



Appeal Decision

Site visit made on 30 January 2018

by Alex Hutson MATP CMLI MARborA

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

Decision date: 28 February 2018

Appeal Ref: APP/H1705/W/17/3181309

Land adjacent to Natley Towers, Scures Hill, Natley Scures RG27 9JS

- 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 and Mrs Livingstone against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 16/03850/FUL, dated 31 October 2016, was refused by notice dated 11 May 2017.
 - The development proposed is erection of detached family dwelling with double garage and creation of a new access.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the countryside location of the proposal would be acceptable having regard to relevant planning policy.

Reasons

3. The appeal site lies on the northern side of the A30 and comprises an undeveloped plot of land located between the properties of Natley Towers and Baredown Mead. It lies outside of any Settlement Policy Boundary (SPB) as defined by the Basingstoke and Deane Local Plan (2011 to 2029) adopted 2016 (Local Plan) and therefore lies within the countryside for planning policy purposes.
4. Policy SS1 of the Local Plan sets out the strategy for housing delivery in the District. It seeks to direct housing to within SPBs though permits exception sites outside of these where criteria set out in other Local Plan policies are met or if a countryside location is essential. Policy SS6 of the Local Plan sets out the criteria which must be met to permit new housing in the countryside. Of the criteria, there is no dispute between the main parties that criterion (e) is the most relevant to this appeal. This criterion allows small scale residential proposals of a scale and type that meet a locally agreed need. When this test has been satisfied, the proposal must also satisfy three sub-criteria, which relate to the relationship with existing settlements, character and appearance, and the amenity of neighbours.
5. There is no dispute between the main parties that a single dwelling is of a small scale. The wording of the Policy SS6(e) does not define the term 'locally

agreed need'. However, the accompanying text to the policy offers some assistance in this regard, stating that *The policy allows small-scale new residential development in the countryside in limited circumstances, where it can be demonstrated that it would meet a local need, as agreed in consultation with the parish/town council (for example, in relation to dwelling size and type).*

6. The Council has also published some informal guidance¹ to assist with the interpretation of Policy SS6(e). It advises that an applicant should provide evidence to demonstrate that their proposal meets a specific and clearly identified unmet housing need in the local area in terms of number, size and tenure. It also advises that a general need for housing in the Borough would not be sufficient to satisfy the exception of a locally agreed need. It recommends that a proposal is accompanied by a local Housing Needs Assessment or up to date evidence published by the Council or Parish Council relating to the local area. I note that this guidance has not been subject to any formal consultation and has not been formally adopted. However, it seems to me to provide a reasonable basis on how to determine any specific local housing need requirements.
7. The appellants put forward that they have a connection to and work in the area and that they, along with their family, intend to live in the proposed dwelling. I also acknowledge the argument that building a home can be more affordable than buying one. Nonetheless, I know little about the appellant's current living arrangements or indeed their financial situation. Moreover, there is no substantive evidence to demonstrate that any needs they have that are not served by their current housing arrangement could not be catered for by another existing property in the area.
8. I have no reason to doubt that the Council's Rural Needs Housing Survey 2010 and its Strategic Housing Market Assessment 2015 identify a need for family housing in the Borough, including the part of the Borough in which the appeal site lies. Nonetheless, it is my understanding that this research forms the evidence base of the Local Plan and its strategy for housing delivery and thus any such need has already been accounted for. Moreover, such evidence is likely to be of a general nature for the Borough rather than specific to the locality of the appeal site or the parish area it falls within.
9. I accept that the Council has identified that, in order to meet its housing targets over the plan period, 550 new homes would need to be provided on windfall sites. However, there is no compelling evidence before me to demonstrate that this could not be achieved within defined SPBs.
10. I have had regard to the Newnham Parish Planning Statement 2014. However, it does not appear to be based on any robust survey data and pre-dates the adoption of the Local Plan. The weight I afford to it is therefore limited. In any event, whilst it indicates the support of the Parish Council for small scale housing development, it also suggests that the requirement is for starter homes or homes for those wishing to downsize. A five bedroom dwelling could not reasonably, in my view, be said to fall into this category. The Parish Council has also commented in respect of the proposal that a number of new

¹ Policy SS6(e) – New Housing in the Countryside - Guidance note prepared by Basingstoke and Dean Borough Council October 2016

homes have been granted planning permission since the date of the 2014 statement and that it currently has no identified local housing need.

11. In light of the above, I conclude that the appellants have not adequately demonstrated a specific and clearly identified unmet housing need in the local area to justify the countryside location of the proposal. As such, the proposal would conflict with Policies SS1 and SS6(e) of the Local Plan. This is notwithstanding that the proposal may be acceptable in terms of its relationship with existing settlements, the character and appearance of the area and the amenity of neighbours.
12. The Local Plan was adopted subsequent to the introduction of the National Planning Policy Framework (the Framework). Its policies would therefore have been found to be sound and consistent with those of the Framework. Moreover, the appellant does not dispute that the Council can demonstrate a five year housing land supply. On this basis, and in accordance with Paragraph 49 of the Framework, the relevant policies for the supply of housing are considered up-to-date. Thus, I afford significant weight to the conflict with the abovementioned Local Plan policies.

Other matters

13. The appellant highlights a number of examples of other planning permissions² in the area. However, I have not been provided with any detailed information, such as officer reports and decision notices, in respect of many of these examples to allow me to make any informed comparisons between them and the proposal at hand. In addition, some appear to relate to sites which already had extant permissions for housing. Some, given their date, were likely to have been determined prior to the adoption of the Local Plan and were thus likely to have been considered under a different planning policy context. Some appear to have been granted on the basis of an identified local need. Thus, the circumstances of most of these examples are not helpfully comparable to the circumstances of the proposal I am to consider and they do not justify a planning permission. In any event, each case should be considered on its own merits.
14. I recognise that the circumstances of the proposal consented under planning application Ref 16/01206/FUL appear to be similar in many respects to those in this appeal. Nonetheless, this planning permission does not set a binding precedent for other similar applications and does not indicate that consent should be automatically granted in this instance. The Council has clearly set out why it considers the proposal at hand to be unacceptable, having regard to relevant planning policy. As can be seen from my reasoning, this is a position that I would concur with. Moreover, the Council has provided some more recent appeal decisions³ which broadly support and reflect how it assessed the proposal against relevant policies, including Policy SS6(e) of the Local Plan. It is reasonable for me to afford weight to these appeal decisions and to adopt a similar and consistent approach.
15. The proposal would provide some short term construction jobs. It would make a contribution, albeit a limited one, to housing supply within the District. It

² Including Ref 15/04400/OUT; Ref 16/01206/FUL; Ref 16/03840/FUL; Ref 16/03851/FUL; 17/00034/FUL; 16/02480/FUL; 15/04234/FUL; 17/00619/FUL

³ Ref APP/H1705/W/17/3172141; and Ref APP/H1705/W/16/3165156

would occupy a location with a reasonable level of access to local services and facilities for any future occupiers. Any future occupiers would increase, to a slight degree, spending in the local area. These benefits weigh modestly in favour of the proposal.

Planning balance and conclusion

16. Planning law⁴ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal has not adequately demonstrated a specific local housing need to justify its countryside location, contrary to the requirements of Policies SS1 and SS6(e) of the Local Plan. Thus, whilst it might accord with aspects of the development plan, it would not accord with the development plan as a whole.
17. Any benefits, in the wider scheme of things, would be modest and would not, in my judgement, be sufficient to outweigh the conflict with the development plan. There are no other material considerations that would lead me to conclude that the proposal should be considered otherwise in accordance with the development plan. The proposal would therefore not constitute sustainable development and would thus also fail to comply with Policy SD1 of the Local Plan which seeks to secure this.
18. Accordingly, for the reasons set out above and having regard to all other matters, including highway safety, parking, drainage, trees, privacy, light and outlook, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR

⁴ Section 36(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990