

Appeal Decision

Site visit made on 26 September 2016

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18TH October 2016

Appeal Ref: APP/M1710/W/16/3151603

**Land west of The Barn, Headley Mill Farm, Stanford Lane, Bordon
GU35 8RH**

- 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 J Ellis & Sons against the decision of East Hampshire District Council.
 - The application Ref 55171/002, dated 21 December 2015, was refused by notice dated 15 April 2016.
 - The development proposed is 'demolition of existing light industrial unit and erection of detached 4 bedroom, 5 person residential dwelling house and detached double garage'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the site address above (with slight alterations) as stated in the Council's decision notice as this more clearly describes the location of the site than the site address stated in the planning application form.

Main Issues

3. The main issues in the determination of this appeal are:
 - Whether the proposal would amount to sustainable development with particular regard to the location of the development and the need to travel, and
 - The effect of the proposal upon the character and appearance of the area, and the setting of designated heritage assets.
4. Subsequent to its decision notice, the Council has confirmed that there is no longer an affordable housing requirement for this scheme. This is consistent with the updated Planning Practice Guidance on obligations for small scale development and I therefore have given this particular matter no further consideration.

Reasons

Location and accessibility

5. Policy CP1 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (the Core Strategy) seeks the provision of sustainable development taking account of the availability, and ease of access to, facilities and services along with environmental constraints.
6. Paragraph 55 of the National Planning Policy Framework (the Framework), in promoting sustainable development in rural areas, seeks to locate housing where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances (none of which would be applicable to this proposal). The Framework seeks to locate development where it will make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable (paragraph 17). This needs to be balanced with the Framework's aim to encourage the effective use of land by re-using land that has been previously developed.
7. The proposed dwelling would be located outside of the defined settlement boundary and would be located in the countryside for planning policy purposes, wherein policy CP19 states there is a general restraint in order to protect the countryside for its own sake. Whilst only being a fairly short distance from the edge of the settlement, the connecting road has no footpath or street lighting. It would therefore not be likely to be frequently used by pedestrians, and even less so during darkness. Local services are also a considerable distance away being located in the centre of the settlement. Whilst there are other buildings close to the site, there is a clear distinction between the rural location of the site and its surroundings and the more built up area within the settlement.
8. I consider that the location of the site would result in the likelihood of future occupiers of the dwelling having a particular reliance upon the private car. When considered alongside the physical separation of the site from the main settlement, in the context of paragraph 55 of the Framework, the site is in my view distinct and remote from the main body of development and it possesses attributes of being an isolated site within the countryside. Whilst paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, my concerns regarding the location and accessibility of this site weigh against the sustainability credentials of the proposal.
9. It is agreed between the main parties that the Council is now able to identify a five year supply of housing, though the appellant argues that this does not remove the need to continue to positively consider sustainable development. Policy CP10 of the Core Strategy states that *housing should be accommodated through development and redevelopment opportunities within the existing settlement policy boundaries in the first instance*. Whilst the appeal site is previously developed land, the benefits of its development for a new dwelling in this instance would not outweigh its unsustainable location.
10. Although paragraph 55 of the Framework makes provision for circumstances where a development would re-use redundant or disused buildings, this is not the case with the appeal proposal which is for a new build development following the demolition of the existing building. I also do not consider that the proposal would lead to an enhancement in its setting for the reasons set out later in this decision.

11. The location and accessibility would therefore not be consistent with the aims of achieving sustainable development, contrary to policies CP1, CP2 and CP10 of the Core Strategy and the Framework.

Character and appearance, and the setting of heritage assets

12. The site is located within a cluster of existing buildings including adjacent listed buildings at The Barn and Wey House. Located away from the built up area, the surrounds of the site are rural in character. The character and appearance of the Headley Mill Conservation area, which is immediately adjacent to the site, is strongly characterised by the historic buildings located within a mature landscaped rural setting.
13. The existing building on the site is a utilitarian structure that is in a dilapidated condition. The Council's Headley Mill Conservation Area leaflet acknowledges that it detracts from the adjacent Conservation Area. Whilst I do not disagree, I observed at my site visit that, whilst located in a visually sensitive position adjacent to the bend in the road, its impact is somewhat reduced by existing trees and foliage screening. In my view, in order to provide an enhancement from the existing, any replacement building needs to have particular regard to the sensitive location of the site including the proximity to heritage assets.
14. The proposal comprises a two storey 'L' shaped dwelling of substantial size along with a detached double garage. Although smaller than the existing building, and whilst noting the appellant's aim to retain some echoes of the building that is to be replaced, the development would significantly alter the character and appearance of the site introducing a large new dwelling onto the cleared site following the removal of the existing building. Whilst the existing oak tree is proposed to be retained, no further new landscaping is indicated and the new dwelling, taking into account its substantial size would appear as a stark and substantial residential development that is out of keeping with its rural surroundings. Its impact would be exacerbated by the limited space around the new buildings leading to a cramped appearance within its plot.
15. Although not referred to in the Council's decision notice, I am required by the Framework to consider the effect of the proposal upon the setting of the adjacent listed buildings. I have limited information before me on how the proposed development would relate to the setting of the listed buildings. Whilst there is some existing screening between the appeal site and the listed buildings, the appeal site is adjacent to and within the setting of both. The considerations set out above regarding character and appearance also lead me to the conclusion that the proposal would result in harm to the setting of the listed buildings.
16. The Council has also objected to the potential impacts relating to the adjacent mature oak tree on the basis that the proposed dwelling would lead to post development pressure for the pruning of the tree. The front elevation of the proposed dwelling would be located very close to the canopy spread of the oak tree adjacent to the front boundary of the site. The appellant's arboricultural report states that this positioning should not be a concern because there is no open ground that could be used as recreational space in that part of the site. Nevertheless, the dwelling's front elevation contains several windows to principal rooms including living room and bedrooms. Although I note that these rooms also contain other windows, the proximity of the oak tree to the front windows would lead to shading and the likelihood that future occupiers

would wish to carry out substantial pruning works to the tree. Such works could significantly affect the overall amenity value of the tree within the wider area and would be difficult to resist should a dwelling be granted planning permission in the location now proposed. From the evidence before me, I consider that the significant pruning of the tree would be likely to be detrimental of the rural character of the area and to the setting of the designated heritage assets.

17. The proposed development would therefore be harmful to the character and appearance of the area and the setting and significance of the adjacent Conservation Area and listed buildings. It would be contrary to the design and heritage aims of policies CP2, CP29 and CP30 of the Core Strategy, saved policies C6 and H8 of the East Hampshire District Local Plan: Second Review 2006 and the Framework.
18. In the context of paragraphs 133 and 134 of the Framework, it would cause *less than substantial* harm to the significance of the designated heritage assets affected. I am required to attach considerable importance and weight to that harm which must be balanced against any public benefits the development might bring. In this context, the proposal would provide a new dwelling and seeks to make an efficient use of the site, albeit not in a sustainable location. Whilst such public benefits can be afforded a modest degree of weight in favour of the scheme, this benefit is clearly outweighed by the harm the development would cause to the setting of the Conservation Area and listed buildings.

Other Matters

19. Although not referred to by either of the main parties, I note the consultation response from Natural England which draws attention to the site's proximity to the Wealdon Heaths Phase II Special Protection Area and the Woolmer Forest Special Area of Conservation. There is no further information before me that allows me to determine the potential impact of the scheme upon the protected areas or any mitigation that might be required, bearing in mind Regulations 61 and 62 of the Habitats Regulations. However, this matter does not need to be considered further in this instance in view of my conclusions on the main issues.
20. In terms of overall sustainability, whilst the proposal would have some economic benefits including limited short term job opportunities and it would make a modest contribution to the local housing supply, such economic and social benefits would be significantly and demonstrably outweighed by the harm arising from its location, accessibility, the harm to the character and appearance of the area and the setting of heritage assets. These factors lead me to conclude that the proposal would not amount to sustainable development as sought by the Framework.

Conclusion

21. I conclude that the proposal would not accord with the development plan read as a whole. Having taken account of all material considerations and having had regard to all other matters raised, the appeal should be dismissed.

David Cliff

INSPECTOR