



Appeal Decision

Site visit made on 10 March 2020

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2020

Appeal Ref: APP/H1705/W/19/3241726

Butlers Farm, Gangbridge Lane, St Mary Bourne SP11 6EP

- 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 J Harker against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/03459/FUL, dated 26 November 2018, was refused by notice dated 8 August 2019.
 - The development proposed is the erection of 1 No. three bedroom dwelling with new access, associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. 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.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the St Mary Bourne Conservation Area (the Conservation Area).

Reasons

4. The appeal site comprises a field located on the north eastern side of Gangbridge Lane, situated between Butlers Farm and Rowe Farm within the parish of St Mary Bourne. The field is bounded by hedgerows and slopes uphill from southwest to northeast, with Gangbridge Lane running adjacent to the southwest boundary of the site.
5. On the opposite side of Gangbridge Lane is the Bourne Rivulet which runs through an area of more open countryside which forms a green wedge between Gangbridge Lane and the B3048 highway south of the appeal site. There is no dispute between the main parties that the appeal site is located within the Conservation Area but outside of any settlement boundary. Furthermore, the site is located within the North Wessex Downs Area of Outstanding Natural Beauty (the AONB).

6. The Conservation Area Appraisal indicates that the appeal site is located within area 4 of the Conservation Area being the area between Stoke and Swampton, and which is described as being an area where the character strongly reflects the traditional rural qualities and minimal development of this area. As I observed on my site visit, the rural character of this part of the Conservation Area is, in part, derived from prominent gaps between large clusters of dwellings and farmsteads. The appeal site contributes positively to the character and appearance of the Conservation Area by maintaining the gap between the cluster of buildings at Butlers Farm and the group of buildings at Rowe Farm.
7. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision.
8. As noted above, the significance of this part of the Conservation Area, is in part, derived from the separation gaps between clusters of buildings. From what I have seen on my site visit and from the evidence before me, residential development, and all of the domestic paraphernalia associated with residential occupation, at the appeal site would erode this sense of separation, with the result that the proposed dwelling would form part of an uninterrupted ribbon development along this section of Gangbridge Lane and which would permanently join and intertwine the clusters of buildings at Butlers Farm with that building group at Rowe Farm. In my view this would be somewhat harmful to the character and appearance, and significance, of the Conservation Area.
9. Whilst the proposal would be set back from the highway and would include some vegetation which would partially screen the proposed dwelling from Gangbridge Lane, by reason of the sloping nature of the land, the appeal scheme would nonetheless be highly visible within the wider area and specifically from the more open area of land southwest of the Borne Rivulet and from the B3048 highway.
10. Heritage assets, such as conservation areas, are irreplaceable and any harm or loss should require clear and convincing justification. The appeal site is situated on the fringes of the Conservation Area and away from the core of St Mary Bourne village and, whilst reasonably localised in its extent, given that there are views of the site from within and outside the village, as a whole the proposal would fail to preserve the character and appearance of the Conservation Area. I find that the introduction of the proposed dwelling to this setting would cause less than substantial harm to the significance of the Conservation Area as a whole. Nonetheless, any harm to heritage assets must be considered to carry significant weight.
11. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 194 of the Framework. In terms of the Framework, I conclude that the proposal would lead to less than substantial harm to the Conservation Area and, accordingly, this harm should be weighed against the public benefits of the scheme in line with paragraph 196 of the Framework.

12. In terms of economic benefits, the proposed development would provide short term employment opportunities during the construction phase, with further longer term benefits being provided through the spend of future occupants within local businesses. Social benefits would also arise by virtue of the contribution made by the dwelling to local housing supply. Furthermore, it is noted that the Council's Landscape Officer indicated that the design and appearance of the proposed dwelling may enhance the landscape appearance of the AONB.
13. However, I find that all of the above benefits of the proposed development are tempered by the modest size of the proposal and, consequently, I attach only limited weight to these considerations in the determination of this appeal, and taking the above points together, I find that the harm to the Conservation Area, which attracts significant weight in the determination of this appeal, would outweigh the benefits of the proposal.
14. The proposal would be located within the countryside and in the absence of circumstances which would justify a countryside location, the proposal would conflict with Policy SS6 of the Basingstoke and Deane Local Plan 2011-2029¹ (the Local Plan). Overall, I find that the proposed development would not preserve or enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance.
15. Accordingly, in the absence of any public benefits to outweigh this harm, the proposal would be in conflict with Policy EM11 of the Local Plan and Policy P7 of the St Mary Bourne Parish Neighbourhood Plan 2016-2029² which, amongst other things, seek to ensure that development does not have a harmful effect on the character of this rural area and conserves and enhances the historic environment. The appeal scheme would also be contrary to those parts of the Framework which concern the protection of the historic environment.
16. The Council cannot currently demonstrate a five year housing land supply. Notwithstanding the position with regards to a five year housing land supply, this would not alter my decision with regards to the appeal. In accordance with Paragraph 11(d)(i) of the Framework, and its associated Footnote 6, the harm to the Conservation Area is sufficient reason to dismiss the appeal, regardless of whether or not the Council is able to demonstrate a five year supply of deliverable housing sites.
17. The Appellant has put it to me that the proposal would allow the occupants of Butlers Farm to downsize to a smaller dwelling while continuing to reside within St Mary Bourne. Whilst I sympathise with the occupants' desire to downsize, in my experience granting planning permission solely on grounds of personal circumstances will rarely be justified in the case of permission for the erection of a permanent building. It is likely that if the appeal were allowed that the development would be significantly longer lasting than the personal circumstances used to justify it. Furthermore, there is no substantive evidence before me which confirms that there are no suitable existing properties within the surrounding area that could be used to accommodate the Appellant, and which would provide for the desired downsizing of accommodation.

¹ Adopted May 2016.

² Adopted March 2018

18. Furthermore, whilst I acknowledge that it would be the intention of the Appellant to restrict items of domestic paraphernalia to the rear of the proposed dwelling, this may not always be the case for potential future occupants and consequently I have given only very limited weight to this consideration in the determination of this appeal.

Other Matters

19. The evidence before me indicates that the appeal site is located within the catchment of the River Test (as part of the wider catchment to the Solent) and that as such the proposed development could have potential significant effects on the Solent and Southampton Water Special Protection Area and Solent Maritime Special Area of Conservation.
20. In respect of the above, I have been provided with copies of correspondence from Natural England which confirms that the wastewater implications of the proposed development would need to be considered as part of an Appropriate Assessment. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission. Given my overall conclusion on the main issue as above, it has not been necessary for me to pursue this matter any further in this instance.

Conclusions

21. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR