
Appeal Decision

Site visit made on 28 August 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/H1705/W/18/3219365

Water Bailiffs Barn, Wildmoor Lane, Sherfield on Loddon RG27 0HE

- 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 Charles Platel against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/00619/FUL, dated 27 February 2018, was refused by notice dated 12 October 2018.
 - The development proposed is described as the erection of 3 No. detached dwellings following demolition of existing barns. Change of use from part agricultural and part equestrian to residential.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have amended the original description of development to reflect that provided within the Council's decision notice and as stated at section E of the appeal form in the interests of accuracy and consistency.
3. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Background and Main Issues

4. The proposal is for the demolition of several barns at the appeal site, to be replaced with three detached two storey dwellings. Prior Approval for the conversion of the barns on part of the appeal site under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, was granted in 2017.
5. Although the Council has given six reasons for refusal, having reviewed the evidence I have considered it appropriate to identify three main issues. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would be in a suitable location for housing with regards to National and Local Planning Policy; and,

- The effect of the proposed access on highway safety.

Reasons

Character and Appearance

6. The appeal site comprises a number of separate barns of modern design, which are positioned side by side and located on land adjacent to a small cluster of buildings which includes more traditional forms of agricultural buildings in terms of height and design. The appeal site further includes areas of hardstanding providing access to the barns, with a well-established Leylandii hedge partially screening the site from views from the road.
7. Close to the site there is a loose collection of residential properties and farmsteads which comprise substantial detached dwellings set within generous grounds, as well as a nearby example of a pair of semi-detached dwellings. The narrow road, high hedges, substantial areas of open agricultural fields and presence of woodland give the area an intrinsically rural character and sense of remoteness.
8. Policy EM1 of the Basingstoke and Deane Local Plan (2011 - 2029)¹ (the Local Plan) seeks to protect the character and visual amenity of the area. Criteria (b) and (c) of Policy EM1 of the Local Plan confirm that development must not be detrimental to visual amenity and scenic quality, nor be detrimental to the setting of the settlement. Policy D1 of the Sherfield on Loddon Neighbourhood Development Plan 2011 to 2029² (the Neighbourhood Plan) seeks to ensure the historic rural character of the parish is conserved or enhanced.
9. The proposed development would replace a number of agricultural and equestrian barns with three substantial two storey dwellings, arranged in a cluster and adjacent to the agricultural outbuildings which appear to be used in conjunction with the neighbouring farm. The existing barn structures are utilitarian in design, being predominately constructed of metal portal frames and sheeting.
10. In this respect, the existing agricultural and equestrian barns, while being utilitarian in appearance, are typical of modern agricultural buildings which are part and parcel of a working, farmed landscape and do not appear out of place within the site. The proposed dwellings would be substantial in terms of their individual mass and heights, which would be in sharp contrast to the adjacent farm outbuildings.
11. Whilst I acknowledge that the appeal site currently exhibits areas of hardstanding associated with access to the existing barns, the appeal proposal would significantly increase the volume of built residential form at the site and, by reason of the height, mass and spread of the proposed dwellings, would change the character and appearance of the site from agricultural to residential, with the lighting, activity and domestic paraphernalia that would entail. Inevitably, the site would take on a more urban character, with the proposed landscaped garden areas contrasting with the less formal mixture of hard surfacing and grass surrounding the existing agricultural and equestrian buildings.

¹ Adopted May 2016

² Adopted March 2018

12. Consequently, the appeal proposal would alter the agricultural appearance of the site to that of a domestic residential one and, consequently, would have an urbanising effect on this rural countryside location. This would be harmful to the character and appearance of the surrounding area and detrimental to local distinctiveness. Whilst I acknowledge that the site is, to some degree, screened from views from the nearby road and public footpath by vegetation, the site is located at the top of a gentle slope which rises from the nearby river and, in combination with the height of the proposed dwellings, would be likely to be visible from the wider surrounding area especially during the winter months.
13. However, it has been put to me that the site currently benefits from prior approval to convert barn structures on part of the site, and that the appeal proposal would not be more harmful to the character and appearance of the surrounding area than that permitted development.
14. In this regard, whilst I acknowledge that the existing barn structures are functional in design, they do not look out of place within the context of the surrounding rural location. The appeal proposal would, in my view, alter the character of the area to that of urban residential and would therefore be detrimental to local distinctiveness. The fallback position would retain the structure and outward appearance of a barn and therefore would not result in the character of the surrounding area being altered to that of an urban residential development.
15. Criterion (d) of Policy EM1 of the Local Plan requires that proposed development not be detrimental to local character. This requirement is expanded upon by Policy EM10 (1)(c) which confirms that development will be permitted where it contributes to the appearance of streets and public spaces. For the reasons given above, the proposal would be harmful to local character. Consequently, the appeal proposal would conflict with the requirements of these Policies.
16. Furthermore, Policy D2 of the Neighbourhood Plan provides that new development must provide good quality design and specifically, at criterion (a), must be in character with the surrounding area with respect to the density of development. In this respect the appeal site is located in an area off Wildmoor Lane, where residential housing is at a very low density and predominately comprises detached dwellings set within very generous grounds.
17. The appeal proposal, however, would provide housing which would be arranged in a cluster with separation distances between the proposed dwellings being significantly less than that experienced by existing residential development within the immediate surrounding area. Consequently, the proposal would result in a form of development which would not reflect or respect local distinctiveness with regards to the density of housing.
18. Whilst I note the submissions of the Appellant with regards to the abovementioned permitted development fallback and the density of housing provided under that prior approval, that development would result in a single large structure which is separated into three units, and therefore the density of built form at the site would reflect local circumstances and, for the reasons given above, would not be harmful to the character of the surrounding area.
19. Criterion (e) of Policy EM1 of the Local Plan provides that development must not be detrimental to trees, woodland and water features such as rivers.

Criterion (h) of this Policy expands on this in relation to certain named waterways including the nearby River Loddon and confirms that the character of these rivers is to be safeguarded.

20. As noted above, the proposed development would be visible from the nearby river and specifically from a crossing southeast of the appeal site. For the above reasons, the appeal proposal would have an urbanising effect on the area, with the area of higher density of housing appearing out of place within the context of the surrounding rural landscape. This would draw the eye of passers-by and, by reason of the proximity of the River Loddon to the site, would have a detrimental effect on the character and appearance of this river at this location.
21. Whilst I acknowledge the Council's submission with regards to the sewage treatment plant which forms part of the planning application, Policy EM1 of the Local Plan concerns matters of landscape rather than issues in respect of drainage. Consequently, while I have concluded that the appeal proposal would have a harmful effect on the character and appearance of the River Loddon as above, there is no evidence before me that the proposal would have any adverse effect on local drainage or waste disposal.
22. For the above reasons, the appeal proposal would conflict with criteria (b), (c), (d), (e) and (h) of Policy EM1 and Policy EM10 (1)(c) of the Local Plan and would be contrary to Policies D1 and D2 of the Neighbourhood Plan.
23. Notwithstanding the above, the reasons for refusal further included reference to criterion (f) of Policy EM1 of the Local Plan and Policy G1(c) of the Neighbourhood Plan. Criterion (f) of Policy EM1 of the Local Plan provides that development must not be detrimental to the dark skies landscape. Policy G1 of the Neighbourhood Plan, amongst other things, provides that development will be expected to conserve the natural environment for nocturnal species, and there is concern that the appeal proposal, by reason of the proposed number of windows and openings which may be lit during the evenings, would be detrimental to local dark skies.
24. However, in this regard there is no evidence before me which demonstrates or confirms that the appeal proposal would significantly increase levels of light pollution when compared to the existing situation or when compared to the development which was permitted under the prior approval process. Furthermore, in my view, any substantive harm that may have resulted from the appeal proposal in this respect, for example excessive external security lighting, could be the subject of conditions. Consequently, I find no conflict with criterion (f) of Policy EM1 of the Local Plan or Policy G1(c) of the Neighbourhood Plan.
25. In summary of this main issue, whilst I have concluded that any harm arising from the appeal proposal with regards to the dark skies landscape could be sufficiently resolved through conditions, overall I find that the proposed development would be harmful to the character and appearance of the surrounding area, and would therefore conflict with the relevant Policies of the development plan as described above. Whilst I note the fallback position regarding prior approval for conversion of some of the barns at the appeal site, in my view and for the reasons given above, I conclude that the fallback position would be less harmful to the character and appearance of the surrounding area when compared to the appeal scheme.

Location of Development

26. Policy SS6 of the Local Plan provides that proposals on previously developed land must not result in an isolated form of development and that the site is not of high environmental value. In this regard, the evidence before me indicates that the site was originally considered not to be of high environmental value and no further evidence has been provided within the appeal which leads me to conclude otherwise.
27. The Appellant has put to me that the proposed development would not represent isolated homes in the countryside. In this regard, The Framework does not define what is meant by the term 'isolated'. However, a court judgement³ determined that 'isolated' should be given its ordinary objective meaning, being 'far away from other places, buildings or people'.
28. The issue of 'isolated' in this regard must always be a matter of fact and degree. In this case, it is not simply about a consideration of proximity to services and facilities, but also about whether the proposed dwellings would be physically and functionally far away or remote from other places, buildings or people. In my judgement, the appeal proposal could not be described as such, given that there are occupied houses and farmsteads in close proximity to the appeal site. Accordingly, I do not consider that the appeal proposal would result in 'isolated' homes and, therefore I find no conflict with Policy SS6 of the Local Plan in this regard.

Highway Safety

29. The proposed development would provide a single point of vehicular access onto the nearby road network. Whilst I have acknowledged above that the highway is relatively narrow, there are sufficient passing places to allow for vehicles to pass safely, and I further find that the point of access and proposed shingle driveway would be sufficient to ensure that there would be no harm to potential users.
30. Furthermore, and in respect of the effect of the proposal on highway safety at the junction between Wildmoor Lane and the A33 main road, I have not been provided with any evidence, for example in the form of accident or traffic flow data, to suggest that this junction is hazardous and further note that there were no objections or concerns voiced by the Highways Officer with regards to the safety of road users or pedestrians at this junction.
31. In the absence of any evidence to the contrary, I conclude that the appeal proposal would not be harmful to highway safety and, consequently, the proposed development would accord with the provisions of Policy CN9 of the Local Plan which seeks to promote a safe, efficient and convenient transport system.

Planning Balance and Conclusion

32. In the absence of a five year supply of housing, the Framework provides that relevant policies for the supply of housing should not be considered up to date, and further states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly

³ Braintree District Council v Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin)

and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

33. In the context of assessing the three objectives of sustainable development identified in the Framework, the economic benefits of the proposal would be very modest in scale and scope, being limited to short term employment during construction. I also accept that additional dwellings at this site could play a small part in supporting the viability of services within Sherfield on Loddon. The proposed scheme would also provide social benefits in providing three units towards housing land supply on previously developed land.
34. However, the appeal scheme would not provide any environmental benefits and, on the contrary, would be harmful to the character and appearance of the surrounding area and harmful to the character of the River Loddon. Whilst I have acknowledged above that the proposed dwellings would not be isolated, they would not be located close to any services or facilities and, consequently, it is likely that future occupants of the proposed dwellings would be reliant on private motor vehicles in order to access even basic services, such as shops or schools. Whilst dependence on private vehicles may be expected in rural locations, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would be likely to cause environmental harm as a result of increased car journeys and hence carbon emissions.
35. Whilst I acknowledge that the site benefits from prior approval to convert some of the barns at the site and that this would result in the same number of households as the appeal scheme being located some distance from the nearest services and facilities, the appeal scheme would provide a greater number of bedrooms and would therefore be likely to require a greater number of vehicles in relation to the residents. I therefore conclude that the fallback position would be less harmful in terms of the environment than the appeal scheme.
36. In light of the above, the appeal scheme would be harmful to the character and appearance of the surrounding area and would not represent sustainable development. For the above reasons and given the level of protection afforded to the environment within the Framework, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. I therefore conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR