Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/C1760/W/25/3368102
230 Weyhill Road, Andover, Hampshire SP10 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by CR Aquisitions Ltd against the decision of Test Valley Borough Council.
- The application Ref is 25/00092/FULLN.
- The development proposed is demolish garage and conservatory, sever land and erect 2 bungalows with two garages and parking. Create new vehicular access for existing house.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided additional plans that were submitted to the Council before it made its decision. The plans show tracking and visibility splays within a layout that is not substantially different from that previously submitted. The Council and Highway Authority have had an opportunity to comment on these plans; thus, any procedural unfairness has been avoided. For these reasons, I am content to accept them.

Main Issues

3. The main issues are:

• the effect on the living conditions of neighbouring residents with particular regard to noise, disturbance, and outlook;

• whether the proposed development would provide suitable living conditions for future occupiers, with regard to outlook and natural light;

• the effect of the development on biodiversity;

• the aspiration to achieve nutrient neutrality in relation to nature conservation interests; and

• whether the development would achieve a safe and suitable access.

Reasons

Neighbouring living conditions

4. *Noise and disturbance* - The proposed driveway would include hedges either side of it. This, together with proposed acoustic fencing and paved surfacing would be likely to reduce the amount of noise and light reaching neighbouring properties

along the drive. However, the driveway would be accommodated in a space that has been functionally designed as part of the private gardens immediately surrounding properties. This makes it particularly sensitive to change.

5. In that context, the unrestricted use of this space for residents, guests, and delivery vehicles for example, would be likely to result in a notable increase in vehicle movements. While the busy road is not far away, the level of associated disturbance would nevertheless greatly exceed current levels of tranquillity found in and around these private gardens.

6. Moreover, the drive would lead to a sizeable parking and turning area. Even with the proposed fencing and limited side openings on neighbouring properties, the effects of vehicle lights, movements, and closing of doors immediately next to the more open surrounding rear gardens would be likely to be felt by neighbouring occupiers. Although the submitted examples of similar arrangements in the locality are acknowledged, the layout of this development would be likely to lead to regular, and uncomfortably noticeable disturbances. As such, it has not been convincingly demonstrated that these matters can be dealt with using planning conditions.

7. *Outlook* – Both bungalows have been designed with shallow hipped roofs sloping away from the appeal site boundaries. Whilst the presence of outbuildings in gardens would not be uncommon in this urban area, these tend to be of a much smaller scale than the collective proposal. It is very likely that even with design efforts made to reduce their overall bulk, and the amount of existing boundary vegetation, unit 1 would cast a shadow over a well-used section of the private garden space of No 4 Upper Drove for parts of the day. This, together with the extent of built form in such close proximity to neighbours would create a rather oppressive and overbearing effect. A high standard of amenity for existing users, as required by paragraph 135 of the National Planning Policy Framework (the Framework) would not be achieved.

8. I therefore conclude on this main issue that the proposal would harmfully affect the living conditions of nearby residents with particular regard to noise, disturbance, and outlook. As such, there would be conflict with policies E8 and LHW4 of the Test Valley Borough Local Plan (LP) which, together in this respect, require that developments do not result in unacceptable pollution, and provide private open space appropriate for the needs of residents.

Future occupiers

9. The side elevations for each property would be up to about 1.2 metres from the appeal site boundaries. These would include bedroom windows that would be likely to receive acceptable levels of daylight. It is agreed that views above the fencing of the sky and other vegetation would probably exist. Even so, the outlook towards this stark boundary feature in such close proximity would be somewhat oppressive and poor. Furthermore, the scheme proposes this room as a bedroom and regardless of its size, or possibility that it might be used occasionally, it should nevertheless be designed to be suitable for its intended purpose.

10. For the reasons given, I conclude on this main issue that while levels of daylight would be likely to be acceptable, the proposal would result in a poor outlook for future occupiers, harmfully affecting their living conditions. As such, there would be conflict with LP Policy LHW4 which says, in part, that development will be

permitted where it provides private open space appropriate for the needs of residents.

Biodiversity

11. It is claimed that the required net gains in biodiversity would represent proportionate enhancements to comply with LP Policy E5. The appellant has completed the Council's biodiversity checklist and submits that none of the habitats and species set out in E5 are present. There are however trees, hedgerows, and unkempt areas of dense vegetation within the appeal site. These are features identified in the policy as being of importance to biodiversity. Furthermore, the Council's ecologist notes that there are records of a number of species within the general area. It is conceivable these could be present given the scale and nature of the appeal site.

12. The Planning Practice Guidance indicates that an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Without any survey of the relevant features, it is simply not known whether protected species or other species are present and, if there are, whether mitigation measures would be appropriate. There is a further question concerning the implementation of any such measures. Given this degree of uncertainty, and notwithstanding any required net gains in biodiversity, the use of conditions would not be reasonable in this case.

13. The absence of sufficient information means I cannot rule out potentially significant harm to biodiversity. As such, the proposed development would be contrary to LP Policy E5.

Nutrient neutrality

14. There is no dispute that the development would result in waste water entering The Solent, which contains a number of Protected Sites[1]. These are protected via the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Their special qualifying features include mudflats, shingle and saltmarshes that provide essential winter feeding and roosting grounds for birds that spend the winter here.

15. Natural England guidance on this matter says that high levels of nitrates from housing development results in waste water entering The Solent, which contributes towards its eutrophication. This results in dense mats of green algae impacting on the protected habitats and species. The conservation objective is to offset the increase in nitrogen load. The effects of the proposal cannot, therefore, be screened out and in adopting a precautionary approach, the development would give rise to likely significant effects on the Protected Sites, such as to require an Appropriate Assessment under the Habitats Regulations. As the competent authority, I am required to take appropriate steps to conserve biodiversity.

16. The appellant has provided information to demonstrate that another local authority would be willing to sell nitrate credits. Having paid regard to the School Lane

[1] Including Solent Maritime SAC, Solent and Southampton Water SPA & Ramsar site, Portsmouth Harbour SPA & Ramsar site, Solent and Dorset Coast SPA

appeals[2], while other local authorities may use credits to mitigate against the likely significant effects on protected sites, I need to be certain beyond reasonable scientific doubt that this would be secured here.

17. In that context, the appellant suggests various Grampian condition wording requiring proof of credit purchase prior to occupation would be adequate. However, having paid regard to the expression of interest, the conditions do not precisely show how the credits would be apportioned. Moreover, it is conceivable that the development may not be occupied for some time and there are therefore some uncertainties over the availability of credits into the future. There is a lack of precision. Therefore, even if I were to accept the results of the nutrient calculator, in the absence of any secure mechanism to provide necessary mitigation, the use of such Grampian conditions would not be likely to pass the tests set out in paragraph 57 of the Framework. As such, I cannot be certain the favourable conservation status of the protected sites would be maintained, either alone, or in combination.

18. I therefore conclude on this main issue that the proposal would not be likely to achieve nutrient neutrality. There would therefore be conflict with LP policies E5 and E8 which say, in part, that harm to habitats will not be permitted unless measures can be provided to mitigate against likely adverse effects.

Highway safety

19. I have paid regard to the representations made in respect of access onto the busy road. However, the Highway Authority says it is satisfied that the proposal would not lead to any material detrimental impact upon the safety and efficiency of the public highway network in respect of traffic generation. Its principal concerns relate to the requirement to demonstrate adequate visibility and tracking swept path analysis drawings showing a safe access and egress from the appeal site. The new drawings provide such detail and in the absence of any compelling evidence to the contrary, I conclude on this main issue that a safe and suitable access would be provided. Accordingly, there would be no conflict with LP policies T1 and T2, which, together in this respect, require a functional internal layout that is safely accessible to the local network.

Other Considerations

20. The proposal would deliver 2 new homes in a location with good access to services and facilities. This would make a very modest but important contribution to the overall supply of housing. The development would also bring some economic benefits to the construction industry and thereafter through additional consumer spending in the local economy.

Other Matters

21. Interested parties raise concern over the effect of the development on the character and appearance of the area. As I am dismissing the appeal for other reasons, I have not pursued this matter any further.

22. I have paid regard to the appellant's comments in respect of the processing of the application. However, this has no bearing on my decision which is based on the planning merits of the proposal.

[2] APP/L1765/W/24/3350662 and APP/L1765/W/24/3347360

Planning Balance

23. Considering the main issues in the round, I have concluded that the proposal would be able to achieve a safe and suitable access. However, this is not outweighed by the harm identified in respect of the living conditions of existing and future occupants, protected sites, and biodiversity. The policies identified in this respect are broadly consistent with those set out in the Framework and can therefore be given substantial weight. The proposal conflicts with the development plan as a whole.

24. It is undisputed that the Council is unable to demonstrate a 5-year supply of deliverable housing sites, where there is a current supply of about 2.7 years. Paragraph 11 d) of the Framework indicates that, where the requisite housing land supply cannot be demonstrated, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. 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.

25. Footnote 7 states that policies in the Framework relating to habitats sites qualify as protection policies under the first limb of paragraph 11 d). As set out above, there are strong reasons for refusing the proposed development. Consequently, the tilted balance in the second limb does not apply and the proposal does not benefit from the presumption in favour of sustainable development within the Framework.

Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan ‘unless material considerations indicate otherwise’, and this is reaffirmed in the Framework.

27. I have concluded above that the proposal conflicts with the development plan, when taken as a whole. Furthermore, even when considered cumulatively, the weight given to the other considerations would not outweigh the identified harm. Accordingly, other considerations do not therefore indicate that permission should be granted contrary to the development plan. Therefore, the appeal is dismissed.

J Hills

INSPECTOR