



Appeal Decision

Site visit made on 12 August 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2019

Appeal Ref: APP/H1705/W/19/3229057

The Forge, West End, Sherborne St John, Berkshire RG24 9LE

- 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 M Perman (A Monger Ltd) against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/02399/FUL, dated 13 August 2018, was refused by notice dated 14 December 2018.
 - The development proposed is the erection of a two-storey 3 bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey 3 bedroom dwelling at The Forge, West End, Sherborne St John, Berkshire RG24 9LE, in accordance with the terms of the application Ref 18/02399/FUL, dated 13 August 2018, subject to the conditions set out in the attached schedule.

Preliminary matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.
3. The Council has updated its statement of case and has confirmed that, in line with the Housing Delivery Test 2019 published in February 2019, a 20% buffer should be added to the borough's supply. It also confirmed that at the current time, it is unable to demonstrate that it has 5 years' worth of deliverable housing sites as required by the Framework. Accordingly, the Council considers that Policies SS1 and SS6 of the Basingstoke and Deane Local Plan (2011 to 2029) 2016 (the LP), which set out that required development can be met within the defined Settlement Policy Boundaries and that development in the countryside will only be acceptable in set exceptional circumstances, are out of date. Additionally, the Council considers that policies relating to housing delivery in the Sherborne St John Neighbourhood Plan are also out of date.
4. For this reason, the Council has withdrawn its sole reason for refusal, as set out on the Decision Notice for the application Ref 18/02399/FUL dated 13 August 2018. The Appellant has confirmed acceptance of the withdrawal of this reason for refusal and, as I concur with both parties on this matter, have, therefore, determined this appeal in line with Paragraph 11 d) of the Framework.

Main Issue

5. The main issue is whether, in the context of an undisputed undersupply of deliverable housing sites in the area, the proposal would accord with relevant policies in the development plan and the Framework.

Reasons

6. The Council accepts that it cannot demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies are considered to be out-of-date. Where there is a shortfall, paragraph 11 d) of the Framework, concerning the presumption in favour of sustainable development is engaged¹.
7. Accordingly, planning permission should be granted unless the application of other policies in the Framework that protect areas or assets of particular importance², provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
8. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance. Furthermore, in considering the proposal, the Council did not raise any other concerns apart from that the proposal conflicted with Policies SS1 and SS6 of the Basingstoke and Deane Local Plan 2011-2029 (LP) which aim to direct development to within the identified Settlement Policy Boundaries and specific site allocations. The proposal conflicts with these policies given its countryside location, but such policies are out of date and hence I afford them limited weight in decision making terms. In addition, such policies are not entirely consistent with rural housing policy in the Framework which is less restrictive.
9. In addition to the above, it is of note that the appeal site would essentially comprise a form of infill development: there are dwellings on either side of the boundaries to the appeal site. In this context, the proposal would not lead to the development of an isolated home in the countryside and hence I do not find any conflict with paragraph 79 of the Framework which states that '*planning policies and decisions should avoid the development of isolated homes in the countryside*'.
10. I have considered the proposal and its location within the Sherborne St John Conservation Area (CA). This is a matter which did not form part of the Council's reasons for refusal and I am satisfied that the proposal would accord with the established pattern of development in the area and that it would not cause harm to the character and appearance of the area. The proposal would preserve the character and appearance of the CA and therefore this is a matter of neutral consequence in the overall planning balance.
11. Whilst there is some conflict with the development plan, because of the Council's position in terms of the undersupply of housing, that conflict is considered to be outweighed by the contribution made by the provision of the proposed new dwelling. Government policy, as expressed in the Framework, is to significantly boost the supply of homes, and the proposed development would make a small but measurable contribution to this objective. There would

¹ Footnote 7 of the Framework

² Footnote 6 of the Framework

be some employment at construction stage, albeit that it is acknowledged that this would be a relatively short-lived benefit. Whilst only one dwelling is proposed, I do not doubt that the proposal would seek to at least maintain the vitality of rural communities.

12. The benefits of the proposed development would significantly and demonstrably outweigh any adverse impacts (i.e. conflicts with the aforementioned LP policies) when assessed against the policies in the Framework taken as a whole. I therefore conclude that the appeal should be allowed.

Conditions

13. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
14. In addition to the standard commencement condition, a condition specifying approved plans/documents is necessary for the avoidance of doubt and in the interests of certainty.
15. In the interests of the character and appearance of the CA, it is necessary to impose planning conditions relating to materials for the proposed dwelling. It is also necessary, in this respect, for a condition requiring the approval of boundary treatments around the parking area to the front of the dwelling and for, if necessary, replacement of trees and other vegetation that may form that boundary.
16. In the interests of highway safety and to ensure the free flow of traffic on the main road, it is necessary to impose a condition relating to on-site parking. However, I do not consider that the Council's suggestion of parking spaces for three vehicles is reasonable. It does not comply with the guidance contained within the Council's Parking Supplementary Planning Document (2018) (SPD) which requires that 2 parking spaces should be provided for a two-bedroom property in this location. There are also no parking restrictions locally and I have not been provided with any evidence to demonstrate that there is limited available space along the road if required. I have amended the condition so that it accords with the SPD.
17. A condition requiring a Construction Statement detailing water efficiency is necessary to ensure that the development delivers a level of sustainable water use in the interests of environmental sustainability
18. A pre-commencement condition concerning investigations, risk assessment and a remediation scheme of any contaminated land is necessary to protect the living conditions of future and nearby occupiers and to protect workers and the natural environment. The requirement of the remediation scheme to include a timetable of works, details of site management procedures and the nomination of a competent person to oversee the implementation of the works would also be necessary to protect the living conditions of future and nearby occupiers and to protect workers and the natural environment.
19. The condition to ensure verification of remediation works is deemed necessary to safeguard the living conditions of the future and nearby occupiers and to protect the environment.

20. Conditions restricting deliveries of construction materials, plant and machinery and removal of spoil from the site is necessary to protect the living conditions of nearby residents. Likewise, a condition restricting construction working hours is also considered necessary to protect the living conditions of nearby residents.
21. With regard to Section 100ZA (5) of the Act, the appellant has given their written agreement to the pre-commencement condition attached to this decision.

Conclusion

22. For the reasons given above, and as the council has not provided any evidence to the contrary and does not contest the appellant's case, and taking all other matters raised into account, the appeal is allowed.

S Hanson

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
1718095/1A, Layout and Location Plans.
1718095/2A, Proposed Floor and Roof Plans.
1718095/3A, Elevations.
1718095/4A, Sections.
1718095/5A, Street scene.
- 3) No development above ground floor slab level shall take place until samples or details of all external facing materials (including brick panel details) have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) The dwelling hereby approved shall not be occupied until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary to be erected around the parking area to the front of the dwelling and the approved boundary shall have been erected/planted. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the local planning authority before replacement occurs.
- 5) The dwelling shall not be occupied until space has been laid out within the site, in accordance with drawing no. 1718095/1A Layout Plan 1:500, for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No development above ground level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the local planning authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 7) No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:-
 - (a) A desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011, and a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011-

Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority.

- (b) A detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary, proposals for future maintenance and monitoring. If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.
- 8) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of condition 7(b) that any remediation scheme required and approved under the provisions of condition 7(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise; as built drawings of the implemented scheme; photographs of the remediation works in progress; certificates demonstrating that imported and/or material left in situ is free of contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 7(b).
- 9) No work relating to the construction of the development hereby approved [including deliveries of construction materials or plant and machinery; removal of any spoil; demolition; and site preparation] shall take place on the premises before 0730 on Mondays to Fridays and 0800 on Saturdays nor after 1800 on Mondays to Fridays and 1300 on Saturdays, or at any time on Sundays or on Bank or Public Holidays.