



Appeal Decision

Site visit made on 25 August 2020

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Appeal Ref: APP/H1705/W/20/3244730

Marchfield Barn, Bramley Road, Little London, Tadley RG26 5AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr P Snook against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02469/PIP, dated 6 September 2019, was refused by notice dated 5 November 2019.
 - The development proposed is residential development of up to 2 No. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal seeks permission in principle for up to 2 dwellings. Planning Practice Guidance (PPG) explains that permission in principle is an alternative way of obtaining planning consent for housing led development as part of a two stage procedure. Permission in principle, as the initial stage, is limited to the consideration of location, land use and the amount of development which, in the event of an approval, would leave the remaining matters to be considered in a technical details application.

Main Issue

3. The main issue is whether the proposal is a suitable location for housing having regard to local and national planning policies.

Reasons

Location

4. Policy SS1 of the Basingstoke and Deane Local Plan (2011 to 2029), May 2016 (LP) outlines the local strategy for housing delivery across the borough and principally seeks to support development on allocated sites, appropriate brownfield sites and within settlement policy boundaries as defined on the policies map. There is no dispute between the parties that the appeal site lies outside of the defined settlement policy boundaries in the LP. In these circumstances, policy SS1 states that sites will be considered to lie in the countryside. Policy SS6 only permits residential development in the countryside in specified circumstances. It is not part of the appellant's case that any of these exceptions is applicable to the proposal before me. Therefore, the

provision of up to two dwellings at the appeal site would conflict with policies SS1 and SS6 of the LP.

5. In relation to national policy, paragraph 79 of the National Planning Policy Framework (the Framework) establishes a general principle that decisions should avoid the development of isolated homes in the countryside unless it meets specific exceptions. The parties disagree as to whether the proposed dwellings would be isolated homes in the countryside.
6. I have had regard to the relevant case law¹ that considered the interpretation of the term "isolated" in paragraph 55 of an earlier version of the Framework. As paragraph 79 of the current Framework is similar in other regards to the previous paragraph 55, it follows that the case law on this point remains relevant to its interpretation. This established that *"the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement"*. Moreover, *"whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand"*².
7. Accordingly, it is relevant to my determination to consider the spatial relationship of the appeal site to the nearest settlement. This is the village of Little London, which takes a broadly linear form on a north/south axis along Silchester Road which is illustrated in the contextual analysis plan provided³.
8. The appeal site comprises generally flat, grazed semi-improved pasture land bounded by earth bunding, hedgerows and fencing⁴. There is a solar park to the north, a copse to the east and agricultural fields on the opposite side of the road to the south. I was unable to see the land to the west at my visit due to fencing, but the information provided suggests that its use as a caravan storage park is subject to enforcement action. My observations of the appeal site were that it has attributes in common with the wider agricultural countryside and has a visual affinity with it.
9. In addition, it is located a notable distance from the first of the dwellinghouses on the eastern side of Silchester Road⁵, the main road on which the majority of dwellings comprising Little London are situated. Moreover, it would be geographically distinct from the settlement given that the position of the site is adjacent to a different road with a contrasting axis to Silchester Road. Furthermore, the presence of an access road serving Berry Court Business Park, an area of woodland and Silchester Road itself in the intervening space exacerbates the physical separation of the site from Little London.
10. Reference is made to the site being within approximately 80 metres of the nearest dwellinghouse. Nevertheless, my observations were that notwithstanding some sporadic development on the southern side of Bramley Road, the nearest cluster of dwellings that could reasonably comprise a settlement were those on the eastern side of Silchester Road already mentioned.

¹ Braintree District Council v Secretary of State for Communities and Local Government (and others) [2018] EWCA Civ 610

² Paragraph 31, Lindblom LJ

³ Appendix A, Appellant's Appeal Statement

⁴ Phase 1 Ecological Survey, Stark Ecology 2.10.19

⁵ Noted as approximately 170 metres in paragraph 19 of the Legal Opinion from Scott Stemp dated 12.10.19, Appendix E, Appellant's Statement of Case

11. Taking these points together, it is my judgement that the proposed dwellings would be a standalone development that would be physically separate from a settlement and therefore, would result in isolated homes in the countryside. It is not shown that the proposal would fall within any of the exceptions permitted by paragraph 79 of the Framework. Accordingly, the proposal would conflict with the general approach to rural housing in national policy.
12. The proximity of the appeal site to the bus stop on Bramley Road is highlighted. Nevertheless, given the interpretation in the relevant case law, it is not shown that this is determinative when construing what amounts to isolated homes in the countryside within the meaning of paragraph 79 of the Framework.
13. My attention is also drawn to a recent appeal decision⁶ whereby a dwelling that conflicted with policies SS1 and SS6 of the LP was permitted. However, the Inspector found that as the dwelling comprised a form of infill development due to the presence of dwellings on either side of the boundaries to the appeal site⁷, it would not be an isolated home in the countryside. Consequently, she found no conflict with paragraph 79 of the Framework. This represents a significant difference with the appeal proposal and hence, this decision is of little weight. In any event, I have determined the proposal on its own merits.
14. Accordingly, I find that the proposal would result in isolated homes in the countryside contrary to policies SS1 and SS6 of the LP and paragraph 79 of the Framework.

Other matters

15. I have had regard to the representations made in support of the proposal. These refer to the development providing high quality accommodation of an accessible design which would be well suited to the personal circumstances of the appellant. Nevertheless, the scope of a permission in principle application is limited. As such, the specific design of the proposal would not be secured in the event of an approval. It is further stated that the land has little agricultural value. However, this would not normally justify a proposal that would conflict with local and national rural housing policies. Accordingly, these matters attract little weight.
16. It is highlighted that the development may employ local skilled trades people during the construction process. This is a benefit that I have taken into account in the overall planning balance.

Planning balance and conclusion

17. The parties agree⁸ that the Council is currently unable to demonstrate a five year supply of deliverable housing sites. In these circumstances, footnote 7 to paragraph 11 of the Framework stipulates that the development plan policies most important for determining the application should be considered out-of-date. As such, paragraph 11d) of the Framework is engaged. The evidence does not show that the site lies within any of the designations set out within footnote 6 to paragraph 11 of the Framework. It follows that the circumstances in paragraph 11d)(i) do not provide a clear reason for refusing the

⁶ Reference APP/H1705/W/19/3229057, Appendix D Appellant's Appeal Statement

⁷ Paragraph 9

⁸ Council Appeal Statement, Page 3 refers to 4.86 years of deliverable land supply

development. Paragraph 11d)(ii) stipulates that in these circumstances permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

18. The development would bring a number of benefits. Most notably it would contribute to the overall housing supply in an area of unmet need that would allow future occupants some degree of choice as to the mode of transport. It would also bring economic benefits related to the construction phase but also longer term benefits arising from the activities of future occupants. These would be likely to contribute towards the local economy and support local services. However, the modest scale of the proposal would limit the extent of such benefits. Nevertheless, this is tempered by the ability to construct such developments relatively quickly as recognised in paragraph 68 of the Framework. Therefore, overall these benefits attract moderate weight.
19. The proposed dwellings may provide accessible and adaptable homes suitable for occupants who encounter limitations arising from health conditions which would be beneficial to the mix of housing stock. However, design is not a matter under consideration and conditions cannot be attached to a grant of permission in principle. Hence, this could not be secured as part of a permission in principle and therefore, it attracts little weight.
20. The appellants highlight the absence of harm in terms of landscape impact, the effect on heritage assets, biodiversity, highway safety and flood risk. Be that as it may, the lack of conflict with other development plan policies including matters not within the scope of a permission in principle, would not amount to a positive benefit. Therefore, these are neutral factors.
21. The adverse impact of the proposal includes the conflict with the local strategy for housing delivery in the LP. Nevertheless, given that this has failed to deliver sufficient housing, it is out of date and of limited weight. More notably, I have found that the proposal would conflict with the approach to rural housing in the Framework, in particular the general principle that isolated homes in the countryside should be avoided. This carries significant weight.
22. Accordingly, when applying the balance in paragraph 11d)(ii) the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the presumption in favour of sustainable development in paragraph 11(d)(ii) does not apply in these circumstances.
23. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁹. PPG¹⁰ reinforces that this is applicable to decisions relating to permission in principle. Overall, the benefits of the proposal would not outweigh the conflict with local and national policy on rural housing. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

⁹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

¹⁰ Paragraph 011, Reference ID: 58-011-20180615