



Appeal Decision

Site visit made on 7 February 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2024

Appeal Ref: APP/H1705/W/23/3314252

Inhurst Cottages, Inhurst Lane, Baughurst RG26 5JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Noel Doyne against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/01130/FUL, dated 4 May 2020, was refused by notice dated 8 July 2022.
 - The development proposed is the erection of 14no. dwellings and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, on 19 and 20 December 2023, the Government published its revised National Planning Policy Framework (the Framework). The paragraph numbers referred to in the **Council's reasons for refusal**, and in the evidence from both parties, have changed. I have accepted evidence from the parties relating to revisions to the national advice that have a bearing on the matters at issue in the appeal. Consequently, neither party would be prejudiced by my consideration of the updated advice in my determination of the appeal.
3. **The Council's** sixth reason for refusal related to the absence of any suitable legal agreement, to ensure that the proposed development makes adequate provision for affordable housing, biodiversity net gains, and public open space. During the appeal, the appellant submitted a planning obligation by way of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) (the UU), which provides covenants relating to all of these matters. The Council was given the opportunity to comment on the UU.

Main Issues

4. The main issues are:
 - a) Whether the site is suitable for the development, bearing in mind the settlement policies of the development plan;
 - b) The effect of the development on the character and appearance of the area, including any impact on the trees around the boundary of the site;
 - c) The effect of the development on public safety, with particular regard to the off-site nuclear emergency planning arrangements for the Aldermaston Atomic Weapons Establishment (the AWE);

- d) Whether the proposed mix of dwellings would address the local need for housing, and,
- e) Whether suitable arrangements are in place to ensure that the development would make appropriate provision for affordable housing, biodiversity, and public open space.

Reasons

Settlement policies of the development plan

5. The spatial strategy to meet the housing need of the area over the Plan period is set out in Policy SS1 of the Basingstoke and Deane Local Plan 2011-2029 (the Local Plan). The strategy includes allocating sites for 7,705 dwellings, and permitting development within the defined Settlement Policy Boundaries. It is common ground that the appeal site lies outside any defined Settlement Policy Boundaries, so is in the countryside, where Policy SS6 applies. Paragraph 4.70 of the Local Plan says that, 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. Consequently, Policy SS6 only permits new housing outside Settlement Policy Boundaries in specified circumstances. One such circumstance is where the development would be on previously developed land (PDL), and would meet certain criteria.
6. The eastern part of the site is covered by a Certificate of Lawful Use for the storage of building materials in connection with a construction business, and I saw that this use was still active. The Council does not dispute that this part of the site is PDL, but contends that the western part is greenfield. However, the western part includes the hard-surfaced access track leading to the lawful storage area, which can be regarded as fixed surface infrastructure. The land to the north of this track comprises the rear gardens of Nos 1 & 2 Inhurst Cottages. As these dwellings do not lie within a built-up area, their gardens fall within the Framework definition of PDL. Whilst much of the land to the south of the track is covered in vegetation, it also accommodates permanent buildings, and it is not in agricultural use. Consequently, the whole of the appeal site meets the Framework definition of PDL.
7. Policy SS6 permits proposals for new housing on PDL outside of Settlement Policy Boundaries where:
 - 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.**

It is common ground that the proposal would not be isolated, and there is no evidence to indicate that the site is of high environmental value. Consequently, the acceptability of the development under Policy SS6 is dependent on whether the use and its scale **would be appropriate to the site's context.**

8. The Policy does not elaborate on what factors should be considered in determining the appropriateness of the use and its scale. Based on the evidence, however, I consider the main factors in this case to be, firstly, the effect of the development on the largely rural context of the site, and, secondly, the accessibility for future residents to services and facilities by a

range of transport modes. The first of these matters is addressed under the second main issue below.

9. It is common ground that the site lies about 1.5km from the centre of Tadley. Some community facilities are considerably closer than this, including a school and a leisure centre that are both in Brimpton Road, a short distance to the east. However, while these facilities are in relatively close proximity, access to them, for occupants of the development, would involve travelling along Inhurst Lane and Stokes Lane. Both of these roads are unlit and have relatively narrow carriageways, contained by tree-lined verges. Apart from a short length of pavement on the northern side of Stokes Lane, there are no footways, so pedestrians would have to share the carriageway with vehicles. Pedestrians arriving at Brimpton Road would have to cross the road to access the footpath on the opposite side at a point where there is no formal crossing point or central refuge. Consequently, there would not be a safe and suitable pedestrian route to services and facilities from the site.
10. There is a bus stop in Brimpton Road, near to its junction with Stokes Lane. However, access to this bus stop would involve first walking the unsuitable pedestrian route along Inhurst Lane and Stokes Lane. There is a narrow pavement from Stokes Lane to the bus stop, but to access it, pedestrians would have to walk in the carriageway at the road junction. The route to the bus stop is not, therefore, a safe or attractive one. The evidence also indicates that services from this stop are limited. There are other bus services in the area, but the stops are more distant, and would still involve the initial pedestrian route along Inhurst Lane and Stokes Lane. Consequently, bus services would not represent a convenient or safe means by which residents could reach public services and facilities.
11. The roads in the locality are relatively level, so some journeys from the site to local facilities could be made by bicycle. However, the narrow and unlit nature of Inhurst Lane and Stokes Lane, and the lack of cycle lanes in Brimpton Road, mean that this is only likely to be a safe and convenient option for more confident cyclists. Overall, therefore, there would be a limited choice of safe and convenient transport options for occupants of the development to access daily services. Residents would, therefore, be dependent on private transport for the majority of trips to and from the site.
12. This reliance on private transport, combined with my conclusions below, in relation to the effect on the character and appearance of the area, leads me to conclude that the proposed development would not be **appropriate to the site's** context. Consequently, it would not comply with the criteria set out in Policy SS6 for new housing on PDL outside of Settlement Policy Boundaries. It would, therefore, conflict with the settlement strategy set out at Policy SS1 of the Local Plan, which seeks to direct development to Settlement Policy Boundaries and specific site allocations, and resist the encroachment of development into rural areas.

Character and appearance

13. Inhurst Lane is a long, straight, single-track road that is unlit and has no pavements or road markings. It has grass verges to both sides, and is tree-lined along most of its length. There are few buildings on either side of the road, and those that do exist are set well back on large plots, surrounded by an abundance of trees and hedges. The only exception to this is 1 and 2 Inhurst

Cottages, a pair of locally listed buildings adjacent to the site at the junction of Inhurst Lane and Stokes Lane. Consequently, when looking up and down the lane, the road has a distinctly verdant appearance, where the only buildings that are readily evident, are a pair of characterful historic cottages in an otherwise rural setting.

14. Stokes Lane is also narrow, unlit and tree lined. It does accommodate a row of terraced houses, but these buildings are set well back from the road, with trees behind and to either side. Consequently, in long views down the road, from either end, they are not visible, and the road has a similarly verdant, countryside appearance. The appeal site is, therefore, situated in an area where the roads have a distinctly rural character, and buildings are spaced well apart, with trees and hedges visually dominating the street scene.
15. In contrast with the leafy rural lanes leading to the site, the proposed development would be served by a formal 5.5 metre road with 2 metre footpaths on either side. The houses would be arranged tightly around the line of the road, with short front gardens that would be almost entirely hard-surfaced to provide open car-parking spaces. There would be some gaps between the buildings, but these would also be given over to car-parking. There would be little opportunity for any meaningful soft landscaping in the public realm, as the available areas would be small and awkwardly shaped. Consequently, the layout would be visually dominated by buildings, roads, hard surfacing, and car-parking. It would, therefore, have a markedly urban character, which would be discordant with its rural surroundings.
16. There is no contextual analysis to inform the chosen architectural style and detailing of the proposed houses. They would be of a standard form, with pitched roofs and domestic scale openings. Whilst they would not be offensive in appearance, they would lack any local distinctiveness, and would fail to establish a strong sense of place. Consequently, the development would have a rather ubiquitous appearance that would not positively contribute to the established character of the area.
17. The proposed layout results in the loss of two trees in the northeast corner of the site that are categorised as B2 in the Arboricultural Impact Assessment and Method Statement (the Tree Report) submitted with the application. These trees are not currently protected, but, together with the other mature trees around the perimeter of the site, they make a positive contribution to the rural character of the area. Their loss would, therefore, be harmful. The Tree Report related to an earlier layout, so does not consider the impact of the proposed new access. This access would involve significant excavations in close proximity to Tree 1.6, a mature Scots Pine, categorised as B2 in the Tree Report. It is a prominent roadside specimen, and without expert evidence to the contrary, I cannot safely conclude that it could be retained. Its loss would be harmful to the rural character of Inhurst Lane.
18. The line of mature trees along the Stokes Lane boundary is a prominent feature that makes a positive contribution to the verdant character of the area. The construction of the houses would not have any direct impact on these trees, and the Tree Report concludes that the site layout would not result in unreasonable impacts on future residents that would justify their removal. I saw that the trees lie to the northwest of the houses, and that they generally have high canopies that would allow light to reach the rear gardens.

Nevertheless, they would form the rear boundaries of four separate dwellings, so would likely be managed in different ways depending on the perceptions and attitudes of the individual householders. There is, therefore, considerable scope for the erosion of the integrity of the group as a whole, which would be harmful to the overall character of the area. Paragraph 6.25 of the **Council's** Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018) (the LB&T SPD) advises that, on larger developments, the layout should be designed in such a way that large growing trees and woodland are located and integrated into areas of publicly accessible open space, rather than being incorporated into private gardens.

19. The Design, Access and Planning Statement submitted with the application states that the development would be of a high standard of design, and that the dwellings have been designed in a style and with selected materials to allow it to fit well with the wider context of the area. However, there is no accompanying analysis of the character of the surroundings of the site, or the architectural styles that contribute to local distinctiveness. Furthermore, there is no evidence to demonstrate that the scheme reflects the local design guidance in the **Council's** Design and Sustainability Supplementary Planning Document (2018), the LB&T SPD, or the Baughurst and Wolverton Village Design Statement (2004). Consequently, I cannot conclude that the robust design-led approach required by Policy EM10 of the Local Plan has been followed.
20. I am mindful that the proposed development would replace an existing use that is incongruous and an unattractive feature in its rural context. However, neither Policy EM10 of the Local Plan, nor the advice in the Framework, indicates that a lower standard of design would be justified in these circumstances. It is also contended that views into the site would be limited, due to the existing boundary trees. However, the proposal would involve a new access off Inhurst Lane, which would open up views into the site. Furthermore, I saw that the trees along Stokes Lane only provide a partial screen. In any event, the Framework advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. This advice does not only apply to those sites that are particularly prominent to public view.
21. To summarise on this issue, the urban appearance of the proposal would not have due regard to the rural context of the site, and the design and layout would fail to establish a strong sense of place. The proposal would therefore conflict with Policies EM1 and EM10 of the Local Plan, which seek to ensure high quality development that is sympathetic to the character and visual quality of the area. As the development would not be appropriate to its context, it would also be in conflict with Policy SS6. Furthermore, it would be **contrary to the Framework's aim** of achieving well-designed and beautiful places.

Public safety

22. The site lies within the Detailed Emergency Planning Zone (DEPZ) associated with the AWE. Within this zone, development would potentially be adversely affected if a radiological incident with significant off-site consequences occurred at the AWE. Policy SS7 of the Local Plan requires development in the DEPZ to be managed in the interests of public safety, and only permits development

where the Off-Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency. The policy requires that development proposals will be considered in consultation with the Office for Nuclear

Regulation's Directorate (the ONR) who will have regard to:

- (a) the proposed use,
 - (b) the scale of development proposed,
 - (c) the location of the development, and
 - (d) the impact of the development on the functioning of the emergency plan through appropriate consultation with the multi agencies who have duties under the Radiation Emergency Preparedness and Public Information Regulations (the REPPIR).
23. The proposal would place 14 additional dwellings (approximately 33 people) into Sector L of the DEPZ, which is one of the most densely populated sectors. Its location, 1,429 metres from the AWE boundary, means that the site is not likely to be subject to urgent evacuation in the event of an emergency, but it would result in an increased requirement for short, medium, and potentially long-term accommodation, including meeting the needs of vulnerable people. The ONR advised against the development unless the Emergency Planners at West Berkshire Council, who have duties under the REPPIR, could provide written confirmation that, in their opinion, the proposed development could be accommodated within their existing off-site emergency planning arrangements. The Emergency Planners were unable to give such assurance, as the impact on services in relation to recovery and clean up after a radiation event would already be significant, particularly in relation to the rehousing of any people who are decanted from their homes, and the addition of 33 more people would cause additional strain on the recovery facilities of the Local Authority.
24. The appellant submitted an expert report¹, which sought to reassure the Emergency Planners that, as the site is remote from the AWE, and is not on a key access route, the development would not affect access for emergency services. The Report also identifies that incidents at AWE are very infrequent and would have limited radiological consequences at the appeal site. Consequently, the Report concludes that the impact of the proposal on off-site emergency planning arrangements would be small. Nevertheless, the Emergency Planners noted that the Report did not provide any means of mitigating the increased impact of the development on emergency planning arrangements, so maintained its recommendation of refusal.
25. Whilst the impact of the proposal may be modest, it would incrementally increase pressure upon the resources available to implement the Off-Site Nuclear Emergency Plan in the event of a radiation incident. The argument that the impact would be small could be made for any individual development, but the cumulative effect of numerous proposals, over time, could significantly undermine the effectiveness of the off-site emergency planning arrangements, which would be harmful to the interests of public safety. In this regard, I am mindful that Inspectors have dismissed appeals² for much smaller scale developments on these grounds. My approach would be consistent with these decisions.

¹ MTA/P2022/2021-1: Issue 1.1 - Emergency Planning Considerations relevant to a Proposed Development at Inhurst Cottages, Tadley

² Appeal Refs: APP/H1705/W/19/3221311 and APP/H1705/W/19/3229058

26. In summary, I find that the proposal would have an adverse effect on the operation of the Off-Site Nuclear Emergency Plan, contrary to the interests of public safety. The development would, therefore, be contrary to Policy SS7 of the Local Plan. It would also be in conflict with the advice at paragraph 101 of the Framework, which advises that planning decisions should promote public safety.

Local need for housing

27. Policy CN3 of the Local Plan says that development will be permitted where the mix of market housing includes a range of house type and size to address local requirements. The Policy also expects evidence to be submitted to justify the mix that is proposed. Principle 3.1 of the Housing Supplementary Planning Document (2018) (the Housing SPD) addresses market housing. It identifies a borough-wide need for small family homes, and homes suitable for older people wishing to downsize. It states that development should, therefore, principally focus upon a mix of two- and three-bedroom dwellings (particularly houses), with only a limited requirement for homes with four bedrooms or more, which should normally comprise no more than 30% of the market homes in the development.

28. The UU provides that 40% of the 14 dwellings would be affordable, either through the provision of six dwellings or, alternatively, five dwellings and a financial contribution equivalent to 0.6 of a dwelling. On the basis of the six-dwelling affordable housing schedule specified in the UU, the mix of market houses within the development would be five 4-bedroomed houses and three 5-bedroomed. The appellant contends that the overall development would provide a mix of 2, 3, 4, and 5-bedroomed houses. However, Paragraph 5.1 of the supporting text makes it clear that Policy CN3 only applies to market housing. Similarly, Principle 3.1 of the Housing SPD is headed "**Market housing type and size mix**". In terms of the market housing within the development, there would not be a range of house type and size, as required by Policy CN3. Furthermore, all of the market houses would be of four bedrooms or more, contrary to the guidance in the Housing SPD.

29. The appellant contends that the evidence suggests new housing is most likely to be occupied by the 16-34 age group, and that the SPD recommends smaller housing, as it is more affordable. It is also suggested that these households do not necessarily require small houses, but they need houses that they can afford to buy. However, the Housing SPD explains that the requirement for 2- and 3-bedroomed **homes is due to both the borough's ageing population** (which will result in an increase in one and two person households) and the trend towards smaller households throughout life (for example, families having fewer children, and people living alone through choice or relationship breakdown). Furthermore, it also highlights that smaller houses can help to free up family dwellings, and meet the needs of single under 35s through the provision of sustainable, well-designed, and affordable options. The requirement for a range of house type and size is therefore based on actual need, rather than the simple fact that smaller houses will be more affordable.

30. It has been put to me that the provision of 14 additional houses will contribute to addressing the shortage of housing, which is a factor in the current housing affordability crisis. I turn to the benefits of the development below. However, the evidence indicates that the requirement for 2- and 3-bedroomed homes is

based on the needs of smaller households, rather than their relative affordability.

31. The appellant has provided evidence from the Housing Market Assessment, which was updated in 2020. Whilst I acknowledge that it shows a need for housing of all sizes over the next 20 years, it also demonstrates that over 77% of the need is for homes with three bedrooms or less. The appellant has not provided any reasoned justification or viability considerations to justify the absence of smaller market houses within the development. Consequently, the proposed mix of dwellings would not address the local need for housing, and the development would conflict with Policy CN3 of the Local Plan and the guidance in the Housing SPD.

Provision for affordable housing, biodiversity, and public open space

32. The UU would secure 40% of the dwellings as affordable housing, with a tenure split of 70% rented and 30% intermediate products. It would also provide that 15% of the affordable homes would meet enhanced accessibility and adaptability standards. The Council has not commented on the UU, but as the quantum and mix would accord with the requirements of Policy CS1 of the Local Plan, suitable arrangements are in place to ensure that the development would make appropriate provision for affordable housing. The obligations in the UU regarding affordable housing provision are necessary to comply with development plan policy, are directly related to the development, and are fairly and reasonably related in scale and kind to it. Consequently, they meet the tests set out in paragraph 57 of the Framework, and comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the CIL Regs).
33. The application was accompanied by a Phase 1 Habitat Survey & Ecological Assessment and a Biodiversity Impact Calculation. These demonstrate that the proposed scheme would result in an increase of 0.23 habitat units, representing a 24.84% net gain, and an increase of 0.11 hedgerow units, representing a 12.13% net gain. In addition to the habitat creation, seven bird boxes and six bat boxes are proposed within the development. On this basis, the **Council's** Biodiversity Officer did not object to the proposal. The UU secures the Biodiversity Net Gain and its maintenance for 30 years, so suitable arrangements are in place to ensure that the development would make appropriate provision for biodiversity. The obligations are necessary to comply with Policy EM4 of the Local Plan, are directly related to the development, and are fairly and reasonably related in scale and kind to it. Consequently, they meet the tests set out in paragraph 57 of the Framework and comply with Regulation 122 of the CIL Regs.
34. Policy EM5 of the Local Plan says development proposals will be permitted where green infrastructure can be provided for occupants in accordance with the **Council's adopted green space standards**. The Policy says that green space and equipped play will normally be provided on-site, but consideration will be given to an off-site financial contribution towards the enhancement of existing facilities in some circumstances. The proposal does not include any on-site provision, but the UU would secure a contribution of £29,376.64 to the Council towards multi-functional green space. I have not been provided with evidence of how this sum has been calculated, or how it will be spent. However, as there is no on-site provision, it is clear that off-site provision is necessary to comply with Policy EM5. I am therefore satisfied that the obligation is necessary and

directly related to the development. In the absence of any evidence to indicate that it is disproportionate, I am satisfied that it is fairly and reasonably related in scale and kind, so meets the tests set out in paragraph 57 of the Framework, and complies with Regulation 122 of the CIL Regs.

35. The UU therefore ensures that the development would make appropriate provision for affordable housing, biodiversity, and public open space. The proposal would, therefore, accord with Policies CN1, CN6, EM4 and EM5 of the Local Plan, which require new development to provide additional services, facilities, and infrastructure to mitigate the impacts, and to meet the needs, that arise from it.

Planning Balance

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would conflict with the settlement strategy of the Local Plan; harm the character and appearance of the area; have an adverse effect on the operation of the Off-Site Nuclear Emergency Plan contrary to the interests of public safety; and would fail to address the local need for housing. The development would, therefore, be in conflict with Policies SS1, SS6, SS7, EM1, EM10, and CN3 of the Local Plan.
37. The Council published a draft Local Plan Update on 22 January 2024, which has reached the stage of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In these circumstances, the parties agree that the Framework requires that the Council should be able to demonstrate a four-year supply of deliverable housing sites. It is also agreed that the latest Housing Delivery Test results mean that there is no longer a need for a 5% buffer. **The Council's evidence** indicates that it can demonstrate a 4.6-year supply. However, my attention is drawn to a recent appeal decision³, which concluded that 260 dwellings should be deducted from the **Council's supply**, resulting in a 4.06-year supply. The evidence available to the Inspector in that appeal is not before me. However, even if I adopt the lower figure, there is still a 4-year supply. The housing land supply position does not, therefore, give rise to the approach to decision-taking set out at Paragraph 11d) of the Framework.
38. However, the housing delivery policies in the Local Plan were adopted almost eight years ago, and are based on evidence that is even older. Furthermore, the evidence indicates that over the plan period there has been a considerable under delivery of housing. In combination, these factors lead to the conclusion that the housing delivery policies are out of date, notwithstanding the recent revisions to the Framework. As the development plan policies which are most important for determining the appeal are out of date, Policy SD1 of the Local Plan comes into effect. This largely mirrors the advice at Paragraph 11 of the Framework, which states that the presumption in favour of sustainable development should apply, and permission should be granted, unless 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.

³ Appeal Ref: APP/H1705/W/23/3326191

39. Paragraph 60 of the Framework seeks to significantly boost the supply of homes, and Section 11 promotes the effective use of land to provide dwellings. The development would provide 14 houses, which would assist with these aims, and would be a benefit of the proposal. However, whilst paragraph 60 says that **the overall aim should be to meet as much of an area's identified housing need** as possible, it also says that provision should include an appropriate mix of housing types for the local community. As I have found that the mix of the market housing would fail to address the local need for housing, the weight that I can give to this benefit is reduced. Nevertheless, the provision of additional housing still carries moderate weight in view of past under delivery.
40. The proposal would secure five or six affordable dwellings, which would support **the Framework's** advice that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. **Given that the Council's** own evidence demonstrates an overwhelming need for affordable housing within the borough, including within the Baughurst parish, the provision of affordable housing as part of the development is a significant benefit that carries considerable weight.
41. There would also be economic benefits associated with the construction phase of the development, and the future spend by occupants in the local area. However, due to the relatively small scale of the proposal, these benefits would be modest, so the weight I give them is limited.
42. The adverse impacts of the development that weigh against these benefits relate to the character and appearance of the area, and public safety. Both of these give rise to conflict with Local Plan policies. Paragraph 225 of the Framework says that due weight should be given to these development plan policies, according to their degree of consistency with the Framework.
43. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 says that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit. The aims of Policies EM1 and EM10 of the Local Plan are broadly consistent with these aims. Consequently, the conflict with these policies carries substantial weight in my decision.
44. Paragraph 101 of the Framework says planning decisions should promote public safety and take into account wider security and defence requirements by anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security. Policy SS7 of the Local Plan seeks to achieve this aim with regard to the AWE. The conflict with this Policy therefore carries substantial weight in my decision. Furthermore, as this specific policy indicates that development should be restricted within the DEPZ, the development would be contrary to Policy SD1 of the Local Plan, despite the housing delivery policies in the Local Plan being out of date.

45. In the overall balance, there would be significant benefits arising from the development in terms of housing, and in particular affordable housing. There would also be a degree of economic benefit. However, when assessed against the policies in the Framework, taken as a whole, these benefits are significantly and demonstrably outweighed by the harm to the character and appearance of the area and to public safety. The advice at paragraph 11d) of the Framework does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

46. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

Richborough