



Appeal Decision

Site visit made on 18 May 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/H1705/W/19/3243516

Land at Coronation Cottages, Upper Wyke Lane, St Mary Bourne SP11 6ED

- 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 The Trinley Estate Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 18/03171/FUL, dated 24 October 2018, was refused by notice dated 11 July 2019.
 - The development proposed is diversion of a byway open to all traffic (BOAT) including creation of a new access to Upper Wyke Lane and the creation of a driveway together with the erection of a gate and associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including its effect on the North Wessex Downs Area of Outstanding Natural Beauty and the quality of public rights of way for users.

Reasons

3. The appeal site comprises a triangular-shaped parcel of land, laid to rough grass, located behind a mature hedgerow on the north side of Upper Wyke Lane. The site is in the open countryside and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB).
4. The site is situated along a narrow country lane in a wider landscape of arable fields, mature hedgerow boundaries and scattered farmsteads and woodlands. The characteristics of the appeal site and surroundings are consistent with the key characteristics description of the Wyke Down Landscape Character Area¹, which is partly defined by its gently undulating landscape featuring a mosaic of arable farmland, relatively strong hedgerow structure, and a remote, quiet, rural character. The soft, verdant and open qualities of the appeal site provide punctuation in built form, emphasising the rural character of the locality and makes a positive contribution to the natural beauty of the wider AONB landscape.

¹ Basingstoke and Deane Landscape Assessment: Main Report, Part 2: Landscape Character Areas, 2001

5. St Mary Bourne Byway Open to All Traffic 23 (BOAT) is a public right of way that runs from Upper Wyke Lane, along one side of the appeal site. This route also provides access to Coronation Cottages, a semi-detached pair of mid-20th century dwellings, for which planning permission has been granted, but not yet implemented, to replace with a single detached dwelling. A public footpath (Footpath 22) runs along the western boundary of Coronation Cottages, connecting with the BOAT just before it meets Upper Wyke Lane.
6. Currently, where the footpath terminates and meets the BOAT at the bend in Upper Wyke Road, there are open views across the appeal site and towards the surrounding arable farmland. The line of the extant BOAT corresponds to a field pattern that ostensibly has been in existence since at least the late 19th century. While accepting that the alignment of the footpath may have altered, the current route of the BOAT is logical and intuitive, providing an enjoyable experience of the open countryside for the public right of way users.
7. The proposal is to alter the alignment of the BOAT, diverting its entrance further eastwards along Upper Wyke Lane to a newly created access in the mature hedgerow. A new hedgerow would be planted parallel with the existing, to provide an off-road pedestrian route connecting Footpath 22 with the re-located BOAT. A 35m winding access driveway with gated entrance off the diverted BOAT would serve the replacement dwelling. The redundant section of pre-existing BOAT track would be re-seeded with a wildflower and grass mix.
8. The re-aligned BOAT would cut a straight line through the existing field before re-joining the existing track some 70 metres or so to the north. The proposal would effectively create an arbitrary line bisecting the open field. This would impose an awkward arrangement, which would be at odds with the intuitive route course influenced by the traditional line of field pattern boundaries.
9. Not only would a significant portion of the existing mature hedgerow be lost, but in facilitating visibility splays, the proposed new hedgerow would have to be set further back. As a consequence, the verdant definition and strong hedgerow structure currently presented along Upper Wyke Lane would be eroded. The proposed introduction of a supplementary hedge parallel to the existing may provide an off-road route for pedestrians, but, it would further compromise the traditional single-line hedgerows that characterise the locality.
10. When the supplementary hedgerow eventually becomes established, it would severely diminish the sense of openness and the views across the wider landscape. Indeed, unlike mature woodland enclosures elsewhere along the footpath network, the proposal would create an arbitrary tunnel-like stretch along Upper Wyke Lane that would be out-of-place and diminish the quality of experience for its users.
11. In combination, the width of the driveway, its gravel-topped surface, winding route, double-width gated entrance and bin collection point would announce a domestic encroachment. Even with a supplementary landscaping scheme and no upward development, the proposal would emphasise a distinctly urban intervention that would be fundamentally at odds with the soft, open, informal qualities that characterise the site at present. From my observations during my site visit, I did not see any comparable examples of similar driveways. The urbanising and incongruous impact of the proposed driveway would be obvious, particularly to users of the public rights of way network.

12. Taken together, the proposals would be alien and out of keeping in the countryside and highly designated landscape setting. The proposed development would not be sympathetic to, respect or enhance the character and visual quality of local area would fail to preserve existing mature hedgerows. Rather, it would have a harmful effect on the character and appearance of the appeal site and would fail to conserve or enhance the natural beauty of the wider AONB landscape or the quality of public rights of way.
13. The benefits purported in relation to highway safety have not been supported with compelling evidence, and any benefits of moving vehicles and machinery away from the replacement dwelling would accrue to its occupiers, not the public. In large part, the supplementary hedgerow planting, re-seeding and soft landscaping would be in mitigation for the proposal. Significant weight should be applied to conserving the landscape and scenic beauty of the AONB and the sum of landscape and ecological enhancements does not compensate for the wider harm the development would cause.
14. Conflict therefore arises with Policies EM1 and EM5 of the Basingstoke and Deane Local Plan (2011 – 2029); Policies 5 and 7 of the St Mary Bourne Neighbourhood Plan (2016 – 2029). So too would there be conflict with the countryside and AONB protection policies within the National Planning Policy Framework, revised February 2019, notably paragraphs 170 and 172 insofar as they seek to protect and enhance valued landscapes; recognise the intrinsic character and beauty of the countryside; and give great weight to conserving and enhancing landscape and scenic beauties in AONBs.

Other matters

15. The lack of objection from the Parish Council, British Horse Society, Byways and Bridleways Trust, Cyclists Touring Club, Open Spaces Society, the Ramblers Association or the Landscape Officer does not justify allowing the harm that I have identified.
16. Appeal Ref APP/C1625/A/00/1043048 concerned rerouting a highway in an Area of Outstanding Natural Beauty in 2000. However, the circumstances of a different site, close to a listed building in the Cotswolds, does not provide a useful comparison. Nor does the Order Decision Ref FPS/Y3235/4/9 made in 2001 under a different regime to that pertinent to my decision. These previous decisions have therefore had no significant bearing on my own, which relates to the site-specific circumstances, planning merits and up-to-date policy context.

Conclusion

17. Overall, I do not find there to be material considerations sufficient to outweigh the conflict with the development plan and Framework taken as a whole. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR