

Project: Revised Application for the Development of 3 Dwellings With Associated Access and Landscaping at Newtown Court Farm, Newtown

Date: 2nd September 2022

Author: Matt Williams DipTP MRTPI, Planning Consultant/Partner

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*Chartered
Planning and Architecture*
www.brimblelea.com

PLANNING STATEMENT

1.0 INTRODUCTION

- 1.1 On 18th August 2022, the Council granted planning permission for the development of 3 dwellings with associated access and landscaping within the curtilage of Newtown Court Farm (reference: 21/02301/FUL).
- 1.2 The application site also included the existing property because the Applicants wanted to build a replacement garage for their property. However, the resulting site area exceeded 0.5 hectares and the Council therefore treated the application as involving major development and this triggered the requirement for an affordable housing contribution of £402,000.00 through a Section 106 Agreement.
- 1.3 The Applicants have reflected on the approved development and have decided that the provision of a replacement garage for their property does not justify a contribution of £402,000.00 towards affordable housing.
- 1.4 This application therefore seeks full planning permission for the exact same development of 3 dwellings with associated access and parking already granted planning permission but without the garage for the existing property. This reduces the site area to below 0.5 hectares and is therefore not defined as major development to require the affordable housing contribution.

Procedural Note

- 1.5 Even though the Council treated application 21/02301/FUL as being major development based on the national policy definition, it should be noted that the Council has actually categorised this application in their system as being minor, not major, development for the purposes of their PS1 and PS2 application data returns to Government, based on the definition set out in Town & Country Planning (Development Management Procedures) Order 2015 (as amended).
- 1.6 This is confirmed when using the Council's online advanced search option based on the Development Type, as per the screenshot below (taken on 01/09/2022). This supports the Applicants' original position that an affordable housing contribution should not have been required given the definition of major/minor development in legislation laid down by Parliament, as opposed to the national policy definition which is only a material consideration.

Description Keyword:

Applicant Name:

Application Type:

Ward:

Parish:

Conservation Area:

Agent:

Status:

Decision:

Appeal Status:

Appeal Decision:

Development Type:

Address:

Dates

Enter a date range (a start date and an end date) for the criteria that you are interested in. The date fields may be entered manually using the date format dd/mm/yyyy (e.g. 01/07/2019). Alternatively, click on the calendar button and pick a date.

Date Received: to:

Date Validated: to:

Date Actual Committee: to:

Decision Date: to:

Appeal Decision Date: to:

Planning – Application Summary [Help with this page](#)

21/02301/FUL | Development of 3 new dwellings (in addition to the existing dwelling and approved dwelling) with associated access and landscaping, and a detached garage for Newtown Court Farm | Newtown Court Farm Newtown Newbury Hampshire RG20 9AP

Details | [Comments \(19\)](#) | [Related Cases \(1\)](#) | [Map](#) | [Documents \(47\)](#)

Summary	Further Information	Contacts	Important Dates
Reference	21/02301/FUL		
Alternative Reference	PP-10025479		
Application Received	Mon 12 Jul 2021		
Application Validated	Mon 12 Jul 2021		
Address	Newtown Court Farm Newtown Newbury Hampshire RG20 9AP		
Proposal	Development of 3 new dwellings (in addition to the existing dwelling and approved dwelling) with associated access and landscaping, and a detached garage for Newtown Court Farm		
Status	Decided		
Decision	Granted		
Decision Issued Date	Thu 18 Aug 2022		
Appeal Status	Unknown		
There are 47 documents associated with this application.			
There are 0 cases associated with this application.			
There is 1 property associated with this application.			

2.0 PLANNING POLICY CONTEXT

Development Plan

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) require local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan in respect of this proposal consists of the Basingstoke and Deane Borough Council Local Plan 2011-2029 that was adopted on the 26th May 2016. The following development plan policies and material planning considerations are considered to be relevant to this Application:-

- Policy SD1 (Presumption in Favour of Sustainable Development);
- Policy SS1 (Scale and Distribution of New Housing);
- Policy SS6 (New Housing in the Countryside);
- Policy CN9 (Transport);
- Policy EM1 (Landscape);
- Policy EM4 (Biodiversity, Geodiversity and Nature Conservation);
- Policy EM7 (Managing Flood Risk);
- Policy EM9 (Sustainable Water Use);
- Policy EM10 (Delivering High Quality Development);
- Policy EM11 (The Historic Environment).

Material Planning Considerations

- Chapters 2, 4, 5, 9, 11, 12, 13, 15 and 16 of the National Planning Policy Framework (July 2021);
- Planning Practice Guidance;
- Basingstoke and Deane Supplementary Planning Documents and Guidance (Design and Sustainability, Parking Standards, Landscape and Biodiversity, and Planning Obligations for Infrastructure).

3.0 ASSESSMENT OF RELEVANT PLANNING CONSIDERATIONS

3.1 The Council's decision to grant planning permission for the development of 3 dwellings within the curtilage of Newtown Court Farm was based on an assessment against relevant planning considerations and policies, with the following stated Reasons for Approval in the Committee Report (Appended to this Statement):

- 1. The proposed development would result in the erection of three dwellings in the countryside in a location that is not isolated and is considered to represent a sustainable form of development. The site is previously developed land and the development is in accordance with the National Planning Policy Framework (July 2021) and Policies SD1 and SS6 of the Basingstoke and Deane Local Plan 2011-2029.*
- 2. The proposed dwellings would be of an appropriate design and siting, would relate to surrounding development and would not result in significant impacts on the local landscape character or scenic quality of the area. As such the proposal complies with Section 15 of the National Planning Policy Framework (July 2021), Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document (2018).*
- 3. The development would provide safe and suitable access to the local highway network and would not cause an adverse impact on highway safety. Adequate parking provision is also made and as such would accord with Sections 9 and 12 of the National Planning Policy Framework (July 2021); Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029, Policy T3 of the Sherfield on Loddon Neighbourhood Development Plan 2011-2029 and the Parking Supplementary Planning Document (2018).*
- 4. Subject to appropriate off-site mitigation to secure biodiversity net gain, the development would conserve the biodiversity value and nature conservation interests of the site, and as such the proposal would comply with the National Planning Policy Framework (July 2021), Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029, and the relevant guidance contained within the Landscape, Biodiversity and Trees Supplementary Planning Document (2018).*
- 5. The proposed development would not result in an undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts to neighbouring properties and would provide high quality amenities for future occupants. The development therefore complies with the National Planning Policy Framework (July 2021) and Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.*
- 6. The proposed development, subject to a tree protection plan condition, would not cause any adverse impact on nearby trees and as such the proposal is considered to be in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 and the Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018).*

7. *Adequate drainage (foul and surface water) can be provided for the development and can be appropriately controlled through planning conditions and other legislation to ensure that there would be no risk to property or the environment. The proposal accords with the National Planning Policy Framework (July 2021) and Policies CN6 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.*
8. *The provision of a Section 106 agreement would ensure that the development would provide a contribution towards off-site affordable provision to mitigate the impact of the development in relation to affordable housing and a contribution in respect of off-site ecological mitigation to ensure biodiversity net gain. The development therefore complies with the National Planning Policy Framework (July 2021); Policies CN1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029; the Community Infrastructure Levy Regulations 2010 as well as the Council's adopted Supplementary Planning Documents on Housing (2018), Landscape Biodiversity and Trees (2018) and Planning Obligations for Infrastructure (2018).*

3.2 There have not been any material changes in planning circumstances since planning permission was granted in August 2022 and it would therefore be unreasonable for the Council to reach different conclusions in respect of the exact same development.

3.3 It is important to note that while the Council is unable to demonstrate a five year supply of deliverable housing land, the Committee Report did not identify any adverse impacts arising from the proposed development that were "*significantly and demonstrably*" outweighed by the benefits of development including the affordable housing contribution. As such, the Council's decision to grant planning permission was based on the ordinary planning balance set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990; not the 'tilted' planning balance in the National Planning Policy Framework. In other words, the affordable housing contribution was not taken into account as a benefit which influenced the Council's decision to grant planning permission.

Section 106 Agreement

3.4 The 8th Reason for Approval was based on a Section 106 Agreement to provide contributions towards off-site affordable housing and to achieve biodiversity net gain (BNG).

3.5 An affordable housing contribution is not required with this application although the Applicants accept that a Section 106 Agreement will be needed to secure the BNG in accordance with Policy EM4 of the adopted Local Plan, the Council's Landscape Biodiversity and Trees Supplementary Planning Document and Chapter 15 of the National Planning Policy Framework.

4.0 CONCLUSION

- 4.1 The Council has already granted planning permission for the exact same development of 3 dwellings within the curtilage of Newtown Court Farm and the omission of a garage for the existing property means this application is not major development that requires an affordable housing contribution.
- 4.2 The proposed development fully complies with the development plan and the Council is therefore respectfully requested to grant planning permission in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended).
- 4.3 The Applicants will accept the same conditions imposed on planning permission 21/02301/FUL.
- Enc. Appendix 1 – 12/01/2022 Development Control Committee Report for Application 21/02301/FUL

APPENDIX 1

12/01/2022 DEVELOPMENT CONTROL COMMITTEE REPORT

APPLICATION 21/02301/FUL

Cttee: 12 January 2022 Item No. 8

Application no: 21/02301/FUL
[For Details and Plans Click Here](#)

Site Address	Newtown Court Farm Newtown Newbury Hampshire
Proposal	Development of 3 new dwellings (in addition to the existing dwelling and approved dwelling) with associated access and landscaping, and a detached garage for Newtown Court Farm

Registered:	12 July 2021	Expiry Date:	12 November 2021
Type of Application:	Full Planning Application	Case Officer:	Lucy Page 01256 845515
Applicant:	Mr and Mrs Kirby	Agent:	Mr Matt Williams
Ward:	Evingar	Ward Member(s):	Cllr Graham Falconer Cllr John Izett Cllr Samuel Carr
Parish:	NEWTOWN CP	OS Grid Reference:	447769 163577

Recommendation:	<p>The applicant be invited to enter into a suitable legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 and Policies CN1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029) between the applicant and the Borough Council to secure a financial contribution towards off-site affordable housing provision and off-site ecological mitigation to secure biodiversity net gain.</p> <p>Should the requirement set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.</p> <p>On completion of the legal agreement the Planning and Development Manager be delegated to grant planning permission subject to the following conditions:</p>
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Reasons for Approval

1. The proposed development would result in the erection of three dwellings in the countryside in a location that is not isolated and is considered to represent a sustainable form of development. The site is previously developed land and the development is in accordance

with the National Planning Policy Framework (July 2021) and Policies SD1 and SS6 of the Basingstoke and Deane Local Plan 2011-2029.

- 2. The proposed dwellings would be of an appropriate design and siting, would relate to surrounding development and would not result in significant impacts on the local landscape character or scenic quality of the area. As such the proposal complies with Section 15 of the National Planning Policy Framework (July 2021), Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document (2018).*
- 3. The development would provide safe and suitable access to the local highway network and would not cause an adverse impact on highway safety. Adequate parking provision is also made and as such would accord with Sections 9 and 12 of the National Planning Policy Framework (July 2021); Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029, Policy T3 of the Sherfield on Loddon Neighbourhood Development Plan 2011-2029 and the Parking Supplementary Planning Document (2018).*
- 4. Subject to appropriate off-site mitigation to secure biodiversity net gain, the development would conserve the biodiversity value and nature conservation interests of the site, and as such the proposal would comply with the National Planning Policy Framework (July 2021), Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029, and the relevant guidance contained within the Landscape, Biodiversity and Trees Supplementary Planning Document (2018).*
- 5. The proposed development would not result in an undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts to neighbouring properties and would provide high quality amenities for future occupants. The development therefore complies with the National Planning Policy Framework (July 2021) and Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.*
- 6. The proposed development, subject to a tree protection plan condition, would not cause any adverse impact on nearby trees and as such the proposal is considered to be in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029 and the Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018).*
- 7. Adequate drainage (foul and surface water) can be provided for the development and can be appropriately controlled through planning conditions and other legislation to ensure that there would be no risk to property or the environment. The proposal accords with the National Planning Policy Framework (July 2021) and Policies CN6 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.*
- 8. The provision of a Section 106 agreement would ensure that the development would provide a contribution towards off-site affordable provision to mitigate the impact of the development in relation to affordable housing and a contribution in respect of off-site ecological mitigation to ensure biodiversity net gain. The development therefore complies with the National Planning Policy Framework (July 2021); Policies CN1 and EM4 of the Basingstoke and Deane Local Plan 2011-2029; the Community Infrastructure Levy Regulations 2010 as well as the Council's adopted Supplementary Planning Documents on Housing (2018), Landscape Biodiversity and Trees (2018) and Planning Obligations for Infrastructure (2018).*

General Comments

The application is brought before the Development Control Committee in line with the Scheme of Delegation due to the number of objections received and the Officer's recommendation for approval.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Basingstoke and Deane Local Plan 2011-2029 which locates the site outside of any Settlement Policy Boundary and is therefore within the countryside for planning purposes.

National Planning Policy Framework (NPPF) (July 2021)

Section 2 (Achieving Sustainable Development)

Section 5 (Delivering a sufficient supply of homes)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance

National Design Guide

Basingstoke and Deane Local Plan 2011-2029

Policy SD1 (Presumption on Favour of Sustainable Development)

Policy SS1 (Scale and Distribution of New Housing)

Policy SS6 (New Housing in the Countryside)

Policy CN1 (Affordable Housing)

Policy CN3 (Housing Mix for Market Housing)

Policy CN6 (Infrastructure)

Policy CN9 (Transport)

Policy EM1 (Landscape)

Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)

Policy EM7 (Managing Flood Risk)

Policy EM9 (Sustainable Water Use)

Policy EM10 (Delivering High Quality Development)

Policy EM12 (Pollution)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability Supplementary Planning Document (July 2018)

Planning Obligations for Infrastructure Supplementary Planning Document (March 2018)

Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018)

Parking Standards Supplementary Planning Document (July 2018)

Housing Supplementary Planning Document (2018)

Other material documents

The Community Infrastructure Levy Regulations 2010 (as amended)

*Natural Environment and Rural Communities (NERC) Act 2006
Wildlife and Countryside Act 1981 (as amended)
Conservation (Natural Habitats, &c.) Species Regulations 2010 (as amended)
Basingstoke and Deane Landscape Character Assessment (May 2021)*

A Climate Emergency has been declared within the Borough, recognising the urgent need to take action to tackle this important issue through the council's own work, that of our partners and in our communities.

At the meeting of Full Council on 14 October 2021, councillors also unanimously called for an ecological emergency to be declared. This is yet to be finalised at Cabinet, but is a material consideration.

Description of Site

The site lies in a countryside location outside any identified Settlement Policy Boundary and comprises of the dwelling and garden area of Newtown Court Farm, measuring approximately 0.7ha. The site is elevated from the road and accessed via an unmade track which curves upwards through the front garden area to a large level parking area and triple garage building which sits at the same level as the existing dwelling. To the rear of the garage is a raised parcel of mown grass which is accessed via steps. The rear garden of the existing dwelling is bound by mature trees and planting and there is an agricultural field beyond. The land is bound by residential properties to the south and east, agricultural land to the north with Well Street to the west.

Proposal

The application is for the development of 3 new detached dwellings (in addition to the existing dwelling and approved dwelling (see reference below), with associated access, garaging and landscaping, and a detached garage for Newtown Court Farm.

The 5 bed dwelling at plot 1 would be a 9.1m high two and a half storey dwelling of brick and plain clay tile construction extending approximately 11.9 x 9.45m at full height with a lower level side element approximately 7.2m high and 3.9 x 6.5m.

The 5 bed dwelling at plot 2 would be a 9.1m high two and a half storey dwelling of brick and plain clay tile construction extending approximately 11.9 x 9.45m at full height with a lower level side element approximately 7.2m high and 3.9 x 6.5m.

The 6 bed dwelling at plot 3 is the largest dwelling proposed and would be approximately 8.9m high two and half storey dwelling of brick and plain clay tile construction extending approximately 17 x 11.7 m at full height with a single storey side element approximately 4.5m high and 5.2 x 5.8m.

Planning permission was recently granted for a new two storey dwelling (20/01744/FUL) to be constructed in part of the front garden area of Newtown Court Farm between Well Street and the existing access drive. This permission has not been implemented however the implementation of this permission would not preclude the development of the current application were it to be approved.

Consultations

Cllr John Izett *"I would be grateful if you would note my interest and concerns about this*

application and keep me advised of your intended recommendation.

The landscape impact of this significant development in Newtown terms is of particular concern leading me to consider that any benefits of such a development would be outweighed by the harmful impacts. This would "suburbanise" a rural hamlet with executive homes that are not required."

Newtown Parish Council: *"Newtown Parish Council (NPC), representing the local community, firmly opposes this latest planning application. This letter explains its reasons and has divided them into three main sections:*

- 1. Those relating to location/planning policy and sustainability*
- 2. Those relating to local environmental/amenity impact*
- 3. Those relating to impact on character and landscape of the area.*

1. Location/planning policy and sustainability

Newtown is designated as countryside within the current Basingstoke and Deane Local Plan 2011-2029 (the plan). As such, it has no targets set for the construction of new dwellings. It is also an area of development restraint, outside any designated settlement boundary as defined by policies SS1 and SS6 of the plan.

Despite this, three planning applications for new houses in Newtown have been approved in the past three years – two (the White House and Castle Cottages) on appeal to the Planning Inspectors in 2018 and the third, a five-bedroom detached house at Newtown Court Farm, approved straight away by the Basingstoke Local Planning Authority (LPA) in 2020. The Castle Cottages application is still subject to detailed approval by the Development Control Committee.

It is accepted that the LPA must follow the NPPF 2021 and relevant case law and that final planning decisions already taken cannot be reversed, even where the NPC does not agree with them. That said, the LPA is obliged to make a detailed assessment on every planning application, weighing the potential benefits that each development will bring against the potential harm it might cause.

NPC is concerned that three material elements have not been given sufficient consideration (or if they have, they have not been properly and transparently explained) in assessing the applications that have so far been approved. It is therefore concerned that they will be repeated in the latest application, as well as on the application for detailed planning permission at Castle Cottages. It is also concerned to ensure that any further applications are appropriate.

The three elements of NPC's concern relate to:

- Residential curtilage*
- Built up area and*
- Isolation and sustainability*

Residential curtilage

The Dartford case in 2017 was cited in recent new build planning applications in Newtown. This ruling, subsequently incorporated into the NPPF, allows land which is within the 'residential curtilage' of a dwelling and is also in a 'non-built-up area', to be considered as previously developed land. For purposes of the plan, policy SS6a therefore allows applications on previously developed land to be brought forward in countryside locations such as Newtown. This was the rationale for the recent three new-build planning applications in Newtown and is the policy basis for the application now being put forward. The Darford case did not consider the meaning of

'residential curtilage'.

NPC considers that insufficient consideration was given to the LPA to the question of residential curtilage on the 3 Castle Cottages and White Cottage applications and that the decisions on this on each application were questionable. For example, the White Cottage application was ultimately approved, despite the use of the proposed development plot not being changed from use as agricultural land to residential land and there being no evidence to substantiate its use as garden land. Had the issue of residential curtilage been given more consideration and prominence in these cases, the Inspectorates decisions may well have been different.

Given that much of the current garden land in Newtown was agricultural land (including the land at Newtown Court Farm), the LPA must scrutinise the issue of residential curtilage in this latest application to ensure that all four proposed properties are within the residential curtilage of the existing dwelling as defined by planning law. The LPA should confirm that all appropriate changes of use certificates have been obtained in order that the principles of the Dartford case are correctly applied under policy SS6a. Until it does so, the NPC sustains its objection.

Built up area

The definition of what is a 'built up' and a 'non-built-up' area is not established by planning law nor by the NPPF. It would appear to be a matter of personal judgements by the decision maker. The decision must be based on sound, rational, reasonable and transparent principles.

In the Castle Cottages application, the Planning Inspector took the view that Newtown was an area of 'scattered housing' and therefore could not be considered as 'built up'. However, this was taken on the basis of Newtown as a whole, as the LPA acknowledged in its refusal statement. The Planning Inspector allowed the appeal at White Cottage by adopting the same approach and without considering of the location of the site.

Clearly, there are parts of Newtown where dwellings are scattered. However, along the lower C45 road and around Newtown Village Hall, dwellings are closely clustered. There are already 18 separate dwellings in this relatively small part of the parish. This latest application will mean an additional three houses in this 'built-up' area of Newtown, including six new builds in the 22. The LPA must assess carefully whether it is appropriate that this area of Newtown should be considered as 'built-up' in terms of housing density, as opposed to the overall area of Newtown.

This approach is consistent with the guidelines published by the LPA in January 2019 (New homes in the countryside on previously developed land). This sets out how the definition of 'isolation' should be interpreted in terms of being 'built-up' or 'non-built-up' when making applications under policy SS6a. The NPC considers that the LPA should follow its own guidance notes. If this area of Newtown were to be regarded as built-up, the principles set out in the Dartford case would not apply and this application could not be brought forward under policy SS6a.

The decision in the Bramshill case in March 2021 (cited later) supports this approach.

Isolation and sustainability

The same case also addressed the issue of isolation and sustainability in development applications.

Newtown is not a sustainable settlement as defined and designated in the Local Plan or the NPPF. It has no settlement plan boundary; the nearest such boundary is with Burghclere, some three miles away. The proposed site is poorly served by services, facilities and employment opportunities. Daily access to schools, shops and other basic services depends entirely on the

use of cars and their associated environmental impact. This contravenes the principles for sustainable development set out in the BDLP and the NPPF. In addition, public transport links are very poor, there are no street lights, no pavements and no mains drainage. The principles of policy SS1 in the Local Plan are to direct and encourage housing development in agreed settlement areas within the borough. This application does not conform to these principles.

Policy SS6 sets out that new housing developments should be considered if they are not in 'isolated' locations. However, the Braintree case in 2018 established a legal definition of isolation based only on physical proximity to the nearest existing dwelling – such that a new house built in the garden of an existing house could not be considered as isolated. As in this latest case, the Braintree ruling provided the justification for recent planning applications. Used in combination with the Dartford judgement, this argument has allowed development restraint within Newtown to be circumvented. However, the decision in Bramshill v SSHCLG in March 2021 alters the approach to decision making not only to include the physical proximity to other dwellings (as per the Braintree case), but also the proximity to any settlement plan boundary and issues of sustainability.

The LPA needs to ensure that it complies with the principles laid down by all relevant case law. At present the NPC is not satisfied that it has done so for this latest application. Hence the NPC's objection.

Local environmental/amenity impact

This latest application, if approved, would substantially increase the number of houses in a single small area of Newtown. At present the land is occupied only by a single house and its detached garage. The application is to accommodate three further detached houses added to which there is the already approved five bedroom property not yet built.

The application describes two large three storey four/five bedroom dwellings and a third six bedroomed property, all with detached garages. Existing local properties are two storey and date back to periods of the last two centuries.

The accompanying description in the application offers 'a visually attractive development that adds to the overall quality of the area, is sympathetic to the neighbouring properties'. The modern style and size of these properties can hardly be 'sympathetic'.

The scheme plans also appear to show the potential for living accommodation above the detached garages which would further increase the population density in this housing development and be visually out of keeping with surrounding houses.

The proposed development site leads down an unmade single lane track shared between Newtown Court Farm stables and Newtown Court Farm, which in turn connects to the C45. This is a narrow, unlit minor road and which has a speed limit of 30mph. NPC organise periodic monitoring of traffic speed along this stretch of the C45 using a SLR sign deployed on our behalf by Basingstoke and Deane BC.

This application is supported by a traffic survey carried out in January 2021 (during the pandemic lockdown) which concludes that traffic speeds along this section of the C45 are not a cause for concern. The weeks-worth of survey data appears to show that vehicles travelling along the C45 at speeds greater than 35mph totalled only 647 from both directions. However, in direct contrast, survey data collected by NPC over a two week period in November 2020 (along the same stretch of the C45) shows that the number of vehicles travelling at speeds over 33mph totalled over three times that number with an average of 2122 per week – and please note – this was recorded by vehicles travelling from one direction only.

The LPA should therefore obtain a realistic assessment of the traffic impact on the C45 (Hampshire Highways may help to provide this information) and carefully examine the potential road safety implications of this application. In addition to speeding traffic, there will clearly be a significant traffic hazard issue on the C45 whilst the development is under construction. There is currently one building – Pell House, under construction on the adjoining land and the site traffic during the past six months has caused difficulties and near accidents for both local residents and other users of the C45. The LPA should also note that Newtown Church on the other side of the road to the junction has no parking facilities. This means that for weddings, funerals and other special services there is a long line of parked vehicles parked along the C45 turning it from a narrow road into an even narrower single carriageway.

Contrary to the assertions made in the application, NPC believe that a much busier junction between the C45 and the track to Newtown Court Farm/Newtown Court Stables would have an adverse impact on road safety in the local area and should form the basis for refusal.

Of equal concern is the impact of increased surface and wastewater into the local groundwater and potentially downhill into the C45. The drainage report accompanying this application makes the assertion that wastewater is the responsibility of Thames Water. There is in fact no mains drainage in the area and older properties are served by individual septic tanks and newer/modernised properties are connected to sewage treatment plants. It appears that provision will be made for the safe absorption of treated wastewater by percolation/soakaway absorption on the site.

The immediate area around Newtown Court Farm is well known for the ground water springs which emanate from higher ground. Indeed, ground water often flows along what is the proposed access track to this new development and onto the C45. This has in the past created an ice hazard in colder conditions. NPC is concerned that this significantly increased water output from this sizeable development (in its various forms) will flow downhill and then create further problems for traffic along the busy C45 road.

Local residents have expressed their concerns about potential overlooking, intrusion of privacy, increased noise and increased light nuisance at night. NPC notes that the planning consultants for this application are the same as those acting in the previous applications at Newtown Court Farm and White Cottage. In their submission supporting the application at White Cottage, claims were made that there would be no overlooking or privacy intrusion affecting adjacent properties. Now that the property is being built, it is clear that these claims were incorrect and local residents have submitted complaints to the LPA.

Impact on character, landscape and community

The settlement of Newtown dates back over 800 years and Newtown Common itself has long been classified by Hampshire County Council as Site of Importance for Nature Conservation (SINC). In previous iterations of Local Plans Newtown was regarded as a green rural bulwark between the urban settlements of Newbury and Burghclere. Historically it always received the appropriate level of support in scrutinising planning applications.

The planning landscape has changed over the past three to four years and, regrettably, so has the landscape of Newtown. Only one of the new properties approved in this period is currently being constructed and from this it is now clear that the height, scale, mass and design of this building is out of character with the area. This has attracted significant adverse criticism.

Newtown is intrinsically a small rural parish without amenities of its own. Schools, shops and services are to be found only in neighbouring villages or towns. It does not have the infrastructure

to absorb a stream of speculative housing development applications, but this is what appears to be happening. The first of the three dwellings recently approved has already started to change the look and feel of Newtown.

The very large houses proposed in this application will offer nothing likely to benefit local residents. There are many of the younger generations who would prefer to remain in the village, but for whom the price of such houses makes them prohibitive. If the developer or the LPA has an interest in enhancing the community, any proposed dwelling should be both small and affordable. NPC believes that the current proposal would have a significant and lasting negative impact on the nature and character of the village.

In conclusion, the NPC strongly opposes this latest application, as it has its predecessor, and requests the LPA to turn it down.”

HCC Historic Environment: *No objection.*

Natural England: *No comments.*

Biodiversity: *No objection subject to conditions and s106.*

Housing: *Off-site contribution required towards affordable housing provision.*

Public Observations

Seven letters of objection received and summarised as follows:

- *The number and density of new build dwellings being approved within our immediate housing cluster within past 2 years is significant, unsustainable and damaging.*
- *Our 3 bed Victorian semi would become surrounded by large, tall detached new builds.*
- *Our windows on both sides will be overlooked as well as front and back gardens. Impact on visual amenity and enjoyment of property.*
- *Landscape Character Assessment for Highclere and Burgclere (p37) states the need to avoid spread along lanes including Newtown to ‘conserve historic settlements’.*
- *The Planning Inspector’s 2019 judgement that this area is not built up and hence suitable for development must surely not be applied ad infinitum. The immediate local context has moved on, with a significant change in housing density within circa 150 metres radius since 2019.*
- *37.5% increase in number of homes (from 16 to 22).*
- *150% increase in number of 4+ bed detached homes (from 4 to 10).*
- *The amount of development is impacting on local character and placing pressure on the landscape that lacks infrastructure such as street lighting, mains drainage and proper roads.*
- *Out of scale and character with the nearby (mostly heritage) properties.*
- *At odds with verdant setting.*
- *Traffic implications of these new properties, the access is already hazardous and 5 properties using it instead of one will increase the risk.*

Nine letters of support and summarised as follows:

- *Not enough well designed family housing in the area and hope that this will be supported by the council.*
- *Well designed and an asset for the village.*
- *Not overlooked.*
- *Plenty of parking.*

- *New tree planting a positive and good landscaping.*
- *New families could support local schools, church and pubs etc.*
- *Don't know of many villages with employment opportunities so not sure why objections being made on the lack of employment.*

Relevant Planning History

15/00024/HSE	<i>Extension of garage to form double garage, carport, recreational room, workshop and associated works</i>	GTD	01.04.2015
15/00392/HSE	<i>Continued use of existing garage as residential accommodation ancillary to the main house, including associated welfare facilities</i>	GTD	01.04.2015
19/02853/FUL	<i>Erection of 1 no. 6 bed dwelling following demolition of existing dwelling.</i>	GTD	23.12.2019
20/01744/FUL	<i>Erection of detached dwelling with associated access and landscaping</i>	GTD	13.11.2020
21/01797/FUL	<i>Development of 4 new dwellings (in addition to the existing dwelling and approved dwelling) with associated access and landscaping, and a detached garage for Newtown Court Farm</i>	WDN	07.09.2021
BDB/72941	<i>Erection of part single storey, part two storey extensions on the east, west and south elevations. Construction of balconies on the south and east elevations. Rendering of existing elevations. Construction of chimney on north elevation. Amendment to planning permission BDB/66726 for design of garden room and reduction in size of rear balcony</i>	GTD	09.11.2010

Assessment

Principle of development

The site is located outside any Settlement Policy Boundary (SPB) and is within part of the borough which is designated as countryside as per Policy SS1 (Scale and distribution of new housing) of the Local Plan. The Local Plan is explicit in its aims 'to direct development to within the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy'.

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the

Plan period. The strategy is principally based upon the development of allocated Greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted. The most relevant Local Plan policy for the proposal is Policy SS6 (New Housing in the Countryside) which sets out the exceptional circumstances where it is appropriate to allow new housing development in the countryside. Policy SS6 states that development in the countryside will only be permitted if the site is on previously developed land; is part of a rural exception scheme; is for the re-use of an existing building; involves the replacement of an existing dwelling; is small scale to meet a locally agreed need; is required to support an existing rural business; or is allocated by a Neighbourhood Plan.

Policy SS6 criteria a) which refers to proposals on 'previously developed land'. The NPPF provides a definition of Previously Developed Land (PDL) within its glossary at annex 2, this states that PDL is:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

Comments have been received from the Parish Council that the LPA should be satisfied that the land is within the residential curtilage. It was evident during the Officer site visit and looking at the previous site history that the land is being used as garden land for the Newtown Court Farm dwelling. To the front of the dwelling, the access track meanders through the mown grass which is interspersed with fruit trees and other ornamental planting and the use of the land appears the same both on the areas closer to the dwelling and closer to Well Street. The rear garden area is more private and contains moveable domestic paraphernalia such as football goal posts and also a garden shed. The proposal for a new dwelling on the front part of the garden serving Newtown Court Farm was also considered as PDL on the extant permission 20/01744/FUL and on an application for an extension to the dwelling in 2011 the red line boundary of the site included both the front and rear garden areas with reference to a large front grassed area. No evidence has been provided that the land is not being used as garden land.

An assessment also needs to be made as to whether the site is in a 'built up' location. In this regard there are recent appeal decisions for new dwellings in Newtown where the Inspector concluded that the dwellings were located within the settlement, however given the scattered nature of the development in Newtown, the location was not described as a built-up area. One of the appeal decisions relates to a site immediately adjacent to the application site, White Cottage (Appeal ref APP/H/1705/W/19/3225668). It is noted that the Parish Council consider that the character of the area has now changed as a result of these additional dwellings however even with the introduction of additional dwellings, the generous plots and spacious character of this part of Newtown means that it continues to have a loose and scattered pattern of development. Therefore, on the basis of the consistent approach taken by the planning inspectors in relation to these appeals, and the previous planning history for this site, it is also considered that the current proposal would represent development on previously developed land, outside of the built up area. The development therefore complies with Policy SS6 a) of the Basingstoke and Deane Local Plan 2011-2029.

Policy SS6 criterion a) goes on to stated that new housing would only be permitted on previously developed land provided that:

- i) They do not result in an isolated form of development; and
- ii) The site is not of high environmental value; and
- iii) The proposed use and scale of development is appropriate to the site's context

Firstly consideration is afforded to if the dwellings would be in isolated form of development. The NPPF does not provide a definition of what constitutes 'isolated' development. In considering whether or not the current application site is isolated in light of the paragraph 80, reference has been given to case law and recent planning appeal decisions, beyond the definition within the Local Plan.

The Courts have held that 'isolated' for the purposes of the NPPF, should be given its ordinary meaning as 'far away from other places, building and people' remote'. The judgement therefore concluded that the context of paragraph 55 of the previous NPPF (2012), now paragraph 80 (2021), 'isolated' simply connotes a dwelling that is physically separate or remote from a settlement. Whether, in a particular case, a group of dwellings constitutes a settlement, or a 'village', for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker. The Court rejected the argument that the word 'isolated' as set out within the NPPF could have a dual meaning, being physically isolated or functionally isolated (isolated from services and facilities).

In applying this guidance to the current case, the application site is considered to be located within the meaningful collection of dwellings in which forms the settlement of Newtown. The proposed dwellings would not be visually or physically isolated whereby dwellings are situated immediately to the north and south. The Inspector for the permission on the immediately adjoining site (White Cottage) found no conflict with Policy SS6 and outlines that this part of Newtown is a 'settlement'. As such it is considered that this current proposal also accords with Policy SS6 criterion a) i).

In relation to criterion a) ii). The existing site is used as residential land and thus is not considered of high environmental value. Finally in relation to criterion a) iii) the proposal, as will be assessed below, is considered of a scale appropriate to the site context. The proposal is considered to accord with Policy SS6 of the Local Plan. However, the weight to be afforded to these policies will need to be considered in light of the council's current 5 year housing land supply position, as set out below within the Planning Balance Section of this report.

- **Housing Land Supply**

In providing for sustainable development, the NPPF requires Local Planning Authorities to identify a five year supply of specific deliverable sites to meet housing needs. For BDBC, and in line with the Housing Delivery Test published in January 2021, a 5% buffer should be added to the borough's supply. Against this requirement, at the current time, the council is unable to demonstrate that it has 5 years' worth of deliverable sites.

This means that policies relating to housing delivery in the borough's adopted Local Plan and made Neighbourhood Plans are currently considered to be out of date.

Planning applications will therefore be considered in line with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework (NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (paragraph 11 d (i)) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (paragraph 11 d(ii)).

This report will evaluate the application against the relevant Development Plan Policies and an

assessment of the development in light of the above, and the balance required by paragraph 11(d) (ii) of the NPPF will be given in the 'Planning Balance and Conclusion' section of this report.

- **National Planning Policy Framework**

The NPPF is a material consideration in the decision-taking process. The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

For rural housing, paragraphs 78-80 of the NPPF are the most relevant to the consideration of this proposal for a new dwelling. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. Furthermore, Paragraph 80 of the NPPF states that 'Planning policies and decisions should avoid the development of isolated homes in the countryside...'

In this regard, as assessed above, the development is not considered isolated.

In addressing the proposal against the wider objectives of sustainable development of the NPPF and Policy SD1 of the Local Plan, Economically the proposed development would encourage development and associated economic growth through the physical building works. The future occupants of the three dwellings would also contribute to the local economy and to the continued viability of local services in surrounding villages.

In terms of the social objective, the provision of three dwellings in this location would make a small contribution to the Council's housing supply position. The development would provide new dwellings, create the opportunity for future occupiers of the site to develop social and community ties within the area and facilitate future community involvement. Finally, with regard to the environmental objective of this development, the proposal could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards.

The proposal would therefore meet the three objectives of sustainable development as to justify the proposal for three additional residential dwellings in this location.

- **Summary on the principle of development**

The principle of the proposed development would be in accordance with the Local Plan, namely SS1 and SS6 (criterion a). However, as set out above, Local Plan Policies SS1 and SS6 are currently considered to be out of date given the Council's inability to demonstrate 5 years' worth of deliverable sites triggered by paragraph 73 of the NPPF. In having regard to the NPPF, particularly paragraph 8 in relation to sustainable development and paragraph 80 in regards to Rural Housing, the application site is considered to represent a sustainable location for new residential development.

The weight afforded to Policies SS1 and SS6 is reduced in accordance with paragraph 11 of the NPPF. Further consideration on this matter is therefore set out in the planning balance section below. Further discussion is also had within the planning balance taking into account other material considerations, which are addressed within the sections below.

Housing Mix/Accessible and Adaptable homes

Policy CN3 requires that where developments contain market housing, these should contain a range of house types and sizes to address local requirements, with the mix to be appropriate to the size, location, density and character of the site and surrounding area.

Along with Policy CN3's requirement for such an appropriate mix, an obligation to provide 15% of the dwellings as being accessible and adaptable is included. Principle 3.1 (Market housing types and size mix) of the Housing SPD states that development should focus on a mix of two and three bedroom dwellings, with only a limited requirement for homes with four bedrooms or more. The Local Plan recognises however smaller development proposals may not be appropriate to achieve such a mix. In this particular instance it is considered that the proposal for three dwellings with four bedrooms or more is acceptable as it would be appropriate to the density and character of the site and surrounding area, according with the aims of Policy CN3 of the Basingstoke and Deane Local Plan.

Affordable Housing

Affordable housing provision is a corporate priority for the Council as set out in the Council Plan and Policy CN1 of the Basingstoke and Deane Local Plan 2011-2029 to ensure that those households in need are able to access housing in the borough. Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development. Whilst the requirements of the Local Plan are acknowledged, the Council is additionally mindful of the more recent guidance contained within paragraph 63 of the NPPF, which sets out that the "provision of affordable housing should not be sought for residential development that are not major development (10 units or more), other than in designated rural areas (where policies may set out a low threshold of 5 units or fewer)". In this instance however the site is larger than the site area threshold of 0.5ha. On smaller sites such as this and for the number of dwellings proposed, the Housing SPD advises that an off-site contribution is required to be made rather than providing affordable housing on-site. The applicant has confirmed that they accept that a contribution is required and the level of contribution is being discussed as part of the s106 agreement process.

Impact on the character of the area/ design

The NPPF states that the creation of high-quality buildings is fundamental to what the planning and development process should achieve, with good design a key aspect of sustainable development. Paragraph 130 goes on to state that development should establish or maintain a strong sense of place, be sympathetic to local character and history and be visually attractive. Paragraph 134 states that permission should be refused for development that is not well designed, especially taking into account local design standards or guidance contained within SPDs. Significant weight should be given to outstanding of innovative designs which promote high levels of sustainability, or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Local Plan Policy EM1 states that proposals should be sympathetic to the character and visual quality of the area. They must respect, enhance and not be detrimental to the character or visual amenity of the landscape. Proposals must respect the sense of place, sense of tranquillity or remoteness, and the quiet enjoyment of the landscape from Public Rights of Way.

Policy EM10 states that proposals will be required to respect the local environment, contribute to the streetscene and be visually attractive. EM10 also seeks high quality development across the borough, based upon a robust design-led process and a clear understanding of the local identity and context of development to create successful, inviting places where people want to live, work and enjoy themselves.

The Design and Sustainability SPD sets out the key urban design and sustainability principles for the borough. These include:

- Ensuring that new development is of high quality and well designed;
- Improves the standard and distinctiveness of architecture in the borough;
- Ensuring that the character of rural settlements are maintained and enhanced by ensuring that the new development responds positively to their distinctive and local characters

The existing dwelling at Newtown Court Farm has a long front garden which rises up from the road with the existing dwelling set in an elevated position such that it is visible from the highway. The development proposes dwellings to be introduced to the front, side and rear of the existing house. Plot 1 to the front (on the rising land to the front) but set behind the previously approved dwelling, Plot 2 to the side of the existing dwelling (the area of the existing triple garage building), and Plot 3 to the rear of Newtown Court Farm house, within part of the existing rear garden area.

The proposed dwelling (plot 1) would be a brick and plain clay tile two and half storey dwelling located on part of the existing front garden area set on rising land but at a lower level than the existing dwelling. The dwelling would sit a minimum distance of 60 metres back from the highway.

The proposed dwelling (plot 2) would be a very similar design to that of plot 1 and would be set at a minimum distance of 93 metres back from Well Street and in a similar position within the site to that of the existing detached triple garage building.

The proposed dwelling to the rear (plot 3) although the largest of the proposed properties would only be partially visible from the streetscene given its siting towards the rear part of the site and beyond the rear elevation of the existing dwelling. This property is set on a similar ground level to the existing dwelling however its impact on the street scene is limited given the intervening distances (minimum of 137 metres from the highway), boundary treatments/vegetation and the context of the surrounding pattern of development.

Concern has been raised about the scale and design of the dwellings and whether they would fit suitably into the surrounding context. The dwellings proposed are large detached dwellings however they are of a traditional design which fits with the general character of the surrounding area, notwithstanding the new contemporary style dwelling currently under construction on the neighbouring site at the White Cottage.

It is considered that the scale of the residential development proposed would not result in significant detrimental impacts on the rural character of the area or the scenic quality of the wider area. This is in part due to the topography of the site in combination with the proposed layout where space would be maintained between the dwellings as well as the additional benefits that the mature and proposed planting would result in a proposal that accords with Policies EM1 and EM10 of the Local Plan subject to conditions.

Natural Environment

- Biodiversity

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF (paragraph 180), Policy EM4 of the Local Plan and Policy G1 of the Neighbourhood Plan.

The site itself is not subject to any statutory or non-statutory ecological designations. There are two statutory designated sites within 2km of the development site; Greenham and Crookham Commons SSSI and the Herbert Plantation Local Nature Reserve. The Ecological Survey confirms that there is no ecological connectivity between the site and the designated sites and the size and scale of the development would have no impact on these or the habitats and species that they support.

The Ecological Survey also confirms that the majority of the proposed development site comprises of amenity grassland which is well maintained and mown at a short level which results in a low ecological value. The site is bound by hedging; to the north Hazel, Holly and Dog Rose and to the south and western boundaries Beech with more limited Hazel and Holly.

A further ecological survey has confirmed that the existing dwelling is a confirmed bat roost and surveys from 2019 and 2021 evidence that the house contains a maternity colony of Soprano Pipistrelle bats as well as other roosting locations within the site used by individual Soprano Pipistrelles and an individual Common Pipistrelle. The Biodiversity Officer has confirmed that in relation to protected species, the mitigation measures proposed within the Turnstone Ecology Biodiversity Report dated November 2021 are appropriate.

Discussions between the BDBC Biodiversity Officer and the applicant's ecologist have been continuing in relation to securing biodiversity net gain. Whilst a certain amount of enhancement is possible on-site the development of the site would result in approximately a 30% net loss of habitat. Further information is being provided in relation to this to enable an accurate assessment of the number of habitat units generated and the level of financial contribution which would be required to be secured as part of the s106 legal agreement. These discussions are continuing and further information will be provided in the update paper.

Subject to condition and the securing of biodiversity net gain the development would accord with the NPPF, Policy EM4 of the Local Plan.

Trees

The application is supported by a Tree Survey and Arboricultural Development Statement which provides details of both the existing trees and trees to be retained or removed as part of the proposed development. The site benefits from a number of mature trees around the site and also less established ornamental planting throughout the site. There is a large mature Oak tree to the southwest of the house and a large mature Horse Chestnut tree to the north as well as other trees around the boundary of the site and a number of fruit trees within the amenity grassland. Whilst a number of trees are to be removed, the majority of the trees are to be retained including the more mature, high quality trees such as the Oak and Horse Chestnut. Condition 10 relates to tree matters and it is considered that with this in place the development would accord with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

Residential Amenity

The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution. Local Plan Policy EM12 also seeks to protect health and the natural environment from polluting effects as a result of existing, historic or nearby land uses and activities.

Policy EM10 requires developments to provide high levels of amenity for proposed occupants and

neighbouring occupiers regarding privacy, amenity space and natural light. Design Principle RA2 as set out within the Design and Sustainability SPD requires minimum garden sizes for three bedroomed or more properties to measure 60m², whilst RA3 states that each dwelling must have a minimum garden depth of 10m. Key design principle RA7 of the Design and Sustainability SPD states that new development must have a suitable, pleasant outlook and level of natural light for both new and neighbouring dwellings.

- Impact on occupants of existing and proposed dwellings at Newtown Court Farm

The application is supported by information on the distances between the new dwellings and the existing and approved dwelling on site:

1. The distance between the front elevation of the dwelling at plot 1 and the approved dwelling to the west varies between 26.8 and 30.2m. Between the rear elevation of plot 1 and the front elevation of the existing dwelling is 30.1m.
2. The dwelling proposed at plot 3 is angled so that it does not directly overlook the rear elevation of the existing dwelling however oblique views would be possible. There is a distance of 26.1m from the higher level windows in the roof space and a minimum of 21.8m from the lower level windows.
3. The dwelling at plot 2 would replace an existing triple garage building. There would be a distance of over 37m from the rear elevation to the rear elevation of the closest neighbouring property.

- Impact on neighbouring amenities

The separation distances between the existing and proposed dwellings (boundaries and elevations) are fully compliant with the SPD. The distances are such that the proposed dwellings will not have an overbearing impact or cause any loss of privacy to the occupiers of neighbouring properties.

Highways and Parking

Policy CN9 sets out that development should integrate into existing movement networks, provide safe, suitable and convenient access for all users; provide appropriate parking and servicing provision; and should not result in inappropriate traffic generation or compromise highway safety. Policy EM10 requires developments to provide appropriate parking provision (including bicycle storage), in terms of amount, design, layout and location, in accordance with the adopted parking standards set out within the Parking SPD. The NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site is accessed via an existing driveway that joins with an existing access track serving Newtown Court and the neighbouring Newtown Court Stables dwelling that leads onto Well Street. Travel to the site and from the site would be largely reliant on cars which is the same as for the existing occupants of Newtown.

The application has been supported by a Transport Statement and plans to demonstrate that the development would be served by a safe and suitable access. The submitted parking plan indicates that the proposal would accommodate the parking requirements on site with sufficient space available to meet the requirements of both the existing and proposed dwellings. There is space for turning and manoeuvring within the site to enable exit in a forward gear therefore the parking arrangements are considered acceptable. Concern has been raised both from the Parish Council and in letters of representation about the impact of the development on highway safety given the

existing issues during the construction of the dwelling at the neighbouring White Cottage site and the lack of parking to serve the church which is in close proximity. Whilst these comments are noted it is also relevant that the addition of three additional dwellings is not considered to give rise to unacceptable levels of vehicular movements or result in significant harm in respect of highway safety.

Archaeology

The County Archaeologist has confirmed that the site is located adjacent to, but outside, a Scheduled Monument which represents the location and extent of a putative medieval planned town now deserted, as determined by historical research. There is no evidence to suggest that the town extended as far as the present location. The proposed development is screened from the monument and has a backdrop of other dwellings and as such it is not considered that there would be an impact on its setting. The development would accord with the aims of Policy EM11 of the Basingstoke and Deane Local Plan 2011-2029.

Flood Risk

Policy EM7 of the Basingstoke and Deane Local Plan confirms that the triggers for a Flood Risk Assessment are:

- All sites of 1ha or more in Flood Zone 1;
- All sites in Flood Zone 2 or 3;
- Sites that have a record of localised or groundwater flooding from SFRA;
- Sites in critical drainage areas and upstream of critical drainage areas

The site is within Flood Zone 1 – a low probability of flooding. The application submission details that rainwater run off would be managed by suitably sized soakaways. It is considered that further details on the proposed drainage strategy could be suitably secured by condition and Condition 5 requires details to be provided in relation to surface water run-off. Subject to condition the proposal would accord with Paragraph 166 of the NPPF and Policy EM7 (e) of the Basingstoke and Deane Local Plan 2011 -2029 which requires development within an area at risk of flooding to attenuate surface water run-off so that the run-off rate is no greater than the run-off prior to development taking place, or, if the site is previously developed, development actively reduces run-off rates and volumes.

Sustainable water use

Policy EM9 of the Local Plan sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. A condition has been added to ensure that the proposal would be carried out in accordance with this. On this basis the proposal would accord with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

Community Infrastructure Requirements

A Section 106 agreement is currently being progressed in relation to a financial contribution towards off-site affordable housing provision given the size of the site which is over 0.5 ha and off-site ecological mitigation to secure biodiversity net gain.

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be

calculated if applicable. From these forms, it would appear that the development would be CIL liable.

Other matters

The Parish Council have raised a number of matters relating to the principle of development including reference to recent case law. The Court of Appeal's judgment in *Bramshill v SSHCLG* [2021] EWCA Civ 320 addresses the interpretation and application of policies in the National Planning Policy Framework ("NPPF") against the development of isolated homes in the countryside and on the assessment of harm and benefit to heritage assets. "In the cases before me, whilst I acknowledge that the site contains existing buildings, it is evidently not a rural community, settlement or village but rather a discrete group of buildings used in the past for a specific purpose as a residential institution centred on a historic house. It is remote from other settlements and villages and surrounded by open countryside." This case law is not considered to change the conclusion reached in relation to this current planning application.

Pre-Commencement Conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority is required to serve notice upon the applicant to seek agreement to the imposition of such a condition. The outcome of this will be reported in the Update.

Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block Plan 2022i 102

Plot 1 2022i -1 103

Plot 2 2022i -2 103

Plot 3 2022i -3 103

Plots 1-2 Garage 2022 G2 103

Plot 3 and existing dwelling Garage G1 103

Vehicle access and parking 2022i 419

REASON: For the avoidance of doubt and in the interests of proper planning.

2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

3 No development above damp proof course shall commence on site until a schedule of materials and finishes to be used for the external walls and roof(s) of the proposed building(s) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

4 No development above damp proof course shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing

by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter maintained.

REASON: Details are required because insufficient information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

5 Notwithstanding the submitted details no development shall commence on site until details of the works for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved surface water drainage details have been fully implemented in accordance with the approved plans.

REASON: In the absence of sufficient and precise details of the proposed surface water drainage mechanism within the planning submission, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policies EM6 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.

6 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7 No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

8 Within 3 months of the date of commencement a Construction Statement detailing how the new home shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority unless through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.

REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

9 No development above slab level shall take place on site until details of electric vehicle charge points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the occupation of the dwellings and shall be thereafter be retained and maintained.

REASON: To ensure that the development provides opportunities for sustainable transport modes in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029, the Parking SPD and the paragraph 110 (e) of the National Planning Policy Framework.

10 Tree protection measures, including fencing, ground protection, supervision, working procedures, storage of construction materials and special engineering solutions shall be carried out in full accordance with the Arboricultural Design Statement written by CBA Trees, July 2021.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

11 No development above slab level shall take place on site until details of waste storage and collection points have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the first occupation of any dwelling affected and shall thereafter be maintained.

REASON: In the interests of amenity and highway safety in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

12 The areas shown on the approved plan for the parking and manoeuvring of vehicles for the dwellings shall be provided prior to occupation and reserved for these purposes at all times.

REASON: To ensure adequate on site car parking provision for the approved development in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted(including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

14 The dwellings hereby approved shall not be occupied until details indicating 3 long term and 1 short term secure cycle parking storage for the proposed dwellings have been submitted and approved and the development shall be maintained in accordance with the approved details.

REASON: Details are required because insufficient information has been submitted with the application in this regard and in accordance with Policy CN9 and EM10 of the Local Plan.

15 No development above slab level shall take place on site until details of a habitat enhancement scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: To help protect and enhance the biodiversity of the area in the long-term, in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011- 2029.

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

seeking further information following receipt of the application;
considering the imposition of conditions

In this instance:

the application was acceptable as submitted and no further assistance was required.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Any clearance of shrubs or trees should be outside of bird nesting season (March to August inclusive) otherwise areas should first be checked for nesting birds and if any signs of nesting are located clearance should not occur until nesting has finished and fledglings have left the nest.

4. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application>. For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency>.

5. The development hereby approved results in the requirement to make payments to the Council as part of the Community Infrastructure Levy (CiL) procedure. A Liability Notice setting out further details and including the amount of CiL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the Council prior to the commencement of development. Failure to submit the Commencement Notice prior to the commencement of development will result in the loss of any exemptions claimed; the loss of any right to pay by instalments; and additional costs to you in the form of surcharges. You are advised to await acknowledgement of receipt of the

Commencement Notice from the Charging Authority before commencing any works. Further details can be viewed at <https://www.basingstoke.gov.uk/community-infrastructure-levy>

6. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

7. In the event discoloured and/or odorous soils are encountered during any excavation works; or should any hazardous materials (including suspected asbestos) or significant quantities of made ground be found, then all development works shall be stopped and the Local Planning Authority contacted immediately.

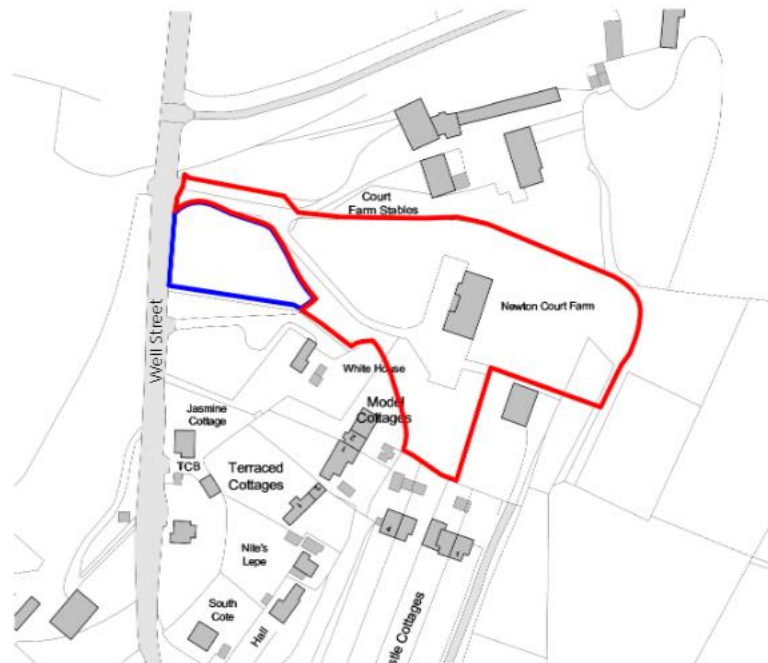
It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works.

This is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems. It also ensures that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and promotes the interests of residential amenity and in accordance with Policies

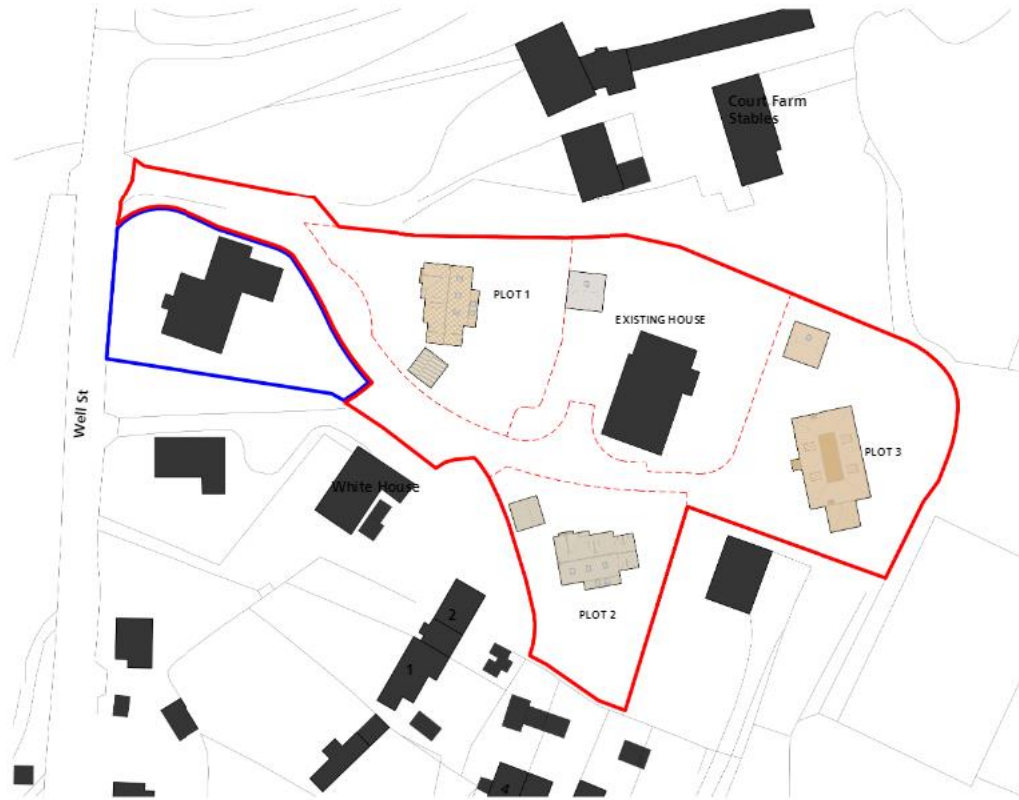
EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

8. Please note that any information in relation to the discharge of planning obligations contained within the completed Section 106 Agreement in relation to this planning permission should be submitted to the Planning Infrastructure Monitoring Officer, Planning Development Team, in accordance with, or ahead of, the timeframes contained therein.

Location plan



Block Plan



Plot 1 – Proposed Elevations & Floor Plans



Plot 2 – Proposed Elevations & Floor Plans



Plot 3 – Proposed Elevations & Floor Plans



West elevation proposed
1 : 100



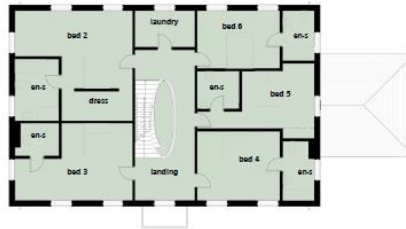
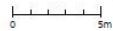
North elevation proposed
1 : 100



East elevation proposed
1 : 100



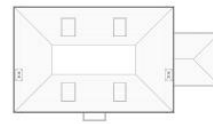
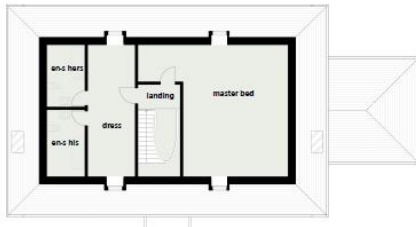
Proposed ground floor
1 : 100



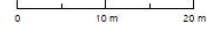
Proposed first floor
1 : 100



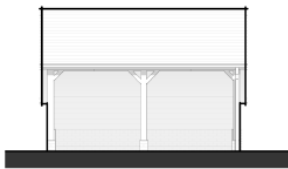
South elevation proposed
1 : 100



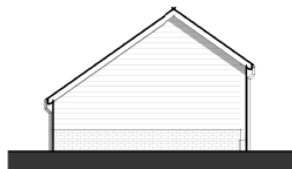
Proposed roof plan
1 : 200



Plots 1 & 2 – Proposed Garage



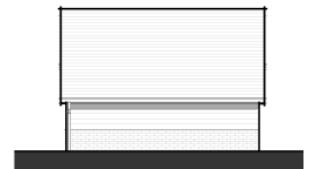
front



side (left)



side (right)



rear

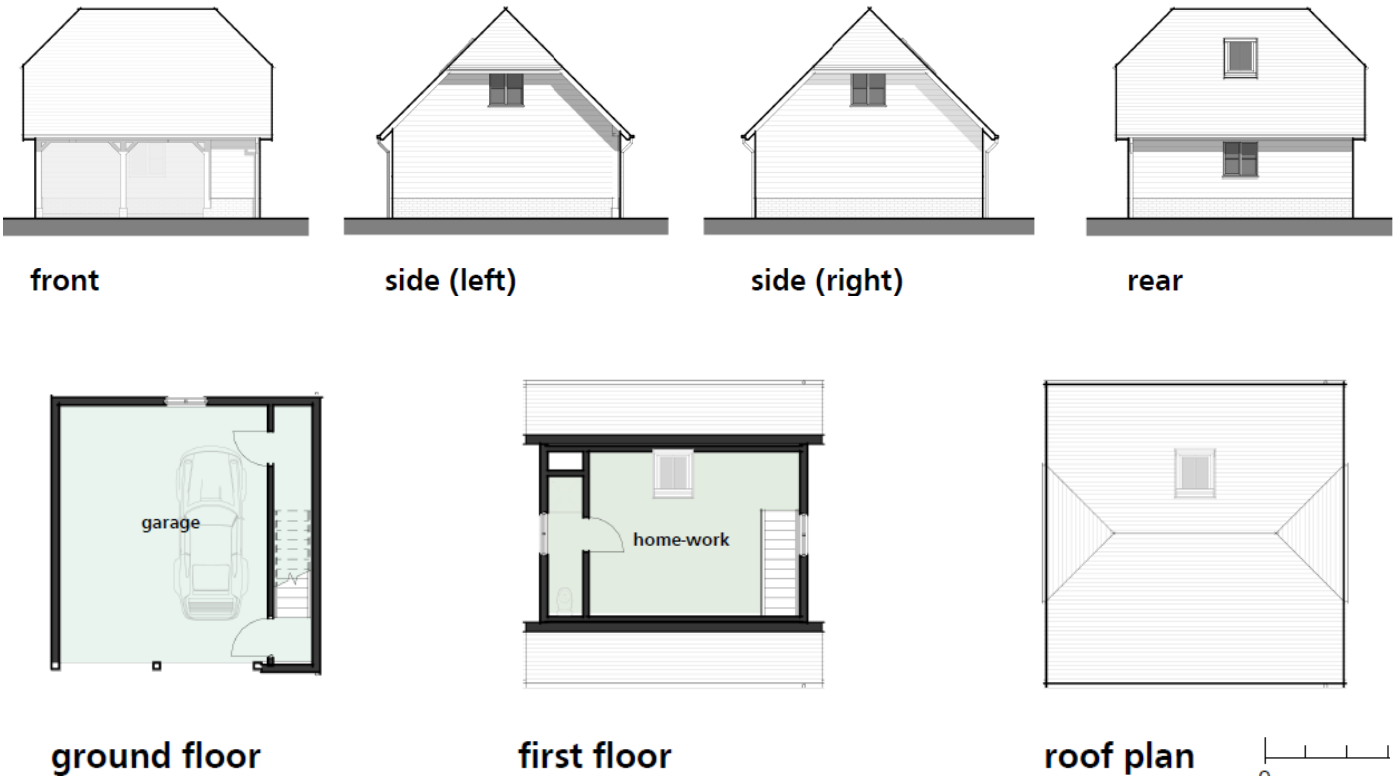


ground floor



roof plan

Plot 3 – Proposed Garage



Vehicle Access and Parking

