



Appeal Decision

Site visit made on 6 October 2020

by Martin Small BA (Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2020

Appeal Ref: APP/N1730/W/20/3256617

Queens Arms, Farnham Road, Ewshot, Farnham, GU10 5AU

- 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 S Mosley of K & S Construction against the decision of Hart District Council.
 - The application Ref 19/02710/FUL, dated 5 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is the erection of 3No. two storey dwelling houses, with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the planning application, the Council has adopted the Hart Local Plan Strategy and Sites 2032 (HLP). The HLP supersedes Saved Policies RUR2, GEN4, CON1 and CON2 of the Hart District Local Plan (HDLP) which are cited in the Council's reasons for refusal. I have therefore had regard to the relevant policies of the HDLP which remain saved and of the HLP in my decision. As both parties address these policies, my approach is without prejudice to either party's case.
3. The appeal site is located within 5 km of the Bourley and Long Valley Site of Special Scientific Interest (SSSI) which forms part of the Thames Basin Heaths Special Protection Area (SPA). The Council's third reason for refusal relates to the likely significant adverse effect of the proposed development on the integrity of this protected site and consequent conflict with Saved Policies CON1 and CON2 of the HDLP (now replaced by Policy NBE3 of the HLP) and Saved Policy NRM6 of the South East Plan. I return to this matter below.

Main Issues

4. The main issues are; i) whether the appeal site is an appropriate location for the proposed development having regard to local and national spatial policy and ii) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

5. The appeal site is located on the north side of Farnham Road (the A287), just to the west of Ewshot village, the settlement policy boundary for which runs

along the rear boundaries of properties on Church Lane to the east of the site. An enclave of development at Warren Corner to the south of Farnham Road opposite the site also has a settlement policy boundary. However, the appeal site lies outside both these boundaries and is therefore within the countryside for the purposes of planning policy.

6. Policy SS1 of the HLP sets out that the spatial strategy for the District is to focus development within defined settlements, on previously-developed land in sustainable locations and on allocated sites. The policy expects housing sites to be delivered within defined settlement boundaries; the development of Hartland Village; through Neighbourhood Plans; and in accordance with its rural exception policy. Policy NBE1 of the HLP sets out a generally restrictive approach to development proposals in the countryside, with only certain exceptions allowed. Of these, the only exception relevant to the proposal is development located on suitable previously developed land appropriate for the proposed use.
7. The appeal site is, in part, previously-developed land as it is within the curtilage of a permanent building; a former public house subsequently converted to offices. The site is on the Council's Brownfield Land Register and the redevelopment of the former public house / offices to 9 residential units was, at the time of my site visit, underway. However, the Glossary to the National Planning Policy Framework (the Framework) sets out that it should not be assumed that the whole of the curtilage of a permanent structure should be developed. Therefore, it does not necessarily follow that the proposed development is acceptable in principle.
8. Ewshot is identified in the Council's Settlement Hierarchy as having only limited facilities. Crondall, approximately 2.2 km to the south-west of the site, has a greater range of facilities and services. However, accessing Crondall on foot or by bicycle would necessitate crossing the wide A287, which has a 60 mph limit in the vicinity of the appeal site, and either travelling along the A287 or Redlands Lane. Neither of these have a footway leading to Crondall with only narrow verges and no streetlighting. Either way would therefore be unsafe and unsatisfactory for pedestrians or for cyclists, particularly for more elderly people or those with children.
9. In addition, from the evidence before me, the nearest bus stop is in Church Lane, Ewshot. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, there is no footway from the site to the bus stop and Church Lane has narrow verges with no street lighting. Whilst there is a footway on the south side of Farnham Road that could be used to access the more distant bus stops on Beacon Hill Road, this would require crossing the A287 twice. Therefore, future occupants of the proposed development would be largely reliant on private cars to access employment, schools and day to day facilities and services.
10. Although the Council previously considered the site to be in an acceptable location in regard to access to facilities and services when considering the application for the conversion of the former public house / offices, this was not the view it took in determining the proposal before me. The appellant has not provided evidence to demonstrate that facilities and services would be reasonably easy to reach without the use of the private car.

11. Paragraph 78 of the Framework sets out that housing should be located where it will enhance or maintain the vitality of rural communities and recognises that development in one village may support services in a village nearby. However, it seems more likely to me that once in a car, future occupants would drive to Farnham or Church Crookham, with their much greater range of facilities and services, rather than Ewshot or Crondall. Consequently, the proposed development would be likely to provide little meaningful support for the services in these villages.
12. I note the appellant refers to examples of small-scale developments elsewhere in the district that have been permitted. I do not have the full details of these but the Council has set out how these differ from the proposal before me. In any event, I have determined this proposal on its own merits.
13. I therefore conclude that the appeal site is not an appropriate location for the proposed development having regard to local and national spatial policy. In this respect, the proposal would conflict with Policies SS1 and NBE1 of the HLP and with the Framework's promotion of a sustainable pattern of growth through limiting the need to travel and offering a genuine choice of transport modes.

Character and appearance

14. The appeal site comprises an open area of land with trees to three boundaries and the southern boundary open, formerly used as a garden for the former Queens Arms public house. As an area without buildings it contributes positively to the character of this countryside location. The vicinity of the appeal site is characterised by large detached dwellings of differing designs in substantial plots. Whilst the former public house / office building is being converted into separate apartments, it maintains the existing pattern of development in the area.
15. In contrast, as a terrace of three smaller dwellings in smaller plots the layout and form of the proposed development would be inconsistent with that pattern. With the terrace being set hard against the parking court with no front gardens and little room for planting and the use of the open area to the north as three separate residential gardens, with a consequent likelihood of significant domestic paraphernalia, the proposed development would have an urbanising effect on this countryside site.
16. The proposed dwellings would be of a similar height and materials to other dwellings in the area that I observed during my site visit. However, the repetitive design of the dwellings would be at odds with the individuality of those existing dwellings and the terrace would represent an incongruous form of development.
17. The proposed dwellings would be set back into the site and at a lower level than Farnham Road due to a fall in land levels. Consequently, and with the intervening refuse store, there would only be, at worst, a fleeting glimpse of the roof and first floor of the dwellings through the access when passing along the highway. The proposal would therefore have only a limited effect on the street scene.
18. Nevertheless, I therefore conclude that due to the plot and dwelling size, the form of development overall and the domestication of the site, the proposal would result in unacceptable harm to the character of the area. Accordingly, in

this respect, the proposal would conflict with Saved Policy GEN1 of the HDLP, which requires proposals for development to, amongst other things, be in keeping with the local character, including in design, layout, landscaping and siting. The proposal would also conflict with Policies NBE2 and NBE9 of the HLP which require development to respect and wherever possible enhance the District's landscapes, be of a high quality design and positively contribute to the overall appearance of the area. It would also conflict in this respect with the policies of the Framework on design set out in paragraphs 124 and 127 c).

Other Matters

Thames Basin Heaths

19. The Thames Basin Heaths SPA is designated for its internationally important habitat which supports breeding populations of three rare bird species; Nightjars, Woodlarks and Dartford Warblers. The Conservation Objectives of the TBH SPA are to ensure that the integrity of the site is maintained or restored as appropriate and to ensure that the site contributes to achieving the aims of the European Council Directive on the conservation of wild birds (2009/147/EC).
20. Natural England has identified that net additional housing development up to 5 km from the SPA is likely to have a significant effect (either alone or in combination with other developments) on these protected species. This is due, in particular, to the impact of recreational use on the important populations of these rare bird species.
21. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) require the decision maker to undertake an Appropriate Assessment (AA) before giving any permission where there are likely significant effects on the integrity of designated habitats sites from the proposal, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
22. Therefore, had I reached different conclusions on the main issues, it would have been necessary for me to undertake an AA and give further consideration to the likely effectiveness of mitigation measures. In doing so I would have had regard to the lack of provision and potential lack of capacity for Suitable Alternative Natural Greenspace (SANG). I would also have had regard to the lack of any planning obligation before me providing a financial contribution towards strategic mitigation through the Strategic Access Management and Monitoring project (SAMM). However, as I am dismissing this appeal for other reasons, this has not been necessary.

Other considerations

23. The Framework seeks to significantly boost the supply of housing and encourages the use of brownfield land. The proposed development would have a social benefit in providing three additional dwellings and economic benefits resulting from their construction and the contributions of future occupiers to the local economy.
24. However, the appeal site lies outside a settlement and is already being redeveloped for residential use. Given the scale of the proposed development, the benefits would be limited and, in the case of the construction of the dwellings, temporary. Although the appellant refers to 'much needed' smaller

sized housing, no evidence has been provided of such a need. I therefore give these other considerations limited weight in my consideration of this appeal.

Conclusion

25. I have found above that the proposal conflicts with the development plan and Framework in terms of the site location and the effect on the character of the countryside. The limited benefits of the proposal are not sufficient to outweigh that conflict and there are no other material considerations that do so.

26. Therefore, for these reasons, the appeal is dismissed.

Martin Small

INSPECTOR