The Planning Inspectorate

Appeal Decision

Site visit made on 19 November 2018

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 10 December 2018

Appeal Ref: APP/N1730/W/18/3198552
Land north of Warbrook Lane, Eversley, Hook, Hampshire RG27 0QP

- 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 Reuben Carter and Edward Ware Homes against the decision of Hart District Council.
- The application Ref 17/02476/FUL, dated 6 October 2017, was refused by notice dated 15 January 2018.
- The development proposed is the demolition of a single dwelling (Four Seasons) and erection of 11 dwellings with access, parking, public open space and associated works.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally made for the erection of 12 dwellings. The applicants then submitted revisions to the Council which included the reduction to 11 proposed new houses. The Council did not take these revisions into account when determining the application and refer to 12 dwellings on the decision notice. I have considered the contents of the revised drawings and made comparisons with those upon which the Council based its decision, and its consultation with interested parties.

3. I am satisfied that the revisions are not of any overriding significance and I consider that no-one would be prejudiced if I were to consider the revisions as part of the appeal, taking account of the principles established in the *Wheatcroft* case. Therefore, I shall determine the appeal on that basis and for 11 new dwellings, as described above.

4. The appellant has submitted a Unilateral Undertaking after I undertook my site visit and I address this below.

Main Issues

5. The main issues in this appeal are;

   - The effects of the proposal on the character and appearance of the Conservation Area

   - The effects of the proposal in relation to its location

Reasons

Conservation Area

6. The appeal site currently accommodates a modest sized bungalow and the majority is formed by fields/paddocks used to keep ponies/horses. The only structures on the land are the bungalow and some low and unobtrusive structures to the rear within an area of trees, some distance from Warbrook Lane. There are houses sited to either side at the frontage and also on the opposite side of Warbrook Lane. The site and its surroundings are within the Eversley Street Conservation Area.

7. The Conservation Area Proposal Statement describes Warbrook Lane as a "rural lane with patchy ribbon development". From what I saw, I consider that this is an accurate summary of Warbrook Lane, along the sections close to the appeal site. The rural qualities of the lane are reinforced by the absence of footpaths and the presence of verges, ditches and hedges along this narrow road. Furthermore, many of the houses are set against the backdrop of open land sometimes containing mature trees. The presence of fields and open land adds to the spacious qualities of the area. The appeal site has a considerable frontage onto the lane and this gives views of the remainder of the site and its openness is readily apparent. I consider that this makes a considerable and positive contribution to the character and appearance of the conservation area; my opinion is not materially altered by the presence of the relatively modern and simple form of the bungalow.

8. The proposal would remove the bungalow and would place 6 houses along the frontage, as well as the proposed access. Within the rear of the site 5 further houses would be sited around a central open area, along with a sizeable garage block. These 5 houses would generally be provided with generous sized gardens. More open land is indicated within the rear-most extremity of the site and additional planting is shown here.

9. I consider that the important openness of the site would be significantly and unacceptably eroded by the proposal. The replacement of much of the open areas of the site with houses, drives, access road and garages would be a significant change when compared to the current rural qualities that it displays. I appreciate that some parts of the site would be provided as open land and that some of the gardens are of generous proportions but I judge that these factors would be clearly insufficient to outweigh the negative effects of the built form of development and the loss of this open area within the conservation area. In addition, I share some of the Council's concerns that the rather generic and sub-urban style of some of the proposed houses would not be reflective of the qualities of the built form within the area. As a result, the proposal is contrary to Policy CON13 of the Hart District Council Local Plan 1996 – 2006 (LP).

Location

10. The appeal site sits outside the settlement boundary as defined in the LP. In addition, the settlement boundary here remains unaltered as now indicated in the Hart Local Plan Strategy and Sites 2016 – 2032 Proposed Submission Version (Emerging LP). The Emerging LP was submitted for examination in June 2018 and I am advised that the examination Hearings commenced in November 2018. The Council indicates that some weight should be given to

the Emerging LP and also that conflict arises from the provisions of the LP. Policy RUR2 of the LP only allows for development that is specifically covered by other LP policies and states that it should not have a significant detrimental effect on the character and setting of the countryside. I consider that there is clear conflict with Policy RUR2, notwithstanding the fact that the settlement boundary abuts the appeal site boundary and that the character of the countryside would be unacceptably affected. There is also conflict with Policy NBE1 of the Emerging LP, for the same reason, although I attach only a small degree of weight to this emerging policy.

11. The appellants assert that the settlement boundary is not supported by the NPPF and submits other appeals which support their case. I note in one such case that the Council were broadly agreeing that, as a principle, development could not be resisted simply as it was outside a settlement boundary. I am not aware of what evidence was submitted for that appeal (APP/N1730/W/17 /3185513), but I conclude that harm to the character of the countryside would result from the proposal in relation to the change in the character brought about by the construction of new buildings and other development.

12. The Council has acknowledged that, although the appeal site sits within a 'Strategic Gap' as defined within the LP and such development would be resisted by Policies CON 19, CON20 and RUR31, reduced weight can be given to this conflict as this area is proposed to be removed from the Gap as it does not specifically prevent the coalescence of adjacent settlements. However, the Council still asserts that conflict arises and some weight should be given to this. I agree that some reduced weight can be given to this conflict.

13. The proposal is clearly not within a category of development allowed for by the above policies. It would detrimentally alter the character of the countryside by providing 11 houses and associated development and significantly reducing its rural qualities, notwithstanding the provision of some open areas. Therefore, I find conflict with the above policies.

14. In relation to access to services, I have examined the evidence and the services referred to. I note that some are about 1.2km from the appeal site and some others are over that, including the secondary school, which is said to be over 4.5km away. It should be recognised that the opportunities to provide for alternative means of transport other than the private car, can be limited within rural areas. Some of the above services could be within walking distance but I note that there are no footways for much of the routes which could make it unattractive for pedestrians. On balance, although the proposal would inevitably give rise to more car journeys within the area, there is some opportunity to walk to some services. Taking account of the rural location and the above matters, I conclude on this point that the additional reliance on cars is not sufficient to weigh against the proposal. However, this does not outweigh my other concerns in relation to this wider main issue.

Other Matters

Affordable housing

15. The Council's reasons for refusal included one relating to absence of any provision for affordable housing. It should be noted that its decision also related to the scheme for 12 homes. The revised scheme for 11 dwellings that I am considering for the purposes of the appeal would involve the net addition

of 10 dwellings, as it would involve the loss of the existing bungalow at Four Seasons (ignoring the caravan, regarding which I have no further information). Notwithstanding the contents of Policy ALTGEN 13 of the LP, it is apparent that the Council acknowledge that the relevant threshold here is 10 dwellings, taking account of the PPG. Correspondence submitted also reveals that the Council take into account the loss of any existing dwellings and so use a net figure; although this is not confirmed in the Council's statement. For my part, I agree that a net figure is fair and practical in cases such as this. Accordingly, I shall treat the appeal scheme as providing for 10 additional units and, in line with the Council Officer's information submitted to the appellant, I consider it unnecessary to provide for affordable housing within this scheme.

16. The recently submitted undertaking makes provision for affordable housing. However, in the light of my comments above, I shall not take this into account in determining the appeal.

Thames Basin Heaths SPA

17. The appeal site sits within a short distance of an area of the Thames Basin Heaths Special Protection Area (SPA), designated as a result of the ability of the area to sustain species of birds under the Birds Directive. New residential development has the potential to place greater demands on such areas due to their use for recreational purposes. Given this, if the circumstances exist that could lead to the grant of planning permission, I would be required to carry out an appropriate assessment to address such a matter. However, as I am to dismiss the appeal for other substantive reasons, it is not necessary for me to consider this matter in any further detail.

Planning Balance and Conclusions

18. The Council has indicated that it is able to demonstrate a supply of housing land in excess of 5 years, plus an appropriate buffer, said to be 9.7 years. It is evident that it has been able to do so by, in part, permitting some schemes on land outside or adjacent to settlement boundaries. I consider that this approach should not necessarily attract criticism and does not indicate that all such proposals should be granted.

19. The appellant indicates that some of the Council's policies are out of date as they were formulated to meet a housing need that is now passed. There are 2 considerations here. Firstly, I consider that those policies referred to above which seek to protect the countryside are consistent with the aims of the NPPF (as well as those which seek to protect conservation areas). Secondly, the appellant seeks to demonstrate that certain policies are out of date so that the 'tilted balance' in favour of sustainable development should be applied. However, and notwithstanding some of my findings above, paragraph 11d)i indicates that the tilted balance does not apply if policies in the NPPF that protect areas or assets provide a clear reason for refusing the proposal. In this case, I have identified harm to the conservation area, which gives rise to a clear reason for dismissing the appeal. In addition, paragraph 177 of the NPPF sets out that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

20. I acknowledge that the proposal would provide new homes and this is to be seen as a benefit, even though the Council demonstrate a healthy supply of

sites. There would also be some support for construction jobs, additional spending by residents and support for local businesses. The appellants indicate their willingness to make suitable provisions in order to mitigate any harm in relation to the SPA. However, I find that these and the other benefits set out by the appellants are insufficient to outweigh the harm that I have identified. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR