
Appeal Decision

Site visit made on 4 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 04 November 2016

Appeal Ref: APP/H1705/W/16/3150883

Land at White Lane, Hannington, Hampshire RG26 5TN

- 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 & Mrs Stephen & Wendy Crawford against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 16/00041/FUL, dated 6 January 2016, was refused by notice dated 10 March 2016.
 - The development proposed is erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of determination, the Development Plan for the area was the Basingstoke and Deane Local Plan 1996-2011. However, the Council has since adopted the Basingstoke and Deane Local Plan 2011-2029¹ (LP), Policy SS6 of which replaces Policy D6 of the former plan. Furthermore, the Council is now able to demonstrate a 5 year supply of housing land in accordance with National Planning Policy Framework ("the Framework"). I am required to determine this appeal in accordance with the development plan in place at the time and have therefore considered the proposal against the policies contained in the newly adopted LP and on the basis that the Council can demonstrate a five year supply of housing land.

Main Issues

3. The main issues are:
 - (i) whether the proposed development is located in isolated countryside and, if so, whether there are special circumstances which would justify supporting the development; and
 - (ii) the effect of the proposal on biodiversity.

Reasons

4. The appeal site is situated in the countryside around 2 miles from the village of Oakley, the nearest recognised settlement. It forms part of a small hamlet consisting of around a dozen dwellings which are accessed via rural roads many of which are of single vehicle width. The site itself consists of a field which is currently

¹ Adopted May 2016

used for the grazing of horses and which contains a large wooden stable building at the rear and a small wooden hay store close to the access.

5. LP Policy SS6 restricts development outside of settlement boundaries other than in a limited number of defined circumstances, including small scale residential proposals of a scale and type that meet locally agreed need. In such cases, the proposal will need to, relate well to the existing settlement and not result in an isolated form of development. This accords with Paragraph 55 of the Framework which advised against isolated forms of development in the countryside other than in a limited number of special circumstances.
6. However, neither the Framework nor the LP provides a definition of the term *isolated*. In the absence of any definition or guidance I rely on its everyday meaning of 'lonely or remote'. In view of its proximity to other nearby dwellings, the appeal site cannot be said to be lonely or remote from other people or development. Nevertheless, its remoteness from services would pose a number of practical difficulties for future occupiers. Being situated around 2 miles from Oakley and around 6 miles from Basingstoke, accessing even basic services would require travelling a considerable distance along narrow, poorly lit roads where visibility varies considerably. This would discourage most people from walking or cycling and would result in most trips being made by car.
7. The Framework also places emphasis on promoting sustainable transport which gives people a real choice about how they travel. The appeal site is served by limited public transport links or other facilities which would allow travel by sustainable modes of transport. Those that are available would involve negotiating narrow rural roads with limited lighting and variable levels of visibility for a considerable distance to the nearest bus stop. This would significantly limit the choice of opportunities for sustainable travel available to potential occupiers.
8. Although the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, I regard the location of the site with its limited transport links, limited provision for pedestrian and cyclist access and lack of transport choice for potential occupiers as unsustainable.
9. While I note the appeal decision referred to by the appellant² and acknowledge that trips by car are not necessarily an impediment to the grant of planning permission in rural areas, in the present case I consider that the site's remoteness from services, coupled with the limited choice of transport would result in a level of isolation that would be contrary to both Policy SS6 and the Framework.

Biodiversity

10. The site is located in the countryside and is bordered by an Ancient Woodland designated as a Site of Importance for Nature Conservation. It is well connected to the surrounding countryside and readily accessible for a variety of rural species.
11. The Council's decision notice refers to former Policy E7 of the Basingstoke and Deane Local Plan 1996-2011. However, following the adoption of the new LP that policy is no longer extant and the Council has not directed me to an alternative LP policy upon which it seeks to rely. In the absence of such, I turn to DCLG Circular

² APP/H1705/W/15/3133111

6/2005³ ("the Circular") which provides guidance on biodiversity and the impact of statutory obligations within the planning system.

12. The Circular advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the grant of planning permission. This is in order to ensure that all relevant material considerations have been addressed in the decision making process. However, it also indicates that developers should not be required to undertake surveys unless there is a reasonable likelihood of the species being present and affected by the development.
13. There is currently little in the way of robust evidence to establish whether or not protected species are present. However, in view of the site's proximity to the nearby ancient woodland and the surrounding countryside, I consider there to be a reasonable likelihood that protected species may be present⁴ and, as such, might be affected by the development proposed.
14. While I note that the site has been grazed by horses for many years and that Natural England consider the proposal to be unlikely to affect any statutorily listed sites, it is the species themselves for which the Council is concerned and I consider it reasonable for the Council to seek the submission of an initial ecological survey in these circumstances.
15. While I note the appellant's suggestion that this could be dealt with by means of a condition, the Circular advises that ecological surveys should only be secured by such means under exceptional circumstances. I have seen nothing which would lead me to conclude that such exceptional circumstances are present in this case.
16. Consequently, I find that there is insufficient information available to establish the presence or otherwise of protected species and, as such, consider the proposal would be contrary to the advice set out in Circular 6/2005.

Other matters

17. I note that Paragraph 55 of the Framework acknowledges the ability of services in one village to support those in nearby villages. However, the limited contribution that the proposal would make is insufficient to overcome the policy objections identified above.
18. The Council considers the proposal would not have a negative impact on the surrounding AONB and I have seen nothing which would lead me to reach a different conclusion. A lack of harm in this respect does not, however, weigh positively in favour of the proposal.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

³ Circular 6/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system; DCLG (ISBN: 9780117539518).

⁴ either on site or nearby