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## Appeal Decision

Site visit made on 22 June 2021

**by R J Jackson BA MPhil DMS MRTPI MCMi**

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

**Decision date: 7 October 2021**

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### **Appeal Ref: APP/W1715/W/20/3254715**

#### **Land at Oak Cottage, Winchester Road, Boorley Green**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Foreman Homes Ltd against Eastleigh Borough Council.
  - The application Ref F/19/85604, is dated 18 April 2019.
  - The development proposed is residential development of 31 No dwellings, associated landscaping, amenity areas and a means of access from Winchester Road following demolition of 1 no dwelling and associated outbuildings.
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### **Decision**

1. The appeal is dismissed and planning permission for residential development of 31 No dwellings, associated landscaping, amenity areas and a means of access from Winchester Road following demolition of 1 no dwelling and associated outbuildings is refused.

### **Application for costs**

2. An application for costs was made by Eastleigh Borough Council against Foreman Homes Ltd. This application is the subject of a separate Decision.

### **Preliminary matters**

3. In its Statement of Case the Council did not formally indicate what its position would have been had it been able to determine the appeal application. However, it set out a number of issues where it considered that the proposal was deficient or that, because the Council had not undertaken an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations), it would not have been in a position to grant planning permission. From this it is reasonable to conclude that it would have refused the application had it been in a position so to do.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. As a result of this I asked the main parties for any comments pertaining to this; only the appellant responded indicating that it had no further comments to make.
5. The appellant submitted a Planning Obligation by way of Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) dated 16 August 2021. This was forwarded to Eastleigh Borough Council (the Council) for it and Hampshire County Council (HCC) to make

representations. The Council did so and as a result the appellant submitted a Supplemental Unilateral Undertaking dated 14 September 2021. The Council made comment and the appellant a final response.

### **Main Issues**

6. The main issues are:

- whether the site represents a suitable location for residential development;
- the effect on the character and appearance of the area and whether the layout would meet development plan policies;
- whether the proposed layout would result in appropriate living conditions for the future occupiers in terms of dwelling and garden sizes, including whether gardens would be overshadowed, privacy, noise and odour;
- whether the proposal makes appropriate provision for accessible linkages to facilities;
- whether the proposed development can be appropriately drained in respect of both foul and surface water;
- whether the proposal makes appropriate provision for public open space;
- whether the proposal makes appropriate provision for affordable housing and infrastructure; and
- the effect on habitats sites.

### **Reasons**

*Whether a suitable site for residential development*

7. Under the terms of the Eastleigh Borough Local Plan Review (2001 - 2011) (the Local Plan) the appeal site lies both within the countryside, where Policy 1.CO applies, and within a Local Gap, where Policy 3.CO also applies. Under the former of these policies planning permission will not be granted unless it falls within a short list of exceptions; the proposal does not meet any of them. Similarly, under the terms of the latter policy permission will only be granted for appropriate development which cannot be located elsewhere and would not diminish the gap physically or visually. The appellant agrees that this proposal would not meet either of these criteria. Consequently, the principle of the proposal is contrary to the terms of the development plan.
8. However, since the Local Plan was adopted circumstances have changed materially. Two outline planning permissions have been granted on land which was countryside at Land to the north and east of Boorley Green, and at Land to the north west of Boorley Green, with the former for some 1,400 dwellings and the latter for 680 dwellings. The Local Gap will effectively disappear with the construction of the latter site which abuts the appeal site.
9. Furthermore, the Council is in the process of reviewing its Local Plan. Firstly, this was through the Eastleigh Borough Local Plan 2011 – 2029, but the appointed Inspector concluded that this provided for insufficient housing and, while it has not been formally withdrawn, has not been progressed. The policies in this plan are of negligible weight.

10. More recently the Council has published the Eastleigh Borough Local Plan 2016 – 2036 (the EBLP). The latest situation I have been advised is that the Council is pursuing modifications, with adoption anticipated at some point in 2021. Paragraph 48 of the Framework indicates that weight may be given to relevant policies in emerging plans according to the stage of preparation, the extent that there are unresolved objections and the degree of consistency with the policies in the Framework.
11. Under Policy BO4 of the EBLP the appeal site is allocated for residential development of approximately 22 dwellings, subject to various criteria. These criteria deal with how the site would be developed rather than the principle.
12. Given the change in context to the appeal site and the emerging development plan situation, to which I am able to give significant weight, I am satisfied that these matters provide material considerations to outweigh the presumption of determining the principle of the appeal in accordance with the development plan as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). Consequently, I am satisfied that the principle of developing the site residentially is acceptable. The Council does not take a contrary view as its concerns relate to the layout and other effects.

#### *Character and appearance*

13. The appeal site lies on the western side of Winchester Road, the B3354. It is approximately rectangular in shape, with the longer sides adjacent to Winchester Road and opposite that. The appeal site is generally flat although sloping slightly down to the northwestern corner. The appeal site is surrounded by vegetation on the boundaries, with two dwellings, attached to one another, towards the southern end on the side closer to the road. There are a number of other outbuildings in various locations around the site, but most of the site is laid to grass. There is a pole on the western side carrying low voltage electric cables running north/south across the site. To the north of the appeal site is a narrow ditch with a low wire fence on the inside, and beyond that is a public footpath that allows access to the west to Hedge End railway station. I am advised, that the footpath will also provide access to the new facilities to be provided as part of the Land north west of Boorley Green development. There are a small number of dwellings to the south of the appeal site individually accessed off Winchester Road.
14. Winchester Road in this vicinity runs through a short, vegetated corridor. On the western side is the appeal site, and on the eastern is a wooded area screening the car park of a hotel. Although single carriageway, the road is relatively wide with a small central island and white lining to provide for a right turn lane into the hotel. Provision for pedestrians is made along the eastern side of the road but there is no footway on the western side. In this short corridor at the northern end the footway is adjacent to the carriageway, heading south there is then a section with a narrow grass verge, and finally the footway is separated from the carriageway by a hedge. There is no dedicated crossing from the public right of way (PRoW) to the footpath on the eastern side of Winchester Road and users effectively have to cross three lanes of traffic due to the right hand turning lane.
15. The trees on the northern boundary of the appeal site are in two rows either side of the line of the electricity cables, although the gap is vegetated at a lower level. There is a plank footbridge across the ditch allowing someone on

- the appeal site to climb over the low fence and gain access to the PRow in the western section of trees.
16. This full application proposes the demolition of one of the two existing dwellings on site, the retention of the other with a garage extension on its southern side, and the erection of 31 dwellings. These would be laid out off a revised access to Winchester Road, with predominantly frontage development to a new cul-de-sac, which is arranged as a 'T', although with dwellings at either end. As the site is slightly wider at the northern end than the southern there would be some dwellings in the northeastern corner backing on to the PRow. A drainage pond would be located in the northwestern corner.
  17. The Council considers that the proposed development would represent an overdevelopment of the site. This assertion is made, principally, on the basis that the proposal would involve more dwellings than those identified in the emerging EBLP policy, Policy B04. However, none of the criteria in the emerging policy deal specifically with the number of dwellings. There is a requirement for a range of housing types, sizes and tenures, which subject to securing affordable housing, I consider would be met, and another requiring a good quality landscape setting including buffer planting along Winchester Road maintaining and enhancing boundary hedgerows. In respect of this second criterion the application was accompanied by a detailed landscaping plan that shows landscaping along the main frontage and along other boundaries.
  18. The Council's landscape officer raises an objection due to the loss of some of the landscaping along the Winchester Road frontage, particularly at the entrance. However, the existing landscaping, particularly along Winchester Road, is in some areas over mature and replacement and reinforcement would be beneficial. In addition, if the site is to be developed there is going to need to be creation of a suitable access and appropriate sight lines which would result in the loss of some vegetation.
  19. There is no prevailing character in the immediate area which the development or layout of this site should replicate and the proposed layout in overall terms ensures a single point of vehicular access, minimising accesses and highway risk. However, the layout as proposed would involve the loss of some trees along the Winchester Road frontage. Two trees are particularly highlighted, T36 and T39 as identified in the Arboricultural Impact Assessment<sup>1</sup>. These are both oaks being categorised as B1 pursuant to BS5837:2012<sup>2</sup> and are thus of moderate quality with an estimated remaining life expectancy of at least 20 years and are noted for their arboricultural qualities. Both of these trees are noted for felling due to the proximity of Plots 3 and 4. The loss of these two trees would be harmful to the character and appearance of the area.
  20. Additionally, there is some confusion over the proposed boundary treatments along the Winchester Road frontage. The Boundary Treatment Plan<sup>3</sup> shows 1.8 m high brick walls inside the vegetation, but the Noise Impact Assessment<sup>4</sup> says that "fencing at a height of 2.5m should be used in marked locations"; effectively the same places. If 2.5m fencing were to be provided, and this would be required to ensure living conditions for any proposed occupiers were

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<sup>1</sup> Reference J1130.03

<sup>2</sup> Trees in relation to design, demolition and construction – Recommendations.

<sup>3</sup> Drawing No 19 027.15 rev C

<sup>4</sup> REC Reference: AC106494-1R1

appropriate, this dichotomy could be resolved through planning conditions. Landscaping could be allowed to grow to mitigate the effects of these taller fences on the street scene.

21. Concerns have been raised about what is seen as the lack of any architectural delight or formality in the design. The two dwellings either side of the access road, Plots 10 and 11, would provide some formality (although there would be other issues which I will consider below). In urban design terms there should then be a sense of arrival and termination at the end of the access drive. However, Plot 25 is understated in design (as would be all the buildings), would be off-set to one side of the access road and at an angle. This means that it would not create a sense of termination to create a sense of place. Then, when turning to either side, there would be no focal point at either end of the secondary cul-de-sacs. To the south the road would effectively run to the southern boundary hedgerow, and to the north to two parking spaces beside the drainage pond.
22. The Site Layout drawing<sup>5</sup> shows Plots 10, 11 and 14 to 17 would have short paths at the front of the dwellings direct to Winchester Road. None of the paths would link to a footway. In respect of Plots 10 and 11 this is an area where vehicles would be prevented from parking through a Traffic Regulation Order funded through the Planning Obligation. It seems to me that these pedestrian links are therefore superfluous and represent poor design as part of the overall layout. In relation to Plots 14 to 17 use of the pedestrian access in this location could lead to parking on Winchester Road, since the Traffic Regulation Order would not extend this far, which would be harmful and represents an element of poor design.
23. The Council has expressed concern that there is insufficient landscaping within the site, but within the layout proposed this has been satisfactorily addressed. In addition, I consider the relocation of the electricity cables could be dealt with by condition. However, these matters do not overcome the shortcomings in the layout and design I have set out above.
24. Overall, the loss of the two trees along the Winchester Road frontage would be harmful to the character and appearance of the area but, the additional landscaping would off-set this harm to some small extent. What is of more import is that the layout fails to provide a sense of place and would not take the opportunities available for improving the character and quality of the area. In these terms the proposal would be contrary to Policy 59.BE of the Local Plan which requires development to be appropriate in terms of layout and design. It would also be contrary to paragraph 130 of the Framework in that it would not create a strong sense of place.

#### *Living conditions*

25. The Council asserts that not all the dwellings would accord with the Nationally Described Space Standard. However, it has not provided evidence of this, in the sense of setting out how the Standard would not be met for individual properties. In any event, footnote 49 of the Framework makes clear that the use of these Standards should follow from planning policies where the need for an internal space standard can be justified. I have not been directed to even an

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<sup>5</sup> Drawing 19.027.02 rev C

- emerging policy to this effect. Whether the dwellings meet the Nationally Described Space Standard therefore is of little materiality.
26. The Council has also referred to its Quality Places Supplementary Planning Document (the QPSPD). This indicates it is designed to support Policy 59.BE of the Local Plan which requires development to be appropriate in terms of layout, density and siting. In light of this I am able to give the QPSPD significant weight.
  27. The QPSPD indicates that private amenity space should be at least 60% of the floor space of the dwelling and with minimum lengths when within 30 degrees of north. The Council asserts that eight of the proposed dwellings fail to achieve the minimum garden length set out in the QPSPD but the Council has not set out where these eight dwellings would be. It seems to me that the QPSPD does not take into account the width of gardens in making the assessment. In looking at the layout, based on the information in front of me, I am satisfied that the garden areas are of appropriate sizes for the dwellings they would serve.
  28. The Council has expressed a "specific concern" about the proximity of trees to dwellings and later pressures to require pruning which would be harmful or otherwise lead to unacceptable living conditions for the occupiers. However, no details of where such concerns occur have been identified and it seems to me that there would be sufficient space between the dwellings and retained trees so that in this aspect the proposals would be acceptable.
  29. However, in respect of overlooking I consider that the layout would be deficient. There would be unacceptable overlooking from the habitable rooms at first floor in the front of Plot 23 into the rear garden of Plot 13. Due to the relationship between these properties there would be no private area immediately adjacent to the rear of Plot 13; this would be harmful. The Council also cites overlooking between Plots 5 and 7. However, it seems to me that because these properties would be roughly at right angles to one another, any overlooking in the most sensitive areas immediately to the rear of the dwellings would be at an oblique angle; more direct overlooking would be to the rear of the gardens which is less sensitive, and I consider this relationship would be acceptable.
  30. There would be a private packaged pumping station for foul water in the northwestern corner between the drainage pond and Plot 31. In its consultation response Southern Water states that due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site. The appellant notes that this is a private, packaged underground pumping station rather than a public pumping station. However, notwithstanding this, there may be times at any point of the day or night when this needs maintenance creating a high level of noise, vibration and odours. This would give rise to unacceptable living conditions for the occupiers of Plots 30 and 31, which are both within 15 metres of the proposed pumping station. I note that the Noise Impact Assessment submitted with the application does not consider this issue.
  31. Taken together, the proposed development would not give rise to a high standard of living conditions for the occupiers of Plots 13, 30 and 31. This means that the proposal would be contrary to Policy 59.BE of the Local Plan

and Policy DM1 of the emerging EBLP which require development not to have an unacceptable impact on residential amenities of new residents. It would also be contrary to paragraph 130 of the Framework which states that planning decisions should ensure developments have a high standard of amenity for future users.

### *Connectivity*

32. As noted above, there are only pedestrian facilities on the eastern side of Winchester Road. As part of the development of Land to the north west of Boorley Green links to the Hedge End railway station would be improved. The station is some 950 metres from the appeal site and thus within a reasonable, if slightly elongated, walking distance. The appellant, as is discussed below, would make a contribution to upgrade a forthcoming play area immediately to the northwest of the appeal site rather than providing for one on site. There are also facilities to the east of Winchester Road in the Land to the north and east of Boorley Green development.
33. To gain access to the facilities to the north and west anyone living on the appeal site would be required to cross the Winchester Road, a verge with a non-accessible kerb, travel a short section to the north, and then re-cross, including the right hand turning lane, to get to the PRow. I note that the refuge island is not located so that it would be of benefit to those crossing the road. This double crossing in so short a distance would not encourage somebody to walk to these facilities and would not provide a convenient access route.
34. Also, as noted above, there is a plank footbridge across the ditch leading directly from the appeal site to the PRow. This route is not shown on the site layout and may not be of an appropriate standard to allow all sections of the community to use it. This does not mean that a way through the northern boundary could not be upgraded thereby providing a suitable link, and I considered whether this could be delivered by condition. However, I have no evidence as to what effect this may have on trees and ecology in this area, and the gap between trees underneath the existing electricity lines is laid out as the private garden for Plot 1 meaning a route could not go through this area. I therefore consider that in light of the information in front of me that imposing a condition would not be an appropriate course of action as implementing it may have unacceptable effects.
35. That being the case, the proposal does not provide for an easy pedestrian connection with the overall neighbourhood which would be formed with the Land to the north west of Boorley Green development and beyond to other facilities. As such it would be contrary to Policies 100.T and 59.BE of the Local Plan and emerging Policies S1 and DM13 of the EDLP which indicated that a site should have appropriate links to surrounding footpaths. It would also be contrary to paragraph 104 of the Framework which indicates that development proposals should promote walking and cycling.

### *Drainage*

36. In respect of surface water drainage HCC as Lead Local Flood Authority requested a list of information, describing the information provided with the application as "schematic and provid[ing] insufficient level of detail". HCC indicates that it requires this information to decide on whether planning permission should be granted.

37. In their appeal documentation the appellant indicates that had HCC's request been provided to it, it would have been in a position to provide the information and ensure an appropriate drainage system secured by planning condition or Planning Obligation.
38. In looking to see whether this matter could be resolved by a planning condition, it is necessary to look at the information requested and whether it could be dealt with after permission has been granted. If it cannot be ascertained that the resultant designed scheme could be delivered within the constraints of the existing layout then such a condition would not be reasonable and therefore would fail to meet the tests for conditions set out in paragraph 56 of the Framework.
39. Information on the size of the attenuation pond and whether it would be sufficient for the site, and how the overall system would mimic the current drainage arrangements, particularly to off-site, has not been included. It may be that this cannot be delivered. I am also concerned that it appears that only a two-stage treatment model would be utilised, while a three-stage model is required in emerging Policy DM6 of the EBLP.
40. In relation to foul water, from the response of Southern Water, it is clear that the existing public sewer network will need to be reinforced, and that partnership between Southern Water and any developer would be required. Southern Water recommends a condition be imposed and that this would allow the site to be satisfactorily drained of foul water. I consider that this would be a reasonable approach.
41. While, subject to a condition, the proposal could be satisfactorily drained in respect of foul water, at present there is insufficient information to show that this could be the case in respect of surface water. As such the proposal would be contrary to Policy 42.ES of the Local Plan and emerging Policy DM.42 of the EBLP which require it to be demonstrated that adequate storage of water can be made on site and as set out above.

*Public open space*

42. Policy 147.OS of the Local Plan indicates that for schemes, such as the appeal proposal, of between 24 and 44 dwellings open space provision will be sought on site, unless the requirement can be accommodated by existing public open space within a 300 metre walking distance of the development, in which case a financial contribution will be sought. The financial contributions are set out in the Council's Planning Obligations Supplementary Planning Document (POSPD). Emerging Policy EM35 of the EBLP requires similar provision.
43. The appellant seeks to make a contribution towards the new play area on the Land to the north west of Boorley Green development immediately to the northwest of the appeal site, and this is included in the Planning Obligation.
44. While in quantum terms this would secure the appropriate provision, because of my concerns about the connectivity of the appeal site, in my view this would not provide an appropriate location for users of this site. This play area may be within 300 metres, but the awkward journey across Winchester Road, twice, would discourage its use, particularly by those the play area seeks to serve, children. Parents would, to my mind, be justifiably concerned about such a

journey, and consequently I do not consider that in this case such a financial contribution would overcome a lack of provision on site.

45. Consequently, the proposal would not provide for sufficient open space to meet the needs of the development. It would therefore be contrary to Policy 147.OS of the Local Plan and emerging Policy EM35 of the EMLP as set out above.

#### *Affordable housing and infrastructure*

46. Policy 74.H of the Local Plan indicates a target of 35% of new development should represent affordable housing on sites capable of accommodating 15 or more dwellings. Emerging Policy DM30 of the EBLP sets a similar requirement although at a threshold of 11 dwellings or more. The original Planning Obligation makes provision for 10 of the dwellings are to be affordable with 65% of these for rental and 35% for shared ownership or equity. The supplemental Planning Obligation provides for an additional dwelling to be affordable should I, as Inspector, deem it to be necessary.
47. The Council indicates that it has not been shown which properties would be affordable, whether they would meet Lifetime Homes equivalent standard, and that the tenure mix would comply with its requirements.
48. The original Planning Obligation provides for 10 units, which would not meet the 35% overall target; for 31 dwellings 35% would require 10.85 dwellings. However, they would be provided to Lifetime Homes standard, and the mix would be as set out in the Council's Affordable Housing Supplementary Planning Document. In this form the proposal would thereby not fully comply with Policy 74.H of the Local Plan, emerging Policy DM30 of the EBLP and the Affordable Housing Supplementary Planning Document. To meet the policy requirement the additional dwelling secured in the Supplementary Planning Obligation is necessary and I therefore take this into account. These Obligations taken together would deliver slightly in excess of the policy requirement. I give this limited beneficial weight rather than neutral weight which would have been the case had the obligations precisely met the policy requirement.
49. The Planning Obligations taken together, in addition to contributions towards habitats mitigation considered below, also make provision for financial contributions to various matters, including community infrastructure, services, facilities and amenities, such as education, sustainable transport infrastructure, sport and recreation facilities, community buildings and spaces, and public art. I am satisfied that in each case these are necessary to make the development acceptable, directly related to the development and fairly and reasonably related in scale and kind to the development. As such they would comply with Policy 191.IN of the Local Plan and emerging Policies S11, DM38 and DM40 of the EBLP which all relate to the provision of necessary infrastructure.

#### *Habitats sites*

50. The site lies within 5.6km of the Solent and Southampton Water Special Protection Area, a habitats site. In determining this appeal, I am the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
51. The proposed development would result in an increase in the number of people living in proximity to the habitats site. It is not in dispute that this proposal, in

combination with other plans and projects, is likely to have a significant effect on the habitats site through increased recreational activity and increased nutrient load. As the proposal is not directly connected with or necessary for the management of the habitats site it is therefore necessary for me to undertake an appropriate assessment of the implication of the proposal for the habitats site in view of their conservation objectives. I can only grant planning permission if I ascertain in that appropriate assessment the integrity of the sites would not be adversely affected. Contributions towards the Solent Recreation Mitigation Strategy and the Council's Nitrate Mitigation Policy are secured in the Planning Obligation.

52. As I am going to dismiss this appeal for other reasons, it is not necessary for me to undertake an appropriate assessment or consider this issue further.

### **Other matters**

53. Local residents have expressed concerns about road safety and the increase in traffic in the area. I note that the highway authority is satisfied that, subject to the Traffic Regulation Order referred to above and conditions, the access would be safe. Although I have made comment about the location of the pedestrian accesses to Plots 14 to 17, I consider that the additional traffic from the proposed development overall could be accommodated within the highway without an unacceptable impact on highway safety or so that the residual cumulative impacts on the road network would be severe. These are the tests set out in paragraph 111 of the Framework if permission is to be refused on highway grounds.
54. The Council has indicated that because the ecological surveys are now over two years old it considers that they are out of date and new surveys are required. I note the application was originally submitted in April 2019 and the appellant lodged the appeal against the failure of the Council to determine the application some fourteen months later, some months after the statutory period for determining the application had passed; I therefore consider that this criticism is somewhat disingenuous. The surveys do not show that ecology represent an impediment to the grant of planning permission. Given the nature of the site and the associated ecology I am satisfied that the surveys are sufficient to allow me to make a decision, and this does not, of itself, represent an impediment to the grant of permission.
55. The provision of 31 additional dwellings, with 11 being affordable, is a benefit in both economic and social terms. In my view, notwithstanding the provision of other dwellings in the vicinity, this should be given significant weight.
56. The proposal is for greater than the "approximately 22" dwellings set out in the emerging EBLP and this should be considered a benefit. As paragraph 125 of the Framework makes clear decisions should support developments that make optimal use of the potential of each site. I have been provided with no information to justify why "approximately 22" dwellings should be the maximum number of dwellings that the site is able to deliver. As it will be clear from my overall decision the layout proposed is not optimal as it has a number of substantial defects.

## **Planning Balance**

57. The proposed development would deliver 31 dwellings, with 11 being affordable. This is a significant benefit to be taken into account in determining this proposal.
58. However, the proposal would result in the loss of trees and would fail to deliver a sense of place. Consequently, it would be, overall, harmful to the character and appearance of the area. The proposed layout would give rise to unacceptable living conditions for the occupiers of Plots 13, 30 and 31. It would not provide appropriate linkages to a PRow and thus the contribution towards off-site public open space would not be appropriate to allow for the required open space to be provided off-site. I have insufficient information to allow me to conclude that the proposal could be adequately drained in respect of surface water. All of this therefore leads me to conclude that the layout would not create a high quality, beautiful and sustainable place. The slight exceedance in provision of affordable housing against the policy requirement does not outweigh this harm.
59. While the proposal could be provided with appropriate drainage for foul water, and would deliver the necessary infrastructure, these are required to make the development function and be policy compliant. I therefore give these matters only neutral weight in the final balance.
60. For the reasons set out above, I have not concluded in respect of the effect on habitats sites, but even if I had concluded that the proposal was acceptable in this regard this would, again, only be of neutral weight as it would not deliver a benefit.

## **Conclusion**

61. While I have given the benefits identified above significant weight, the harm that would result from this proposal would outweigh these benefits.
62. For the reasons given above I conclude that the appeal would be contrary to the development plan taken as a whole. As there are insufficient material considerations to indicate a decision otherwise to the development plan, the appeal should be dismissed and planning permission refused.

*RJ Jackson*

INSPECTOR