



Appeal Decision

Site visit made on 17 September 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2019

Appeal Ref: APP/N1730/W/19/3232809

Land at Five Acres, Broad Oak, Odiham Hook RG29 1AG

- 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 Keith Buckland against the decision of Hart District Council.
 - The application Ref 19/00054/FUL, dated 8 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is Demolition of existing stable, chicken coop and feed store and erect 3 bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the site is a suitable location for housing having regard to development plan policies and (ii) the effect of the development on flood risk.

Preliminary Matters

3. I have used the description of development from the Councils decision notice rather than that provided on the application form. I am satisfied this revised description of the development has been agreed between the parties and I consider it adequately and clearly describes the proposed development. Further it has been used by the Council as part of its planning application consultation process and therefore this would not prejudice the interest of third parties.
4. There has been some debate between the parties regarding the submitted plans relating to the red line boundary. The location plan on the Existing Outbuildings-Floor Plans/Ex. Elevs Drawing No 01 C identifies a much wider extensive site area than that shown on the Proposed site layout shown on Drawing No 03 C. The applicant subsequently submitted an amended Plan Drawing No 05 which clarifies the extent of the appeal site in line with Drawing No 03 C. I am satisfied that the Council has determined the application on the basis of the hatched area provided on the supplementary site plan as referred in the officers report and accordingly the extent of the appeal site is clear to me.
5. I have considered the points made by the Council regarding landownership. However, on the basis of the information before me I don't have any substantive evidence that might lead me to consider the correct notice has not

been served or that the extent of the application site on which the application was determined is not within the appellants control.

Reasons

Suitable location for housing

6. The appeal site is located to the south of Five Acres in the rural settlement of Broad Oak. The settlement comprises a number of residential properties located off Broad Oak Lane and is rural in character surrounded by open agricultural land. Saved Policy RUR1 of the Hart District Local Plan Replacement (1996-2006) (Local Plan) identifies that Broad Oak is a rural settlement with defined settlement boundaries.
7. The site lies outside the settlement boundary of Broad Oak but immediately adjacent to its southern boundary. For the purposes of the saved Policy RUR2 of the Local Plan the site is in open countryside. This identifies that development will not be permitted unless specifically provided for by other policies of the Local Plan and where it would not have a detrimental effect on the character and appearance of the countryside.
8. The Odiham and North Warnborough Neighbourhood Plan (2017) (Neighbourhood Plan) is also of relevance. The site lies outside the defined settlement boundaries for Broad Oak as defined by Policy S1 where development outside the settlement boundaries will need to conform to national policy, local plan policies and policies of the neighbourhood plan. The policy justification indicates that development outside boundaries will only be granted with clear justification as required by policies controlling development. It states that each settlement has a distinct edge with open countryside beyond.
9. The appeal site is screened from Broad Oak Lane and the proposed single storey nature of the building together with the fact that it is of acceptable design would not have an adverse visual impact on the character and appearance of the countryside. Its character however with the stables is one of agricultural which lends itself to the adjacent agricultural land to the south and west rather than the residential use to the north. However, whilst this may be the case the proposal is not considered to have a detrimental effect on the character and appearance of the countryside.
10. However, as the site is outside the settlement boundary the proposal is not specifically provided for by other local plan policies. In line with Policy RUR2 whilst I find no harm to the character and appearance of the countryside the principle of development outside the settlement boundary is not provided for by other policies of the local plan. It is therefore contrary to it. Similarly, it is contrary to Policy S1 of the Neighbourhood Plan as there is no clear justification provided to be considered as an exception to adopted policy.
11. The Council have indicated that the Hart Submission Local Plan (2016-2032) is at an advanced stage of preparation. Following examination in 2018, the Council received the Inspectors letter in February 2019 indicating that with specific modifications it would allow the plan to progress to adoption. The Council have recently consulted on the proposed modifications with the Inspectors report anticipated in October/November 2019. Of relevance to this appeal is the proposed settlement boundaries for Broad Oak are not proposed

- to be extended to include the appeal site. Policy SS1 of the Submission Local Plan again focuses development within defined settlements, on previously developed land in sustainable locations and on allocated sites.
12. Policy NBE1 of the Submission Local Plan deals with development in the countryside. This adopts a fairly restrictive approach and the policy together with the proposed modifications would not provide justification for the proposal subject of this appeal. Whilst the plan is not adopted, given the fact it has been examined, together with the anticipated adoption I give this moderate weight in this case.
 13. In its definition of previously developed land the National Planning Policy Framework (the Framework) specifically excludes from the definition land that is or was last occupied by agricultural uses. The stables are no longer being used for their original purpose and I observed on my site visit they were currently being used for domestic storage. However, on the evidence before me there has been no formal change of use of the site to a non agricultural use. I have not been provided with any clear information that the site is anything other than agricultural land and accordingly such land would not fall within the definition of previously developed land.
 14. Paragraph 77 of the Framework identifies that in rural areas decisions should support housing developments that reflect local needs. In this case there is no evidence before me to determine that this proposed development would satisfy a local need. It is clear that settlement boundaries have been drawn which direct development to areas within them. The Local Plan and more subsequently the Neighbourhood Plan identifies the settlement boundaries as a means of directing growth over their respective periods.
 15. The Council can demonstrate a healthy 5-year supply of deliverable housing sites, indicating the latest Housing Land Supply figure exceeds this at 9.74 years. This is not disputed by the appellant. The proposed dwelling would bring minor economic benefits through construction of the property and social benefits through an additional property to the housing supply. However, this is a private rather than a public benefit as the house is to remain in the family and not sold on. Notwithstanding this, considering the conflict with the development plan, the strong housing land supply position these limited benefits of the proposal do not justify a departure from the development plan. Further, I find the proposal would conflict with the Submission Hart Local Plan and I give this moderate weight.
 16. Taking the above matters into consideration the proposal would conflict with Saved Policy RUR2 of the Hart District Local Plan (Replacement) 1991-2006 and Policy S1 of the Odiham and North Warnborough Neighbourhood Plan (2017) and is therefore not considered a suitable location for housing.

Flood Risk

17. There is dispute between the parties as to whether satisfactory surface water and foul drainage arrangements can be delivered. Given the presence of clay soils, soakaways are not considered feasible and there are no mains drainage near to the site. It is proposed to discharge surface water via an existing surface water pipe that exists at the site. I have not been made aware of any flood risk issues arising from this current arrangement and it is unlikely that the proposal would generate significantly more surface water flows than what

currently exists. Whilst I acknowledge concerns regarding the ability to secure necessary permissions this is separate legislation and the appellant would need to secure these rights to discharge as a separate process. However; on site surface water drainage could be suitably dealt with by a planning condition.

18. In relation to foul flows, it is proposed to deal with foul water with a treatment unit. The appellant has indicated that whilst a preference for this is to be sited south of the application site it could be located within the site. Therefore, if sited within the appeal site this could be secured by planning condition. Therefore, based on the available evidence I don't find that the proposal would result in increased flood risk and therefore, I don't find conflict with saved Policy GEN11 of the Local Plan and guidance in the Framework.

Other Matters

19. I recognise the proposed dwelling would be acceptable in relation to a number of issues. Specifically, it is of an acceptable design and the design and layout would not cause any adverse impacts in respect of external lighting, waste and recycling, highway safety, biodiversity, trees, heritage and land contamination or on the living conditions of neighbouring properties. However, whilst these are also considerations relating to the proposed scheme, these matters are required to be acceptable in their own right to make the development acceptable. For this reason, they hold neutral weight in favour of the proposed development.

Conclusion

20. Whilst I have found in favour of the appellant in terms of the effect on flood risk, this does not overcome the identified harm in relation to the first main issue.
21. For the reasons given above, the appeal is dismissed.

Stephen Thomas

INSPECTOR