



Appeal Decision

Inquiry held on 4 -7 August and (online) on 14 August 2026

Site visits made on 3 – 7 August 2026

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2026

Appeal Ref: 6006893

Land to East of Bere Hill, Whitchurch, RG28 7EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Genko Holdings Ltd against Basingstoke and Deane Borough Council.
 - The application Ref is 24/01949/FUL.
 - The development proposed is erection of 115 dwellings (including 40% affordable housing) and associated parking; public house (Use Class Sui Generis), employment units (Use Class E(g)); provision of public open space; installation of sustainable urban drainage system; pumping station; provision of local play areas; soft and hard landscaping; landscape buffer and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal, relating to a scheme for detailed permission, was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it for eight reasons respectively relating to: (1) insufficient information concerning the need for the public house; (2) the effects on the character and appearance of the area, including on the setting of the North Wessex Downs National Landscape (NWDNL); (3) whether the proposal would be of an acceptable quality of design; (4) insufficient information in relation to the adequacy of green infrastructure requirements; (5) harm to biodiversity from the loss of hedgerows; (6) insufficient information in relation to nutrient neutrality measures; (7) whether future occupiers would be adequately protected from odour; and, (8) the absence of a legal agreement for necessary affordable housing and community infrastructure.
3. The appeal was lodged with additional and/or amended information covering a range of aspects, including changes to the site layout to increase retention of existing hedgerows (with related implications for other drawings and documents); further landscape drawings regarding green/play space; revised odour dispersion modelling report; and report on the need for a new public house. These amended/additional documents were consulted upon prior to the opening of the Inquiry. Since then, any updates to plans have been of a minor nature to ensure consistency across the plans and my taking them into account does not prejudice any interests having regard to the principles established in *Wheatcroft v SSE* [1982] and *Holborn Studios v CLBH* [2017] EWHC 2823.

4. The main parties have produced a number of statements of common ground (SOCGs) to set out the areas of agreement and narrowed areas of dispute. The effect of the SOCGs, taken together, are that, subject to conditions and a legal agreement, the Council seeks only to defend putative reasons for refusal 2 and 3 relating to character, appearance, effects on the NWDNL and design.
5. A case management conference (CMC) was held on 19 May 2026 with representatives of the appellant and the Council. The CMC was used to agree on procedural matters and the format of the Inquiry, but the merits of the proposal were not discussed.
6. I undertook a site familiarisation visit prior to the opening of the Inquiry and visited the site and its surroundings on an unaccompanied basis following an agreed route. I also visited various surrounding areas over the course of the Inquiry, including other development sites mentioned by the parties and viewpoints identified in the landscape evidence.
7. The appeal proposal is accompanied by an Environmental Statement (ES) prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). I am satisfied that the totality of the information provided is sufficient to meet the requirements of Schedule 4 of the EIA Regulations and this information has been taken into account in reaching a decision.
8. By way of clarification, the NWDNL was formerly called the North Wessex Area of Outstanding Natural Beauty. Where referring to the specific title or wording of relevant policies or documents, the abbreviation AONB is used in place of NL.
9. A draft legal agreement made under section 106 of the Town and Country Planning Act 1990 (S106) was provided before the opening day and was updated during the Inquiry itself. A completed S106, dated 2 September 2026 was submitted on 3 September 2026. The S106 includes provisions relating to affordable housing; public open spaces; and various financial contributions. I return to this below.
10. A revised *National Planning Policy Framework* (the 2026 Framework) was issued on 17 August 2026 and forms a material consideration for decision making purposes from the date of its publication. The main parties have commented on the relevance of the 2026 Framework policies to the appeal scheme to avoid any prejudice and I have taken the comments into account in reaching my decision.
11. Having regard to the requirement set by the Framework¹ for Councils to demonstrate a minimum supply of housing land equivalent to five years' worth with relevant buffer, the main parties have agreed on a relevant range for consideration as from the base date of 1 April 2025. The Council indicates that it can demonstrate a supply of 3,814 homes relative to the five year requirement with 5% buffer of 5,830 homes. This equates to 3.1 years' worth. Due to some disputed sites, the appellant indicates that the Council can only demonstrate a supply of 2,752 homes, equivalent to 2.2 years' worth. On the basis of the agreed range, the disputed sites were not further tested and the related shortfall has been treated as being between a range of around 2,000 – 3,000 homes.

¹ 2026 and previous versions of the Framework

Main Issues

12. In light of the above, the main issues in the appeal are:

- the effects of the proposal on the character and appearance of the area, including the effects on the setting of the NWDNL; and
- whether, through scale, layout, density, landscaping and appearance, the proposal would be of an acceptable quality of design.

Reasons

13. The appeal site sits to the north-eastern side of the town of Whitchurch and broadly comprises 8.8 hectares of pasture land, extending over the upper parts of three fields that adjoin existing dwellings in Whitchurch (on Bere Hill, Bere Hill Caravan Park, Burgage Field and Lynch Hill Park). A railway line sits atop an embankment which adjoins the site to the north. This feature demarks the approximate boundary of the NWDNL. Agricultural land descends away from the site in an easterly direction.
14. The appeal proposal would deliver 115 dwellings, ranging from flatted units in small blocks to houses of largely either 2 or 2.5 storeys, either detached, semi-detached or in short terraces. Houses would largely face out to the street with parking alongside, built in back-to-back arrangements. The public house would be a relatively central component in the lower part of the site, beyond the 'village green' area of public open space (POS). An employment unit would be situated to the north of the scheme offering shared desk space. It would adjoin a more formalised kick-about area of POS. A landscaped buffer would be situated along the new eastern boundary, also containing the sustainable urban drainage system (SUDS), including a swale and attenuation ponds. The largest area of POS would be situated in the lower south-eastern corner of the site.

Landscape character and appearance

15. The ES contains a Landscape and Visual Impact Assessment (LVIA) undertaken in accordance with Guidelines for Landscape and Visual Impact Assessment (3rd Edition)² to which I have had regard, in addition to the landscape proofs of evidence of the main parties which also consider the conclusions of the same.
16. There are a number of assessments of landscape character and sensitivity that relate to the site and surrounding area. The Basingstoke and Deane Landscape Character Assessment (May 2021) places the site within the Test and Bourne Valley Landscape Character Area (LCA12). The characteristics of relevance to the appeal site include its mixed area of valley floor, slopes, parkland and built form; distinct landform which forms the Test and Bourne valley system; mosaic of pasture and arable farmland on valley sides, interspersed with small woodland blocks; strong hedgerow structure.
17. The adjoining character area within the NWDNL characterised within the North Wessex Downs Landscape Character Assessment (July 2025) is the Litchfield Downs LCA type 2F which forms part of the broader Landscape Character Type 2F, Downland with Woodland. This LCA is distinctive for its strong sweeping chalk topography with smooth summits, dissected by dry valleys; scattered woodlands;

² Published by the Landscape Institute and IEMA

linear planting along the Portway Roman Road and historic Harroway Belt; sparsely populated; quiet, rural character with high levels of dark night skies; contrast between generally enclosed and intimate views due to woodland cover, with panoramic longer distance views to the east. The pressure for new developments at Whitchurch, immediately south of the NWDNL are noted as threats to the Litchfield Downs LCA, including new residential development and a new railway station car park.

18. Additionally, the Basingstoke and Deane Landscape Sensitivity Study (April 2021) considered the appeal site as part of a substantially larger land parcel named WHIT014. The finding in relation to this parcel of land was that it was generally unsuited to larger development with any development needing to be on a small scale related to the existing settlement edge, provided it achieves consistency with the settlement pattern, capable of avoiding impacts on the conservation area and supported by further detailed assessment.
19. Owing to its current agricultural, the absence of buildings and its longer views of the rural valley landscape in an arc from the north-east to south-east, the appeal site has a pleasant rural character and the transition from settlement edge into this rural scene is relatively abrupt. This can be appreciated when passing along Footpath 248/3a/1 which runs diagonally across the northernmost field and which would be re-routed through part of the development.
20. The highest parts of the site are in the west where the appeal site adjoins the existing settlement of Whitchurch though much of these higher areas contain established native trees and vegetated hedgerows. The three parts of fields making up the appeal site currently have limited visual connectivity with one another due to the existence of the hedgerows and are only modestly influenced by adjoining residential development on their western edge. A small number of houses partially protrude from within the wooded high points, particularly where their garden boundaries with the appeal site are relatively open. However, as much of Whitchurch is on a west-facing rather than east-facing slope, it is hard to detect the presence and scale of the settlement beyond this small number of dwellings, particularly when viewed from a longer distance.
21. The appeal scheme would introduce a large extent of urban development, including around a third of the dwellings of 2.5 storeys, onto the 8.8 hectare site on a largely exposed eastern slope which is presently influenced very little by the adjoining urban area. Whilst the appeal scheme would leave the wooded ridge intact and retain much of the dividing hedgerows, it would result in a significant change in landscape character of the site and its context. Whilst it is said that similar landscape effects would result from the development of any greenfield site, the sensitivity of the appeal site is heightened by the orientation of its slope, the relatively limited visual connection with the settlement of Whitchurch from surrounding countryside views and the absence of existing containing landscaping features on the eastern edge of the site. Its sensitivity is also influenced by the longer views it currently offers over surrounding high quality rural landscapes, the route of Footpath 248/3a/1 and its connectivity to other footpaths that offer a continued scenic route through surrounding countryside.
22. Policy GD1 of the Whitchurch Neighbourhood Development Plan (adopted 2017) (WNDP) promotes adherence to the design guidelines set out in the Whitchurch Design Statement (WDS) (2004). Guidelines 6 and 7 of the WDS recognise the

importance of the relative containment of the town and its rural character through the preservation of its recognised man-made and natural boundaries and the need to avoid making changes to the height or shape of these features, particularly the Lynch Hill Park and Gables ridges. The development would materially alter the height and shape of development by extending it over the ridge and onto the lower slopes. It is also stated in the WDS that where an overriding and essential public need is identified that may extend development beyond these boundaries, substantial new planting should be provided to screen the development. I return to these aspects below.

23. In terms of tranquillity, despite the relatively frequent passing of trains along the lines, this feature does not overly urbanise the character of the area and the visual and noise intrusions detract only modestly from the ambience of the area. Overall, the area possesses a rural tranquillity and on my visit that extended until after sunset, the relative absence of light intrusion was also apparent. These aspects would also be materially changed by the appeal scheme.
24. At the Inquiry, it was suggested that visibility of the site is relatively constrained and that there are many areas from where the site cannot be viewed. However, it is clear that the viewpoints from where change would be experienced are largely set along footpaths in areas of the surroundings which are high quality, even where not physically within the NWDNL, and from where the urban extent of Whitchurch is, at most, a barely perceptible feature. There would be many areas from where there would be adverse change to the visual quality of the area. From this I exclude assessed viewpoint (VP) 1 and VP2 which lie to the far west and north respectively. No assessed viewpoints lie within the built area of Whitchurch and visibility from such areas would be limited by topography, landscape features and buildings. The effects on users of the footpath through the site would be most harmed (VP6A and 6B), given the rural experience currently afforded to users which would contrast greatly with the urban context with the development in situ and the foreshortened views of the surrounding countryside.
25. VP10 is also a longer view from Footpath 248/5/1 outside of the NWDNL looking over to the appeal site. The development would be very clearly visible on the east-facing slope, extending down from the wooded ridge with scattered dwellings to a mid-point of the slope. The landscaped buffer would commence at a height similar to the adjoining road and floor level of the outermost dwellings but would then take the form of an embankment sloping down to the east, before opening up to provide a channel for the development's main drainage swale. A separate narrower strip of buffer planting would be planted on the outer edge of the swale.
26. As much of the native woodland planting on this embankment would be at a lower elevation than the proposed buildings, it could establish to provide a green foreground element but would not conceal much of the extent of the development's roofscape which would instead appear layered above it. The largely ornamental trees within the internal landscaping would not materially break up the collective mass of the roofscape either. The engineered embankment would add a notable topographical alteration to the site and the two separated bands of woodland separated by the swale channel would not appear to be accurately depicted in the photomontages. Similarly, the photomontages appear to insert hard boundary walls around the development edge, including the public open space, which do not appear on any related landscaping plans. It is however clear that the development would be a significantly urbanising and strident intervention into the countryside.

27. VPs 12, 13, 14 and 15 are from more peripheral countryside views set along paths within the Laverstoke and Freefolk Conservation Area where only scattered, small scale development appears and where in summer, the settlement of Whitchurch is concealed. The introduction of the development in these views would add a substantial scale of development at a high point in the landscape without the benefit of much established landscaping to enclose its lower parts. The partial screening of the development would heavily rely on the establishment of the proposed landscaping to the south and eastern boundaries, at least by year 15. However, the photomontages underplay the sensitivity of receptors and magnitude of effects at year 1 and overstate the effectiveness of the established landscaping over the engineered downward slope.
28. The visual harms experienced at VP10 would be similar to those experienced in VP9, albeit that VP9 is within the NWDNL on one side of the railway bridge, taking in more of the surroundings within the NWDNL and VP10 is on the other side and thus, outside of the NWDNL, looking more directly at land technically outside of the NWDNL but within its setting. Despite the anomaly of the water tower, the existing settlement edge is relatively unobtrusive in this view and there is little difference evident between the NWDNL and adjoining landscape. The largescale appeal scheme would appear insensitively sited and visually jarring, particularly at Year 1 but would still remain at the higher end of adverse harm by year 15 after the eventual establishment of landscaping on the downward sloping embankment.
29. VPs 4 and 5 are within the NWDNL and are along the same footpath as VP6. The effects of the development would be largely screened by topography and the railway embankment from these viewpoints. However, VP3A/B as a more distant NWDNL viewpoint receptor would offer views of the development extending across one side of the elevated part of the landscape. The existence of the water tower is a detracting feature from the quality and experience of the landscape from these views, less so the nearby large farm which has a functional and visual link with the patchwork of surrounding agricultural land. However, the development would markedly erode the visual quality of the area, thus resulting in a highly adverse change.
30. In view of the above, the proposal would cause serious harm to the landscape character and appearance of the area. It would thus conflict with, in particular, Policies EM1 and EM10 of the Basingstoke and Deane Local Plan (adopted 2016) (Local Plan). These policies collectively seek to ensure that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape, respect the quiet enjoyment of the landscape from public rights of way and have due regard to the density, scale, layout, appearance, architectural detailing, materials and history of the surrounding area, and the relationship to neighbouring buildings, landscape features and heritage assets.
31. For similar reasons, the proposal would conflict with 2026 Framework Policy N2 (1)(a) and (d) which seek for development to contribute positively to the natural environment with consideration to the environmental qualities of land, including habitats, landscape character and the natural beauty of the countryside, and conserve and enhance existing natural features of visual, historic or nature conservation value and use appropriate landscaping to help create a well-designed place and integrate developments into their surroundings.

Setting of the NWDNL

32. Section 85 of the Countryside and Rights of Way Act 2000 places a duty on decision makers to seek to further the statutory purposes of protected landscapes. S245 of the Levelling Up and Regeneration Act amends the CROW Act and requires that relevant authorities “... *must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty [National Landscape]*”.
33. The proposed development is not within the NWDNL as its closest boundary terminates north of the railway line to the north of the appeal site. However, in respect of setting, Policy N4 (4) of the 2026 Framework sets out that development proposals within the setting of Protected Landscapes (i.e. National Landscapes) should be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape. The NWD [AONB] Position Statement on Setting (2019) also highlights the importance of setting to the NWDNL owing to the visually and functionally linked landscape and landforms.
34. The railway line, whilst an obvious physical boundary, is narrower, generally lower and a less dominant boundary than the A34 which bounds parts of the west of Whitchurch. Whilst the NWDNL generally has a more open, expansive downland landscape and land south of the railway has more of a valley landscape character, there is, nonetheless, a high degree of continuity of landscape character and visual quality across the component parts of the landscape.
35. It is highlighted in the appellant’s evidence that the settlement of Whitchurch is also within the setting of the NWDNL, but this conceals the essential point that the landform and features significantly limit intervisibility between them. As an addition to Whitchurch, the appeal scheme would have far greater potential of being visible within the context of the NWDNL owing to scale, proximity and siting and the site’s orientation and features.
36. The North Wessex Downs National Landscape Management Plan (2025) (Management Plan) does not specifically define the special qualities of the NWDNL but refers to valued qualities instead. Reading this document as a whole, it is clear that relevant valued elements of the NWDNL include its obvious natural beauty and scenic quality owing, in part to its rurality, distinctive settlement pattern, varied field pattern, distinctive geology, seasonal winterbourne flows, its cultural richness, remoteness and tranquillity and night skies. The Management Plan also mentions views towards the dramatic scarps both within and out of the NWDNL. Many of these valued qualities are shared both within the appeal site, its immediate surroundings and within the NWDNL from where changes on the appeal site would be visible and perceptible.
37. From certain VPs, including VP3A/3B, VP8 and VP10, the railway line is not an overly high, wide or visually segregating feature and it is possible to appreciate the appeal site as a part of the landscape in the setting of the NWDNL, it shares some of its naturally beautiful qualities. VP6 is also a gateway from Whitchurch into the NL and views over the landscape from it, of landscape both within and outside of the NL, highlight the continuity of the rural scenic and tranquil landscape character. The effects of the scheme from VP9 which looks across both the NWDNL and adjoining landscape highlight the harm that would occur, even beyond the establishment of landscaping. The eye of visual receptors would still continue to be

drawn to such an obvious built mass at an elevated point in the landscape. Thus, owing to the location, scale and nature of the development, it would not avoid adverse impacts on the special qualities or natural beauty of the NWDNL. Despite the presence of woodland belts within the NWDNL and wider surrounding landscape, the deliberate introduction of such a feature in an attempt to screen the development would only go so far once eventually established. The upper parts of dwellings/buildings and layered roofscape would be a permanent feature of the setting of the NWDNL thereafter, so too would the effects on the tranquillity and night skies. The effects on the special qualities and natural beauty of the NWDNL would not be minimised through the location, scale and nature of the development either.

38. The permission granted for the train station car park was discussed at the Inquiry. As such, I have considered how it, and the Blosswood housing schemes³ within the NWDNL are relevant to the appeal scheme.
39. The train station car park has a far more specific locational requirement than a scheme that would provide general housing and other mixed uses. A train station car park would have a very different functional appearance to the appeal scheme in terms of extent, massing and degree of visual effects following the establishment of landscaping. I have noted the conclusions of the ES that concludes that there would be no intervisibility and thus, no cumulative impacts with the appeal scheme which would be a neutral outcome. However, the car park is not sufficiently comparable in terms of the assessment of the appeal scheme. I do note that the inclusion of a woodland buffer was a feature of that particular scheme which forms a significant part of the mitigation for its character and visual effects but that was at a comparable level to the surface level car park with limited built features.
40. The provision of the housing at Blosswood entirely within the NWDNL cannot have entirely avoided effects on the special qualities or natural beauty of the NWDNL. However, having seen the A34 road and the extent to which it more definitively physically and visually separates Whitchurch from the rest of the NWDNL, it is clearly a substantial hard boundary, against which a treed buffer and generous open space have been placed to provide even greater visual severance from the NWDNL landscape on the other side. Though the urban extent of Whitchurch would clearly go no further in a westerly direction in the future, I understand the logic in having extended up to the A34 boundary in the way that it has, despite the protected landscape designation.
41. For the purposes of concluding on this main issue, despite some limited landscaping-based mitigation in the long term, the proposed development would introduce a greatly urbanising scheme that neither avoids nor minimises adverse impacts on the NWDNL though development in its setting. Thus, I find that the proposed development would have a harmful effect on the setting of the NWDNL and conflicts with policies EM1 and EM10 of the Local Plan, the purposes of which have been detailed above. However, specific to this issue, these policies also require that development proposals in the NWDNL or its setting will also be determined in accordance with national planning policy and criteria set out in the Management Plan. Furthermore, as I do not find that the proposals would be sensitively located and designed to avoid or minimise adverse impacts on the

³ CD09.11 and CD09.12

Protected Landscape, the proposal also fails to accord to Policy N4 (4) of the 2026 Framework and guidance in the Management Plan.

42. Having considered the appeal decisions put to me by the appellant's relevant to this particular topic⁴, I do not reach an alternative view in this regard.

Design

43. The claim from the appellant's team that the scheme has been landscape-led and that has evolved following receipt of consultee feedback, including the Design Review Panel, are not entirely apparent from a review of the various plans since the scheme's initial inception in 2022 to those before the Inquiry. The appellant team's challenge to this point was not persuasive, though the belief that Whitchurch as limited other options for expansion appears to underline the insistence that the scheme is irresistible in any event.
44. The northernmost strip of the appeal site would be taken up by the employment units, the kickabout area of POS and the pumping station within its enclosure. Notwithstanding their individual contributions to the balance of public benefits and creation of a mixed use community to which I return further below, these aspects largely serve a role as a buffer between new dwellings and the potential effects of railway noise. Whilst the employment units could be better co-located close to the public house in terms of making a small local centre area, particularly given the location of the nearby nursery and scout hut, the kickabout area also seems peripherally sited near to the railway and without much opportunity for incidental surveillance given the low number of dwellings proposed near to it. Despite indications that this would be fenced to avoid balls and children straying closer to the railway line, detail of such an enclosure is absent from the proposed plans.
45. The village green would appear modestly scaled and would have a relatively enclosed siting, fronted by the public house and a small number of dwellings. The largest area of POS would be situated in the south-east of the site, which similarly appears peripheral to the scheme and would be sloping away from the development towards its outer edges.
46. The eastern boundary would be a relatively steep embankment, descending around 4 metres from the development edge down to the channel containing the swale, with additional landscaping on the lower eastern side of the swale. Despite the intention to plant it to form a dense woodland belt, the orientation of its slope would place it at a disadvantage in forming a robust screening feature as the trees on the lower part of the slope would need to establish to even higher heights to offset the level changes. The engineered nature of the embankment would also be apparent in longer distances towards the development from viewpoints including VP9 and VP10, including the deliberate separation between the bands of trees to provide the swale and its maintenance area.
47. Whilst the open spaces intended for public use would be technically acceptable from a quantitative perspective, a qualitative drawback is that the areas of open space would be fragmented across the site rather than consolidated or linked to provide a coherent network of multifunctional green spaces. Focussing on the eastern buffer, alternatively referred to as a woodland belt, its coherence would be undermined by the variable widths of tree cover planted over sloping ground which

⁴ Including Nutbourne CD9.01, the Train Station Car Park CD9.05, Dursley CD9.13 and others

would be deliberately spaced around drainage features and respective maintenance accesses. Nothing I have seen of this feature in the visualisations or plans leads me to think that its role as an area for informal recreation would be other than very limited.

48. The public house would occupy a position immediately beyond the village green and would therefore be a focal point, obvious to all arriving at the development. Whilst the specific design of the building would be unobjectionable, the central position of the public house within the scheme would be of concern given that this aspect is speculative and in relation to which market considerations will clearly yet be a factor for any potential purchaser/lessee. Whilst it was suggested during the Inquiry that a former public house adjoining the Station has closed and that the proposal could attempt to replace it, it would not have the benefit of being co-located or visually connected in such an obvious way.
49. Furthermore, whilst the Council's acceptance of the Need Assessment⁵ is not disputed, it is concerning that this aspect has influenced the overall scale and format of the scheme in such a way, given the reduced degree of certainty over its delivery when compared with the housing component. Were market forces to prevent this aspect being realised at all, the coherence of the scheme in design terms could also be undermined by a less logical alternative land use or building being so centrally positioned within the scheme⁶.
50. In terms of density and massing, there is a real variety in densities between adjoining schemes including the close-knit Burgage Fields to the very low density Lynch Hill Park, but there are also differences in the degree of tree cover, enclosure and interspersed established planting that affect the integration of those developments with the townscape. The appeal scheme would be a sizeable development, materially extending Whitchurch over onto the east-facing slopes for the first time from where the most affected visual locations are within high quality areas of countryside, including the NWDNL.
51. Whilst it was agreed during the Inquiry that it would be immaterial whether the scheme is taken as 21 dwellings per hectare (dph) or 23 dph, taken with the concentration of larger house types and other buildings, the development would be intense for such an elevated, edge of settlement site, particularly owing to the absence of an established enclosing landscape feature on its eastern side. I appreciate that there may be a difference in the way that the appeal scheme density is being treated when compared to other recent edge-of-settlement schemes achieving higher densities of around 30dph. Whilst the emphasis on the efficient use of land is entirely logical and receives greater emphasis in the 2026 Framework, the context of sites should also be a relevant factor.
52. The scale of individual buildings at 2 storeys and their pairing or grouping in short terraces would not be uncharacteristic of the area. Similarly, the roads running along the contours is an understandable approach. However, the large extent of 2.5 storey dwellings (amounting to around 35% of the scheme) and urbanised qualities of the layout which would not be capable of being broken up internally by trees or vegetation would be a strident intervention for the largescale scheme which would increase the role that landscape screening would need to play to minimise its overall effects.

⁵ Assessment of Need for the Public House Prepared by Sam Specer MRICS of Bruton Knowles, Appx 3 of CD5.01

⁶ Subject of a separate future planning application

53. On the subject of the appearance of the scheme, I have considered the variety of house types, the differentiation within the house types, the use of materials and boundary treatment variations. I have also visited other recent developments in Whitchurch to provide a basis for comparison. As a very generalised principle, the developments built within recent years have house types which are generally larger and are more likely to be detached, semi-detached or in smaller terraces than earlier developments where smaller house types and greater lengths of terracing or higher densities are more prevalent. The more recent developments contain a greater range of house types and more diversity in materials, including flint, which are used on key elevations and elsewhere to add variety. The higher quality materials are distinguishable for their variations in colour and texture than those of a lower quality.
54. Notwithstanding the more subtle variations that may exist, over half of the scheme would be formed from two house types (types 84 and 93). Though they have porches and window head detailing, they are relatively plain house types and red brick would be the predominant walling material for these house types. In combination with the extensive use of brick elsewhere, including on other house types and in many public-facing boundary walls, the scheme would appear rather hard, heavy and repetitive. These qualities would not be remedied by the relatively limited extents of flint panelling between bricks, occasional use of render and even more limited use of timber. Adding to its overall appearance, the internal landscaping would be relatively ornamental in nature and would not meaningfully visually disintegrate the overall built form as suggested in the LVIA.
55. Overall, the scheme has some neutral factors, some acceptable qualities and would meet many technical standards, but would fail to deliver on the policy expectations of high quality design. As such, the combination of the scale, layout, density and appearance of the scheme would not amount to an acceptable quality of design. It would therefore conflict with policies EM1 and EM10 of the Local Plan and policy GD1 of the WNDP. These policies specifically require that development proposals should be of high quality, based upon a robust design-led approach, have due regard to the density, scale, layout, appearance, architectural detailing, materials and history, and the relationship to neighbouring buildings, landscape features and heritage assets. Policy GD1 also specifically encourages adherence to guidelines set out in the WDS, including where the development reinforces the character of the Town and is positively integrated into its existing grain.
56. For similar reasons, the scheme conflicts with Policy DP3 (1) and (2) of the 2026 Framework which requires that proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings and are appropriate in terms of, amongst other things, nature, built form and identity.

Other Considerations

57. The submitted S106 provides for policy-compliant levels of affordable housing (40%); contributions towards allotments, public art, extension of a Traffic Regulation Order and pedestrian/cycle improvements; provision and management of public open spaces, including equipped areas of play; provisions to allow for marketing and sale/lease of the land for the public house and employment building; travel plan provisions; requirements in relation to Biodiversity Net Gain (BNG), an employment/skills plan, and obligations in relation to delivery of the

highway works (under a separate agreement under The Highways Act). If the development were acceptable in all other respects, the components of the S106 would be necessary to make the development acceptable in planning terms and would meet the tests under the 2026 Framework and Community Infrastructure Levy Regulations (2010)⁷ such that it could be taken into account.

Effects on Habitat Sites

58. The above appeal scheme would discharge to the Test (Upper) Water Body' hydrological catchment. An increase in wastewater from new housing development within the River Test and Itchen catchment areas could have potential significant effects on the water quality of downstream receptors within the Solent: Solent and Dorset Coast Special Protection Area (SPA); Portsmouth Harbour SPA and Ramsar Site; Chichester and Langstone Harbours SPA; Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water SPA (collectively referred to as the Habitat Sites).
59. In brief, whilst the respective Habitat Sites are protected for different qualifying habitats and species under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) they are essentially linked waterbodies and estuarine environments which support a variety of internationally important bird species, aquatic flora, fauna and other species and habitats which are highly sensitive to deteriorations in water conditions. The conservation objectives also differ to an extent for each respective habitat site, but it is necessary to maintain the integrity of the relevant site and ensure the favourable conservation status of their individual qualifying habitats and species.
60. The appeal scheme would generate additional wastewater through the construction of the 115 dwellings which would add to the nutrient burden within the water discharged to the hydrological catchment area. Thus, it would have significant effects on its own and when taken cumulatively with other developments and an appropriate assessment under the Habitats Regulations is necessary.
61. In the absence of mitigation, nitrogen levels would be likely to increase at the Habitat Sites and this would harm their respective integrity. The calculation of the total load to mitigate using Natural England's (NE) Solent Maritime Nutrient Calculator is 109.72 kg TN/yr (NE Calculator)⁸. The appellant has also produced a bespoke calculation using a tool based on the NE calculator. The figure derived using the Natural England Calculator is the figure I prefer as the better established, scientifically formulated approach to calculating the total nitrogen budget.
62. In the absence of a site-specific nitrogen offsetting solution which is not proposed in this instance, in order to maintain the integrity of the aforementioned Habitat Sites, it would be necessary to secure nutrient neutrality to offset this increased nitrogen level being discharged. The appellant seeks to do this by way of offsetting credits purchased through an NE-approved credit provider and has provisionally secured credits to offset the 109.72 kg TN/yr figure derived using the NE Calculator. The appellant is proposing to accept a pre-commencement planning condition to confirm that the mitigation package has been secured in a timely manner and for the lifetime of the development, over which the Council would have

⁷ Regulation 122

⁸ Solent Maritime Nutrient Calculator V03.01.3, 03/06/2026 and Whitchurch Bere Hill - Nutrient Neutrality Calculations, 03/06/2026

control of approval. Given that this issue could be resolved satisfactorily, it does not conflict with the Local Plan, WNDP or the 2026 Framework.

Emerging Local Plan (eLP)

63. Neither party was seeking for more than limited weight to be attributed to the eLP and little reference was made to its policies. However, the appellant's evidence included an update to the effect that the Council will fail to meet the necessary deadlines and will have to submit a new Local Plan under the new regulations instead. The consequence of this change in the legislative framework for plan making and delays in progressing the eLP to date mean that the new Local Plan is not expected to be adopted until around at least Autumn 2029. The Overton appeal case⁹ is one example where an Inspector noted that the solution to such a persistent housing supply shortfall would be some way off and the situation has clearly worsened since that decision.
64. Thus, with a housing land supply shortfall, an absence of a definitive action plan and the potential plan-led solution being delayed in the medium term, additional sites need to be identified now in order to help meet the shortfall and the Council should be taking a proactive approach to help rectify this. Absent of this, it is likely that choices about where and how many houses should be built will be taken through decision making processes on a large number of speculative individual proposals.
65. In addition to the above, the relatively constrained nature of the Borough has also been highlighted. The NWDNL is reported to account for around a third of the total area of the Borough, with other constraints such as Country Parks and Strategic Gaps also limiting further opportunities for urban expansion.
66. The appeal proposal is also promoted as an obvious and one of a very limited number of options for further expansion in Whitchurch, given that, bar a few small, previously developed sites within the urban area, it has limited ability to expand further west, north (into the NWDNL) or directly south. The recent and ongoing expansions to the south-west are also surrounded by land which may have future development potential. I have limited details about the specific location or capacity of such, but I have been invited to reach the general view that such a solution would be less preferable than the appeal site specifically owing to the greater distance from the train station. Whilst these are largely issues for the Council to grapple with through the eLP process, I have nevertheless taken account of these considerations in reaching my overall decision.

Planning Balance and Conclusion

67. Though capable of attracting limited weight in light of the Council's housing land supply position and material inconsistency with the 2026 Framework, the scheme conflicts with the settlement strategy of the Local Plan, expressed through, in particular, Local Plan Policies SS1 and SS6. Similarly, limited weight is attached to the policy conflict arising from the loss of Best and Most Versatile agricultural land.
68. However, principally owing to its harm to the character and appearance of the area, harm to the setting of the NWDNL and inadequate quality of design, the

⁹ CD9.03

appeal proposal conflicts with the development plan when taken as a whole. These particular harms attract substantial adverse weight against the scheme.

69. The scheme would help to address an evidenced unmet need for housing under the terms of Policy S5(1)(j) of the 2026 Framework. In physical connectivity, rather than landscape and visual terms, it would be sufficiently well related to the existing settlement and it would be of a scale that could be accommodated taking account the existing and proposed availability of infrastructure. In such circumstances, the 2026 Framework sets out that such developments should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework.
70. The benefits of granting permission in this case would include the delivery of up to 115 dwellings to meet local housing needs in the context of a serious and significant shortfall on whichever supply position is adopted and which would be likely to last for some time into the future given the delayed progress with the eLP. The site is promoted as available and deliverable and I have no cogent evidence to the contrary. As such, this benefit attracts substantial weight. Of the 115 dwellings, 40%, i.e. 46 dwellings, would be affordable housing to meet local needs. This is also a significant benefit of the scheme.
71. There would be additional open space delivered within the scheme. Owing to the peripheral location of both the site and the main area of open space within the scheme, and the fragmentation of spaces across the scheme, these aspects attract modest weight.
72. Policy HC4 of the 2026 Framework sets out that substantial weight should be given to the benefits of delivering new community facilities and where the proposals would make a demonstrable contribution towards supporting social interaction in the local community. A public house falls into the definition of a community facility and, despite suggestions that it would likely be a food-led establishment, it could support enhanced social interaction and create employment opportunities. However, in my view, there is reason to depart from the substantial weight suggested as the scheme would not necessarily deliver the public house. A separate operator would yet need to decide whether there is sufficient market demand for such and acquire this part of the site to deliver this component of the scheme prior to the expiration of the trigger dates in the S106. The scheme would facilitate a public house being provided under positive market conditions and agreement to its acquisition but would not be certain to provide it. As such, I attribute this element modest weight in favour of the scheme.
73. The provision of flexible employment units would also contribute towards meeting local employment needs. Whilst the aspiration to deliver a mixed-use scheme is laudable and the creation of employment opportunities positive, the scheme would facilitate the provision of such under adequate market conditions and is similarly incapable of guaranteeing delivery. Whilst the Council offer a revised substantial weighting to this aspect of the scheme on the basis that delivery would likely be secured, the evidence to support such an assumption is lacking and the terms in the S106 are similar to those in respect of the public house. As such, I find that this aspect attracts weight in favour of the scheme, tempered again by the degree of uncertainty surrounding delivery which is less certain than the housing element.

74. The site is relatively sustainably located for facilities in Whitchurch despite the incline along the journey from the town centre. It also benefits from convenient proximity for Whitchurch Train Station for walking or cycling. This aspect would help to reduce residents to reduce the need to travel by car and attracts moderate weight in favour of the scheme.
75. There would be economic benefits from the construction phase which would be short-term in nature but would be more locally relevant through the securing of an employment skills plan. There would be some additional economic benefit to facilities in Whitchurch from future residents as well, potentially tempered to a minor extent by the proposed public house which, if delivered, would detract from existing establishments in the area, such as within the town centre. These aspects attract modest weight.
76. I have also considered the sustainable design and efficiency credentials of the proposed houses, including the provision of solar photovoltaic panels, which would weigh heavily in favour of the scheme. The inclusion of electric vehicle charging points comes under a similar bracket. Similarly, the enhancements to sustainable transport infrastructure would have a wider public benefit to enhance walking and non-car modes of travel around the town which would add to the travel plan incentives for future residents. I collectively attach modest weight to these aspects relative to their scale and contribution as part of the scheme taken as a whole.
77. I note the degree to which the scheme would exceed the 10% BNG requirement. In respect of habitat units, the overprovision would be modest, whereas in respect of hedgerow units, overprovision would be more significant. The inclusion of the BNG and other biodiversity enhancements and a contribution towards the enhancement of allotments also attract great weight in favour of the scheme.
78. The other aspects on which there is agreement between the parties and a lack of technical objection amount to neutral factors in the overall planning balance. Similarly, I attach no weight to the contribution towards CIL as this is intended to offset the increased demand for infrastructure generated by the scheme.
79. The 2026 Framework, under Policy S5 (2) indicates that circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances. I have found a number of conflicts with national decision-making policies, including Policies N4 (4), DP3 (1) and (2) and N2 (1)(a) and (d). Taking these conflicts collectively, there would be substantial adverse effects from approving the proposals that outweigh the collective benefits of the scheme. As such, the proposal does not accord with the 2026 Framework such as to justify granting permission.
80. In conclusion, the appeal scheme conflicts with the development plan and there are no material considerations, including the provisions of the 2026 Framework or totality of public benefits, that indicate that permission should be granted other than in accordance therewith. Accordingly, the appeal should fail.

H Nicholls
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White K.C. and Poppy Kemp of Landmark Chambers

They called:

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Clare Brockhurst, BSc (Hons), FLI, Dip LA

Chris Pattison, BA (Hons), BPI, MRTPI

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Tim Johnson

Brooks Murray – Design;

Leyton Place Ltd - Landscape

Bidwells LLP – Planning

Bidwells LLP

Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

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INTERESTED PARTIES:

Chloe Ashfield

Tracy Woodruff

Jacqueline Brown

David George

Isabelle Mundy

Rupert Navaro

Whitchurch, Overton and Laverstoke
Ward Councillor

Whitchurch Town Council

Whitchurch resident

Local resident

Local resident

Local resident

INQUIRY DOCUMENTS:

ID1

Appellant opening statement

ID2

Council opening statement

ID3

Additional submission of David George

ID4

Statement of Whitchurch Town Council

ID5

Written submission of Jacqueline Brown

ID6

Written submission on behalf of Steve Jones

ID7	Written submission of Isabelle Mundy
ID8	Written submission of Rupert Navaro
ID9	Errata sheet relating to CD6.06A
ID10	Laverstoke & Freefolk Conservation Area Appraisal & map
ID11	Plan showing annotation of informal path
ID12	Plan showing additional details in relation to ID11
ID13	Updated draft agreed planning conditions
ID14	Updated draft S106 06.08.26
ID15	Updated draft agreed planning conditions 120826
ID16	Letter from Natural England
ID17	Response from appellant to ID4
ID18	Updated draft S106 with appendices 130826
ID19	Plan for information showing section through eastern buffer
ID20	Council response to S106 questions (without prejudice)
ID21	Council closing statement
ID22	Appellant closing statement

DOCUMENTS RECEIVED AFTER CLOSE OF INQUIRY:

ID23	Final amendments to planning conditions dated 180826
ID24	Appellant 2026 Framework comments
ID25	Council 2026 Framework comments
ID26	Update communication on S106
ID25	Final S106 dated 2 September 2026