
Appeal Decision

Site visit made on 28 September 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/H1705/W/20/3254805

Land to the rear of Broadacres, Newbury Road, Headley, Hampshire RG19 8JY

- 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 R. Colbourne against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/03307/PIP, dated 9 December 2019, was refused by notice dated 22 April 2020.
 - The development proposed is the erection of 1 dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 1 dwelling at Land to the rear of Broadacres, Newbury Road, Headley, Berkshire RG19 8JY, in accordance with the terms of the application Ref. 19/03307/PIP, dated 9 December 2019.

Preliminary Matter

2. This appeal relates to an application that was made for permission in principle. The Planning Practice Guidance states that the scope of permission in principle is limited to location, land use and amount of development. Accordingly, I have only considered the issues relevant to those 'in principle' matters in the determination of this appeal. All other matters need to be considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

Main Issue

3. The main issue is whether the principle of the proposed development is acceptable with specific regard to its location, land use and amount, with particular regard to the effect on the character and appearance of the area.

Reasons

4. The appeal proposal is for a Permission in Principle. This consent route has two stages, the first stage establishes whether a site is suitable in principle, and the second stage, the technical details consent, is where the detailed development proposals are assessed. The appeal proposal is at the first stage and therefore I have considered the principle of the scheme.

5. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for both a maximum and minimum of one dwelling at the appeal site, with an illustrative plan provided.
6. The site of the proposed dwelling would be to the rear of the house known as Broadacres, towards the rear of the garden. Broadacres is within the rural settlement of Headley, set off a private road which connects with the A339 (Newbury Road). It is not clear when viewed on the ground if the proposed dwelling would be all within the residential curtilage of Broadacres, though the appellant states that it is. The site is not isolated as it is set adjacent to other dwellings, although there are limited services and facilities locally to serve future occupants.
7. With regards to the policy context, the site is outside of any settlement boundary and therefore is within the open countryside. Within the Basingstoke and Deane Local Plan 2011-2029, policy SS1 sets out a spatial strategy for the Plan area, with development in the countryside generally restricted. Particularly relevant to this appeal is policy SS6 (New Housing in the Countryside) which restricts housing in the countryside except in certain exceptional circumstances.
8. The Council has concluded that the siting of the proposed development does not meet any of the circumstances under policy SS6 for a new dwelling in the countryside. Based on the definition of previously developed land in the National Planning Policy Framework (the Framework) the Council state that the development proposed does not meet this particular exceptional circumstance of policy SS6, or any of the others listed. I also note on this issue that correspondence from an interested party raises that the site is not all within the garden boundary of Broadacres, which is also highlighted by the Council. To my mind, from what I saw on site and also from the submitted evidence I am not convinced that the site of the proposed dwelling would have all been part of the original garden area of Broadacres. If this was the case, this development would not be wholly on previously developed land for this reason also.
9. Whilst there remains the dispute about whether the site is previously developed land and therefore in accordance with policy SS6, the Council has made clear that as they are not able to demonstrate a sufficient housing land supply then the 'tilted balance' should be applied in line with Paragraph 11 of the Framework. As such, I note that the Council's conclusions on the location and land use of the proposed development, being a residential land use outside of any settlement and therefore not fully complying with policies SS1 and SS6 of the Local Plan, would not result in significant and demonstrable harm which would outweigh the benefits of providing a new dwelling.
10. Indeed, with regards the location and land use principles, even if the site is not all previously developed land (within the garden of Broadacres), this is not in an isolated location being adjacent to other dwellings, and is not a significant distance to Newbury and other larger settlements with a bus route close by. As such, for these reasons, any harm in the dwelling not complying with these strategic housing policies would be limited in my view.

11. However, the Council has raised objections with regards to the amount of development, being a single dwelling on the plot proposed, and how it would fit with the character of the site and the wider rural area.
12. Being that this is a 'permission in principle' proposal, the exact position of the proposed dwelling is not set. The submitted plan does include a location of the proposed dwelling, but this is only illustrative. From the site location plan, in combination with the illustrative plan, it is clear that the proposed dwelling would have to be within the red line area to the rear of Broadacre where the existing outbuildings are. These outbuildings are proposed to be demolished on the illustrative plan.
13. Notwithstanding any issue in relation to curtilage, this site is closely related to Broadacres and close to other dwellings, such as Highfields to the west. Although set behind Broadacres, the proposed dwelling would be set within this small enclave of dwellings which forms a short rural residential lane. Such rural roads/lanes with dwellings connecting with the A339 is part of the character and layout of Headley. The dwellings along this lane, including Broadacres, are set in a non-uniform and loose pattern, often within irregular shaped plots. Some dwellings are located close to the lane, though some are set much further back. There does not appear to be any other examples of dwellings in backland locations, though considering the mixed character of this lane this layout would not appear incongruous and it would suitably integrate with the other dwellings off this lane.
14. The proposed dwelling would be set within what would be a smaller plot than most other nearby dwellings, although there is a variety in the area and so it would not appear out of keeping for this reason. This additional dwelling and its close proximity to Broadacres would have no significant effect on the density of dwellings in the area, with there already being some dwellings in this lane which are positioned relatively close to each other. It would be an irregular shaped plot, but this too is not uncommon in this area. If the final design is done to reflect the size and shape of the plot there is no reason to conclude at this stage that the dwelling at this site would appear awkward in any way or cramped within the plot.
15. This is a distinctly rural settlement, and this is particularly the case for this lane and the site itself. However, the proposed dwelling would be viewed against the backdrop of other dwellings rather than being in an isolated or particularly prominent location within the rural landscape.
16. On balance and in considering all the above, in terms of the amount of development (a single dwelling) for this plot, the principle is acceptable with the plot and siting appropriate for a dwelling which could be developed without harm to the character and appearance of the area.
17. As such, the only harm would be on the basis that the dwelling would be outside any defined settlement boundary and remote from more sustainable settlements. However, as was concluded by the Council, considering the lack of a demonstrable 5 year housing land supply then the 'tilted balance' under paragraph 11 of the Framework is engaged.
18. With this balance, the benefits of the proposal are considered, which include the fact that this would provide a single dwelling towards housing land supply within the village, which could help to support this village in terms of future

occupiers using local services for example. There is also the economic boost from the construction process. However, this is only a single dwelling and so the benefits are modest. Nonetheless, whilst the proposed dwelling is not within a settlement boundary the housing policies are 'out-of-date' due to the housing land supply situation and so have diminished weight.

19. To conclude, I have found that the amount of proposed development would not result in harm to the character and appearance of the area. In this regard the proposal is in accordance with policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029. These policies require development to be of a high quality with due regard to the character of the area and the visual amenity and scenic quality of an area, amongst other things.
20. There may be some degree of harm in that the proposal would not accord with strategic housing policies as it would be a new dwelling in the countryside, but for the reasons set out above this harm does not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including the need to boost housing supply for example. Therefore, the proposal benefits from the presumption in favour of sustainable development and should be allowed.

Time Limit

21. As all detailed matters are subject to separate Technical Details Consent, no conditions are attached to this permission in principle. However, the appellant's attention is drawn to the default duration of permission in principle being 3 years from the date of the permission.
22. I note the request by the Council to change the timescale for the submission of any future Technical Details Consent to 1 year from the date of this approval, due to the "temporary nature of the 5 year housing land supply shortage". However, whilst I understand that the housing land supply situation may change within the next three years this decision is based on the current set of circumstances and there is not substantive justification before me to conclude that anything other than the recommended standard 3 years limit should apply.
23. With the submitted Council statement there is a list of information that would likely be required with a subsequent Technical Details Consent application, which I would draw the attention of the appellant to prior to such a submission.

Conclusion

24. For the reasons set out above, and considering all matters raised, the appeal should be allowed.

Steven Rennie

INSPECTOR