
Appeal Decision

Site visit made on 25 April 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/N1730/W/17/3167423

Stapeley Down Farm, Long Lane, Odiham RG29 1JF

- 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 Mark Saunders against the decision of Hart District Council.
 - The application Ref 16/03038/FUL, dated 9 November 2016, was refused by notice dated 30 December 2016.
 - The development proposed is the demolition of existing timber-frame building and erection of a two-storey building comprising a new 1-bed dwelling, a new 2-bed dwelling and an extension to an existing two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the relevant policies of the development plan can or cannot be considered up to date and whether the presumption in favour of sustainable development set in in paragraph 14 of the National Planning Policy Framework (the Framework) is engaged; and
 - whether or not the proposal would comprise sustainable development, having particular regard to the site's location and its relationship to local services and facilities.

Reasons

3. The appeal site lies in a small enclave containing 3 houses and a long, timber-framed building at Stapeley Down Farm outside any settlement boundary, in an area of open countryside. Planning permission has been granted for two houses alongside the site. To the north of the site lies the airstrip and base of RAF Odiham, and to the south, east, and west, the hedgerow-lined agricultural fields of the open countryside.

Planning policy context

4. The Council refers in its reason for refusal to saved policy RUR2 of the Hart District Local Plan (Replacement) 1996 and the First Alteration to the Hart District Local Plan (Replacement) 1996-2006 (LP). It says that development in the open countryside will not be permitted unless it is specifically provided for by other policies in the LP and provided that it does not have a significant detrimental effect on the character and setting of the countryside.
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5. The appellant considers that this policy is out of date and draws my attention to the appeal decision¹ in this district in June 2016 in which the Inspector concluded that policy RUR2 is negatively worded and applies a considerably more restrictive approach to the consideration of development that might otherwise be permitted. He concluded against the assessment set out in paragraph 215 of the Framework, that policy RUR2 was not up to date.
6. While the supporting text to the Policy explains that the Council's aim is to protect the countryside for its own sake, its limitation of development which may be permitted is more prescriptive than the provisions in the Framework it predates. I also find that the policy is inconsistent with the Framework. Accordingly, for the purposes of the determination of this appeal, policy RUR2 should be treated as being not up to date, and paragraph 14 of the Framework is therefore engaged.

Sustainable development

7. The Framework at paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It discourages the provision of isolated homes in the countryside unless there are special circumstances, such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
8. Given the proximity of the existing houses and the recent planning permission for two houses alongside the site, the site of the proposed dwellings cannot be described as physically isolated from other houses. However, the location of the site is remote from neighbouring facilities and services. The village of Long Sutton has a primary school, a village hall and a children's play area, and a morning and afternoon bus service to a main centre, however it is around 1.5 kilometres away and connected by a narrow, unlit road with no footway or by an unsurfaced footpath. The closest GP is 2.7km away, and the nearest food store is in Odiham, a secondary local service centre, around 3.5km distant.
9. Given such conditions, there would be a high probability that the future occupiers of the new dwellings would drive to the services and facilities in these settlements, rather than walk or cycle. For those that did not have access to a car, the services and facilities in Long Sutton and the main centre would be extremely restricted.
10. The appellant contests the position of the Council who hold that the existing timber-framed building is used for agriculture. He contends that the building is used for ancillary domestic storage and is previously developed land. However, while I note the Framework's support for decisions which encourage the effective use of land by re-using land that has been previously developed, there are no special circumstances advanced by the appellant which outweigh the direction in the Framework that new, isolated homes in the countryside should be avoided and my findings above regarding the accessibility of the proposal to local services and facilities.
11. The appellant challenges the consistency of the decision-making of the Council as it granted planning permission for two dwellings only a few metres from the appeal site. While I have not been provided with the details of the

¹ Appeal Ref: APP/N1730/W/15/3127962

circumstances which led to that decision, the Council describes how it ascribed greater weight to the wider benefits of that proposal which replaced a building used for a commercial car-repairs business than it did to its accessibility.

12. I conclude that the new dwellings would result in an isolated form of development, remote from the services and facilities that are offered in Long Sutton and the nearest main centre, and one in which the future occupiers of the new dwellings would have a high reliance on the use of a private car. It would run against the core planning principles of the Framework which say that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and should recognise the intrinsic character and beauty of the countryside. Moreover, no convincing evidence has been advanced that the new dwellings would be acceptable under the special circumstances set out in paragraph 55 of the Framework.
13. While the construction of the proposal and the introduction of additional occupiers would provide modest direct and indirect economic benefits, the matters I have identified above would result in the proposal being in conflict with the social and environmental roles of sustainability, as set out in paragraph 7 of the Framework. Given that the three dimensions of sustainability are mutually dependent and should not be considered in isolation, I conclude that the relationship of the site to nearby services and facilities would not comprise sustainable development.

Other Matters

14. The Council describes the landscape surrounding the site as being of high scenic quality. It is identified as a Landscape Character Area in two formal assessments. The surrounding countryside has an attractive landform with low ridges and long chalkland slopes set under large arable fields, with occasional woodland and scattered villages. However, given the enclosure of the proposal between the existing and proposed dwellings, its effect on the landscape to the south would be limited. Any loss of screening trees to the east boundary could be replaced and secured by condition. There would be no conflict with paragraph 109 of the framework which seeks to protect and enhance valued landscapes.

Conclusion

15. While the proposed development would make a modest contribution to the supply of housing, the harm found is of a degree that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. For the reasons above, and having regard to all other matters, the appeal is dismissed.

Patrick Whelan

INSPECTOR