent of mitigation tree planting which would have taken effect by then. Given the sensitivity of these receptors, I find that by Y15 the effect would be moderate adverse.
49. However, despite the extent of mitigation proposed along the northern part of the site by Y15 the appeal scheme would still be highly visible from VPtS, VPtB and VPtX which are elevated above the site. From each of these there would be a high magnitude of effect on the user.
50. In particular, the appeal site would gradually emerge into views from along FP0728, the Wayfarer's Way, a long distance footpath. VPtB marks the point where Dummer's landscape context within the dry valley comes into full view on the Wayfarer's Way<sup>19</sup>; this is an important location identified in the walk guide which I accord a high value. Similar effects would be experienced by users of FPNW1 leading to VPtS.
51. From each of these VPts the full extent of the scheme would come into context. It would make a substantial adverse impact on views across the dry valley partly obscuring views of the valley sides to the south. The gaps between each of the plots, their different heights and the proposed mitigation would not be sufficient to break up the bulk of the scheme resulting in it being seen almost as a continuous development of around 800m in length. Even by Y15 these effects would major adverse for users.
52. I recognise that footpath users have a kinetic experience and that on the descent along these paths the adverse visual impacts would partially reduce until the existing tree belts along the A30 provide cover. However, from VPtC at a point on the Wayfarer's Walk, by the junction of the A30 with Trenchards Lane, Plot 1 cannot be adequately mitigated for even by Y15; there would be a substantial adverse visual impact on the user.
53. At other points on the approach roads around Junction 7 of the M3 the scheme would be highly visible at various point even at Y15. However, these

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<sup>19</sup> CD C23

visual effects would be experienced only by car drivers given the absence of footpaths along these roads. This would result in minor adverse effects.

54. From Ganderdown Cottages there would be only glimpses of the appeal scheme due to the location of the tree belt on the central reservation. The effects would be minor adverse for residents of these properties despite their sensitivity.
55. Given the absence of footways along the A30, the only receptors on this road would be car drivers. Along the road the proposed buildings would be set back by distances varying from around 70-90 metres from the edge of the proposed footway on the south side of the road and the scheme would benefit from sections of the retained tree belt. Mitigation planting on the northern side of the site would be of varying depths and would be layered with 'instant' hedging and climbers on the retaining walls.
56. Drivers would have only fleeting views of the scheme as they travelled along the A30 resulting in minor adverse impacts. However, on the approaches to the proposed roundabout the extent of the scheme and the activities associated with it would clearly be into view. The extent of 'ornamental' mitigation planting would be constrained because of the need to retain sight lines. For these reasons, despite the extent of mitigation the effects would be minor adverse at Y15.
57. Notwithstanding the appellant's comments that the size of the scheme can be accommodated within the broad sweep of countryside which defines the LCA, I find that the extent of harm arising from its visual effects are acute and adverse.

#### *Dark skies*

58. Beyond Basingstoke the wider area, including the A30, M3 and Dummer Village are unlit at night.
59. Lighting is required throughout the site in order to maintain 24/7 operations. A lighting strategy<sup>20</sup> includes controls to reduce luminosity during periods of low activity, with no lighting on the south east elevations of Plots 1 and 2 and with lighting on the north east elevation of Plot 1 set at a lower level to reduce impacts on Dummer.
60. Notwithstanding these measures given the height of the building and the extent of its visibility within the surrounding area, I find that the scheme would emit light to the surrounding areas in breach of the area's existing dark skies. I do not consider that the suggested condition could adequately address this matter.
61. However, I am satisfied that there would be no adverse impacts from light spillage on the Wessex Downs AONB due to the extent of topography and distance from the appeal site.
62. The scheme would conflict with Policy EM1f).

#### *Summary of Visual Effects*

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<sup>20</sup> CD A8 and plans A13 & A14



63. Within the ZTV there would be major adverse visual effects on receptors. The greatest impacts would be experienced by users of the extensive network of footpaths including NW1, 0728, D2, D3 and D4, from VPTs S,B,X,C,N and L, and for residents of Dummer with rear gardens and windows facing the site. The scheme would adversely impact on the area's dark skies. However, impacts on the AONB would be negligible.

### **Conclusions on this main issue**

64. Policies EM1 and EP1 are up to date and consistent with the Framework. These policies should be read together.
65. Policy EM1 is a general landscape policy which requires all development to respect, enhance and not be detrimental to the character and visual amenity of the receiving landscape.
66. Amongst other matters the policy requires that development respects the sense of place, the setting of settlements and the quiet enjoyment of landscape from public rights of way. Consistent with the SPD<sup>21</sup> the policy requires proposals to include comprehensive landscaping schemes to successfully integrate development with its landscape and surroundings.
67. Recent residential permissions have not altered its relationship to the setting of Basingstoke. The site is still distinct from the town and represents an important component of LCA17. It contributes to views across the area and to the openness of LCA17 and 'Dummer Downs'. The loss of 120m of trees and the destruction of the existing landform would destroy these features, resulting in considerable landscape harm.
68. Mitigation would include 2km replacement hedges, 2.6ha of woodland planting, 0.19 ha of wet woodland planting, balancing ponds and enhancement of biodiversity through habitat creation including the planting of scrub, creation of wetland and 14ha of new grassland including 'chalk grassland'. These would also provide a significant biodiversity net gain. The site would include a new footpath and cycle way with public access to the northern part of the site with the potential to link to the recently permitted residential schemes. In total just under 50% of the total site area (including both Parcels 1 and 2) would comprise landscaping and habitat creation.
69. Despite these measures the site's character and contribution to the LCA17 would be irreversibly diminished due to the proposed extensive changes to landform.
70. The scale of change proposed and the limitations of mitigation is reflected in the extent of harm arising for visual receptors and footpath users whose views and experiences would be adversely impacted. I have found major adverse effects to many of these, even at year 15.
71. The extent of harm arising from this scheme conflicts with Policy EM1 b), c), d) and f).
72. Policy EP1 recognises the importance of supporting inward investment and employment opportunities. In particular, the policy seeks to balance the job opportunities afforded by storage and distribution schemes with their

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<sup>21</sup> Landscape Biodiversity and Trees SPD 2018

landscape impacts (Policy EP1g-m) inclusive) on sites outside strategic employment areas. This policy's essential thrust is consistent with Paragraphs 81-83 of the Framework which support economic growth.

73. The Council's decision identifies conflict with Policy EP1g). This requires that schemes are able to mitigate for their landscape impact through the provision of sufficient space for appropriate soft landscaping/green infrastructure, the appropriate location of development within the site and the layout of built form and use of materials.
74. I recognise that this is the third scheme for warehousing and distribution submitted in recent years for this site and it includes revisions designed to overcome the Council's previous objections regarding its landscape and visual effects and impacts on habitats.
75. Despite these changes, I find that the scale of works required by the appeal scheme would undermine the contribution of the site to its existing landscape character, thereby severely reducing the site's contribution to the LCA. There would be major adverse visual impacts even after Y15.
76. The extent of this harm demonstrates that the scheme's landscape impacts are not satisfactorily minimised as required by policy. The elevational treatment involving colours fading in intensity from the base to the top of each building would be insufficient to address the visual harm resulting from their scale and bulk.
77. Whilst supporting text<sup>22</sup> to Policy EP1 recognises that the scale of storage and distribution schemes are generally likely to result in some adverse impacts on local landscape character and amenity, it also cautions that built form should be located within parts of the site where impacts would be minimised. This is consistent with the SPD which requires that landscape is central to scheme design.
78. Although the appellant states that given the scale and massing of the scheme, mitigation could only soften its impacts<sup>23</sup>, I find that a higher bar of mitigation is required by Policy EP1g) which the appeal scheme fails.
79. For these reasons, the appeal scheme would adversely impact on the landscape character and appearance of the area and conflicts with Policies EM1 and EP1g). The appeal scheme does not adhere to the principles underpinning the adopted SPD relating to the integration of landscape with development.

### **Main issue 2 - Infrastructure**

80. The completed S106A includes covenants in favour of the Council. These include the development of a Biodiversity Management Plan which will identify the range of habitat types across the site, and amongst other matters the methodology required to restore, enhance or create the conservation features. This is in line with Policy EM4 of the Local Plan and is required to ensure that there is no net loss of biodiversity across the site with a requirement to achieve a net gain. The plan would be a proportionate response to the scale of the appeal scheme

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<sup>22</sup> Paragraph 7.15 of the Local Plan

<sup>23</sup> Mr Holiday xx

81. The S106A includes an employment and skills plan and method statement to be finalised prior to the commencement of development for each of the three plots within the scheme. This would be in line with Policy EP1, ensuring employment and training opportunities are available in both construction and logistics to support the local economy.
82. A covenant in favour of the Council relates to noise mitigation for works involving the provision of low noise road surfacing for around 250metres on the east bound carriageway of the A30. This would reduce the impacts of noise arising from the appeal scheme on Ganderdown Cottages and the two dwellings under construction. These measures are supported by Policies EM10 and EM12.
83. Covenants in favour of the County Council include the provision of works for a toucan crossing at Trenchards Lane. This involves the payment of £450,000 as security for the performance of the owners. This would facilitate people crossing from the Hounsome Fields development once a public footpath at the western end of this scheme has been completed. I acknowledge that this is dependent on the suggested footpath being completed during the development but this could improve access to the area for transport modes other than the car. I understand that the footpath within Hounsome Fields is part of a reserved matters application. Once delivered this would ensure that the path included in the appeal scheme would not be truncated.
84. Other works include the creation of a roundabout on the A30 to support access. Alterations are proposed to the existing access and the provision of a new vehicle restraint barrier at Southwood junction.
85. The proposed works are supported by Policy CN9 and are required to enable highway safety with specific reference to the crossing point on the A30 of the Wayfarer's Walk. These measures are in line with Paragraphs 104 and 112 of the Framework which promote economic development.
86. The S106A includes a covenant in favour of the County Council of £1,200,000 for a demand bus service with the County's bus provider for a period of either up to two years or the spend of the moneys, whichever comes later. This would be implemented on occupation of the first unit and be designed to meet shift patterns of the proposed scheme. The S106A also includes the provision of 2no. bus shelters.
87. I recognise the tension involved in developing a bus service for employees which at some point could morph into a public bus service serving local communities and not just employees of the scheme. However, demand can only be fully assessed as the scheme progresses.
88. Other covenants in favour of the County Council relate to the provision of a travel plan with an incentive payment required from the occupiers of Plots 1, 2 and 3 of £55,000, £20,700 and £8,700 respectively. The County Council's costs of approving each of these plans is £1,500 with a monitoring fee of £15,000 for each plot with a delivery target of a further £25,000 for each Plot. The costs to the County would be reimbursed by the occupiers up to the figures indicated.

89. Each of these measures comply with Policy CN9 of the local plan and Paragraphs 104, 110, 112 and 113 of the Framework which require development to be supported by transport measures to reduce car dependency.
90. I have considered the comments made by local residents during the Inquiry in respect of the demand responsive bus service and the proposed toucan crossing but am satisfied with the provisions of this agreement in these respects. I am satisfied that the Council's objection in respect of its second reason for refusal would be fully addressed by the S106A, were I minded to allow the appeal.
91. The S106A includes adequate provision of necessary infrastructure directly required by this development and I am satisfied that each of these covenants fall within the provisions of Regulation 122 of the CIL Regulations and Paragraph 57 of the Framework.

### **Planning balance**

92. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
93. I acknowledge the loss of 3 dwellings at Oakdown Farm included in the scheme which I accord significant weight in the overall planning balance given the Council's housing land supply situation and the local and national policy support for increased housing supply.
94. However, the Framework places importance on sustainable development, the economy and job creation. There are matters which weigh in favour of the appeal scheme which I address below.

#### *Local economy*

95. The Council accept in principle the proposed use for this site. The local plan requires a supply of 122,000sm of storage and distribution floorspace for the whole of the plan period, which the Council acknowledges at current rates of supply, focussed entirely on the Strategic Employment Sites (SEL), will not be met. The Council recognise the importance of Junctions 6 and 7 of the M3 as important strategic locations outside the SELs for warehousing and distribution.
96. The appeal site has clear advantages in how it could meet this demand. The site's proximity to Junction 7 of the M3 makes it an appropriate location for road connections to Southampton and Gatwick and could minimise trip generation by high volumes of HGV traffic. The SoCG with both the Highway Authority and Highways England are a partial acknowledgment this.
97. The support letter from a named operator included in the appellant's evidence identifies the issues involved in the identification of sites serving sub regional distribution operations in this regard. It is understood that they would be the prospective occupier of Plot 1. The appeal scheme's location could meet these requirements.
98. Evidence on the availability of employment land in the Borough demonstrate the continued buoyancy of the warehouse/distribution sector derived from

the impact of the Covid-19 pandemic and the growth of on line retail sales. Coupled with low vacancy rates, unmet demand and an ageing supply, these pressures have accelerated demand for space at a pace which does not reflect the historical trends on which the local plan policies were predicated. This results in demand for around 27-36ha of land although further studies<sup>24</sup> submitted with the application indicate demand would require 137,000sm floorspace. These figures have not been contested by the Council, acknowledged by it not finding conflict with Policy EP1m).

99. The scheme would include 111,375sm GEA floorspace, which is within the 'rule of thumb' of 35% floorspace to site coverage<sup>25</sup> for this site. However this figure does not fully account for the site's constraints imposed by both its topography and relationship to receptors.
100. The scheme would generate around 976 net direct jobs with an anticipated 283 and 430 jobs at both the district and sub regional levels respectively. It would include a package of training and skills based schemes secured through planning obligations. The jobs created by the scheme and its contribution to the local economy's GVA per annum is estimated to be around £32.8m. These figures are consistent with Government Guidance<sup>26</sup> and the Framework on the importance of this sector to the national economy and reflect how the scheme could make a considerable impact on the local and sub regional economy.

#### *Other Matters*

101. There are a range of other matters raised by this appeal which I deal with in turn below.
102. The scheme could achieve 'Excellent' BREEAM rating for water consumption and efficiency. Furthermore, it could achieve an 'Excellent' BREEAM rating for energy efficiency related to construction methods, waste management and the selection of materials amongst other matters. Other measures would support the transition to zero carbon.
103. In respect of Paragraph 176 of the Framework, I find that due to a combination of distance and topography the appeal scheme would not adversely impact on the conservation and enhancement of the North Wessex Downs AONB.
104. The scheme would also deliver an increase in Biodiversity Net Gain of around 42% through habitat creation and landscaping.
105. I give great weight to the objective of conservation and find that there would be less than substantial harm to Dummer CA, as a designated heritage asset given the impact of the appeal scheme on its setting when balanced against the scheme's economic benefits.
106. There are around 20 listed buildings in addition to the Grade I listed Church of All Saints which lie within one kilometre of the appeal site with the majority of these located within the CA. Those lying to the east, including the church, would have their setting protected by hedgerows whilst the

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<sup>24</sup> CD A7

<sup>25</sup> Stantec Report on the Economy

<sup>26</sup> PPG Paragraph 2a-031-20190722

intervening distance of around 400m would be sufficient to protect their setting.

107. The Grade II listed Southwood Farm located on Southwood Road is largely screened by an existing tree belt from the site.
108. There is a Grade II listed Milestone about 110m southwest of Ganderdown Cottages just on the edge of the appeal site. It lies on the opposite side of the A30 from the site, at the point where the wooded central reservation intervenes. The Milestone's significance is derived almost entirely from its fabric and location as one of a series located along the A30. The appeal scheme would not alter these attributes.
109. Other potential harms relate to the impact of the scheme on Ganderdown cottages and the Sun Inn, as non designated heritage assets. However on balance the public benefits to the local economy would prevail.
110. I give neutral weight to the obligations included in the S106A.

### **Conclusions**

111. In distilling the arguments<sup>27</sup> for the appeal, the appellant states that the determining issue is whether the scheme's minimisation and mitigation is sufficient. However, I find that the determining issue is more intrinsic, concerning the amount of floorspace proposed for this site. Policies EM1 and EP1g) are consistent in seeking a wholistic response to the integration of design and landscape for new development.
112. I accept that the proposed amount of floorspace is justified with reference to sub regional and local demand. However, my findings on the degree of landscape and visual harm arising from the scheme reflect both the extent of ground works required and its scale and massing when set against the site's constraints. These matters have not been satisfactorily resolved through mitigation in accordance with policy.
113. The extent of harm arising from the appeal scheme's adverse landscape and visual impacts is the determining issue in this appeal. I conclude that the degree of harm caused by this scheme would be of such significance that it conflicts with Policies EM1 and EP1g) of the Basingstoke and Deane Local Plan 2016.
114. Having considered all the evidence before me the proposal conflicts with the Development Plan when taken as a whole and there are no material considerations to outweigh this finding. For this reason, the appeal is dismissed.

*Stephen Wilkinson*

INSPECTOR

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<sup>27</sup> Appellant closings



## **APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Mackenzie of Counsel

He called

Ms A. Priscott CMLI

Mr M. Miller BSc (Hons)

MSc MRTPI

Anne Priscott Associates Ltd

Associate Planner, ET Planning

FOR THE APPELLANT:

Mr R. Warren KC

Instructed by Ms M. Thomson LLB LARTPI

He called  
 Mr G. Holliday BA(Hons) FPCR Environment and Design Ltd  
 M Phil FIL  
 Ms J. Davis BSc MSc National Head of Planning, Development and  
 MRTPI Regeneration, Avison Young

FOR THE RULE 6 PARTY: Dummer Parish Council:

Ms Esther Drabkin-Reiter Instructed by Nicholas Kingsley Smith of Kingsley  
 Smith Solicitors LLP

She called  
 Ms S Illman BA DipLA Illman Young Landscape Design Limited  
 Grad Dip (Cons) AA PPLI  
 Hon FSE, Hon Fellow  
 (UoG)

INTERESTED PERSONS:

Rt Hon. Ms Maria Miller	Member of Parliament
Mr S Reid	County Councillor
Ms J Henderson	County Councillor
Ms D Taylor	Councillor
Mr D Putty	Councillor
Ms H Golding	Councillor
Mr S Napier	Resident
Mr Holden	Resident
Mr Dearlove	Resident
Mr Dicks	Resident
Mr Scott	Resident

### List of documents presented during the Inquiry

<b>ID1</b>	Appellant's openings
<b>ID2</b>	Council opening
<b>ID3</b>	Rule 6 opening
<b>ID4</b>	Letter from Stagecoach 12 August 2022
<b>ID5</b>	Masterplan Hounsome Fields
<b>ID6</b>	Statement of County Cllr Reid
<b>ID7</b>	Statement of Cllr Taylor
<b>ID8</b>	Statement of Cllr Golding
<b>ID9</b>	Statement of Cllr Henderson
<b>ID10</b>	Email from Cllr Putty 18 October
<b>ID11</b>	Statement of Mr Napier

<b>ID12</b>	Statement of Mr Holden
<b>ID13</b>	Statement of Mr Dearlove
<b>ID14</b>	Statement of Ms Dicks
<b>ID15</b>	Statement of Mr Scott
<b>ID16</b>	Statement of Rt Hon Maria Miller MP
<b>ID17</b>	Report of Hants CC on Transport for the County 3 October 2022
<b>ID18</b>	Report to Cabinet 18 October on the Economy
<b>ID19</b>	Letter from NHS Trust
<b>ID20</b>	Draft Conditions
<b>ID21</b>	Summary of landscape commentary
<b>ID22</b>	Closings by the R6 Party
<b>ID23</b>	Closing by the Council
<b>ID24</b>	Closing by the Appellant
<b>ID24</b>	Completed Section 106 Agreement dated 1 <sup>st</sup> November 2022