
Appeal Decision

Site visit made on 13 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/H1705/W/20/3247113

Land to the north west of Hollington Lane, Woolton Hill, Hampshire

- 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 A Wilson and R Jeffrey against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02660/PIP, dated 26 September 2019, was refused by notice dated 13 December 2019.
 - The development proposed is residential development of up to 4 no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development of up to 4 no. dwellings at land to the north west of Hollington Lane, Woolton Hill, Hampshire, in accordance with the terms of the application Ref 19/02660/PIP, dated 26 September 2019.

Background

2. The appeal proposal is for a Permission in Principle (PIP). In accordance with the Planning Practice Guidance (the Guidance) and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order), this is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage).
3. Paragraph 012 of the Guidance states that the scope of a PIP application is limited to location, land-use and the amount of development, and that other matters should be considered at the technical details consent stage¹. It confirms that local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.
4. The Guidance also confirms that, following a grant of a PIP, the site must receive a grant of Technical Details Consent (TDC) before development can proceed, and that other statutory requirements may apply at this stage, such as those relating to protected species or listed buildings².
5. For the avoidance of doubt, the appeal proposal is at the first stage. In respect of residential development, an applicant can apply for a PIP for a range of dwellings by expressing a minimum and maximum net number of dwellings as

¹ Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

² Paragraph: 003 Reference ID: 58-003-20190615 Revision date: 15 06 2018

part of the application. In this instance, permission in principle has been sought for up to 4 no. dwellings on the appeal site. I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.

Main Issues

6. The main issues are:

- whether the proposal would comply with development plan policy in respect of housing in the countryside;
- the effect of the proposal on the character and appearance of the area; and
- whether any policy conflict in relation to the above issues would be outweighed by other material considerations, such as to justify a decision other than in accordance with the development plan.

Reasons

Development plan policy

7. The first step in considering the appeal scheme is the development plan, which comprises the *Basingstoke and Deane Local Plan 2011 – 2029* (BDLP). Section 38(6) of the Act sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies outside of the designated Settlement Policy Boundary (SPB) of Woolton Hill village and is therefore considered to be in the countryside for the purposes of BDLP Policy SS1. This policy sets out a spatial strategy for the location of new housing. As a general rule, it directs new housing to within the designated SPBs and allocated sites, and restricts new residential development in the countryside unless it accords with the exceptional criteria contained with BDLP Policy SS6, under which new housing in the countryside would be appropriate.
8. Given the scale and nature of the appeal scheme, and the characteristics of the appeal site, criterion e) of Policy SS6, which relates to small-scale (4 dwellings or fewer) market housing, is most relevant to the proposal. However, in order to be appropriate, such housing would need to be of a scale and type that would meet a locally agreed need as detailed in the Council's published guidance. This advises that applicants must demonstrate that the development would address a specific and clearly identified unmet local need having regard to number, size, type and tenure of dwellings. I have no cogent evidence before me that such a locally agreed need has been satisfactorily demonstrated. As such, I find that the scheme would be contrary to Policies SS1 and SS6 of the BDLP in respect of housing in countryside.

Character and appearance

9. The appeal site comprises a roughly rectangular-shaped undeveloped grassed field which fronts onto Hollington Lane and is bounded by perimeter trees and hedgerows, with a field gate access onto Hollington Lane. It is located within open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (the AONB). It lies to the south west of Woolton Hill village. There are fields located directly to one side and to the rear of the site. To the other side there are two detached dwellings sited side by side. These separate the site

from the junction of Hollington Lane and Church Road, beyond which there is a ribbon development of housing along Church Road, leading towards Woolton Hill village.

10. Other residential properties within the vicinity of the site include a detached dwelling known as The Holt, to the west and several detached properties on the opposite side of the road which include built development fronting onto Hollington Lane. Set back behind these properties, and accessed via Hollington Lane, is a large Grade II Listed Building known as Hollington House, which is set in extensive grounds containing a substantial amount of associated built development, including an entrance lodge close to the road.
11. Notwithstanding the landscaped boundary between the appeal site and the adjacent properties at Scribblers and Hollington Corner, the proposal would be sited within close proximity of those properties, and the proposed density of development would be comparable. As such, the appeal scheme would be perceived as a logical extension to the row of continuous residential development on this side of Hollington Lane and Church Road which leads towards the village core.
12. Furthermore, the site is located directly opposite a significant amount of built development associated with the residential properties on the opposite side of Hollington Lane, whose urbanisation is visually apparent within the street scene, evidenced by the visibility of the dwellings and the presence of brick walling along part of the frontage. The appeal proposal would be in keeping with the edge-of-village residential nature of the immediate locality and group of dwellings sited around the Hollington Lane and Church Road junction.
13. I have had regard to the great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues in accordance with paragraph 172 of the *National Planning Policy Framework 2019* (the Framework). The introduction of residential built development into the undeveloped grassed field would have some impact on the visual amenities of the countryside. However, Woolton Hill village and the aforementioned existing built residential development adjacent to its edge, form the distinguishing character of this part of the AONB. The appeal scheme would result in a relatively small expansion of the built environment of the village into the AONB countryside in comparison to the overall size of the village. It would not appear significantly visually intrusive or incongruous within wider views within the AONB given its proximity to the existing built residential development, and the existing enclosed nature of the site, which could be reinforced by additional landscaped planting as part of the development.
14. I am not persuaded that further tree removal would be necessary to enable the proposed amount of residential development to take place on the site, given the location of the trees around the site periphery. Furthermore, the redevelopment of the site would afford the opportunity for new tree and soft landscape planting to be secured as part of the residential scheme.
15. I have noted third party concerns that allowing the appeal scheme could set a precedent for the erosion of the AONB landscape with further built development. I have not been provided with specific details of other sites. In any event, I must determine the appeal having regard to the particular circumstances of the appeal site and the proposed development before me.

16. For the above reasons, I therefore conclude that, having regard to the character and appearance of the area, the principle of the appeal proposal is acceptable and that the proposed development would provide a suitable location for up to 4 dwellings. As such, having regard to the principle of the development, the proposal would accord with policies EM1 and EM10 of the BDLP, which amongst other things, seek to ensure that new development is sympathetic to the character and visual quality of the area and respects the local environment.

Other material considerations and planning balance

17. The Council has confirmed that, notwithstanding the addition of a 5% buffer in accordance with the Housing Delivery Test 2019 published in February 2020, it cannot demonstrate a 5 year supply of deliverable housing sites as required by the *National Planning Policy Framework 2019* (the Framework). It has confirmed that following the latest Housing Delivery Test, it is able to demonstrate 4.86 years of deliverable housing land supply. As such, there is an undisputed undersupply of deliverable housing sites within the Borough.
18. Accordingly, BDLP Policies SS1 and SS6, which set out that the required development can be met within the defined SPBs and specific site allocations, and that development in the countryside will only be acceptable in set exceptional circumstances, are out of date. I therefore afford very limited weight to these policies in decision making terms. I also find that they are not entirely consistent with rural housing policy contained within the Framework, which is less restrictive.
19. Paragraph 11 d) of the Framework requires decisions to apply a presumption in favour of sustainable development. It states that, for decision taking, where policies which are most important for determining the application are out-of-date, including where a housing shortfall exists, granting permission unless: i) the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This approach is reflected in Policy SD1 of the BDLP which is referred to in the Council's reason for refusal.
20. I have carefully considered the impact of the proposal on the AONB, having regard to paragraph 11 d) i). Given my conclusion in respect of the second main issue, I consider that the location of the site within the AONB does not provide a clear reason for refusing the proposed PIP.
21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
22. In determining the application, the Council concluded that at this 'in principle' stage, no harm would result to the significance and setting of the nearby Grade II listed buildings at Hollington House and Falconswood on the opposite side of Hollington Lane. Based on my site visit, which also included a consideration of the separation distance between the site and the listed buildings, the intervening landscaping and built development, the nature and size of the

- appeal site and the amount of proposed development, I have no reason to disagree with the Council in respect of this matter. I find that this is a matter of neutral consequence in the overall planning balance, and that the proposal is not, therefore, contrary to paragraph 11 d) i) of the Framework in this respect.
23. I have considered the location of the proposal having regard to paragraphs 78 and 79 of the Framework and the Braintree caselaw³, which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
24. The appeal site is located within close proximity of the Woolton Hill village SPB, only separated from it by the adjacent houses to the north east and the highway. Notwithstanding the position of the intersecting roads, the redevelopment of the site would form a logical addition to the existing group of dwellings adjacent to the village edge and would add to the continuous line of residential properties on the west side of Church Road and Hollington Lane. It lies within a short walking and cycling distance of the village church, church hall and schools. Other village facilities including a post-office/stores and a public house lie further from the site, but are also within a reasonable walking and cycling distance.
25. Whilst a lack of pavement and lighting on route has the potential to encourage car usage as a mode of transport, I am not persuaded that this would necessarily prevent occupiers of the appeal scheme from accessing the village facilities and services by means other than the car, given the location of the appeal site adjacent to the village edge and the low traffic speed restrictions within the built up area. In terms of public transport, there are regular bus services to Newbury and Andover, served by bus stops on Church Road within very close walking distance of the site. As such, I find that the site does not lie within an isolated countryside location and that there would be no conflict with paragraphs 78 and 79 of the Framework. The proposal would therefore comprise a sustainable location where new dwellings would positively contribute to the maintenance of the vitality of the local rural community.
26. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Government policy, as expressed in the Framework, is to significantly boost the supply of homes. The appeal scheme would make a small, but measurable contribution to this objective, having regard to the Framework advice that small sized sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly.
27. The appeal scheme would provide some economic benefits through employment at the construction stage and contribution towards the viability of local services through the subsequent occupation of up to 4 dwellings. It would also promote the vitality of the local community.
28. I have had regard to third party concerns in respect of a number of issues. Having regard to the environment, I have not found harm arising from the scheme in respect of its impact on the character and appearance of the area and visual amenities of the AONB landscape. I have no cogent evidence before

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

me of harm arising from the appeal scheme in respect of matters including character and appearance, biodiversity, flooding, highway safety, traffic generation and neighbour living conditions.. As this application relates to PIP, I am satisfied that these other matters should be dealt with through the TDC process.

29. In terms of the planning balance, I find that the lack of identified harm in respect of the above matters, including those which are not within the scope of a PIP application, would comprise a neutral factor.
30. I have noted that a draft East Woodhay Neighbourhood Plan (NP) is in the course of preparation. However, I can afford no weight to the policies therein in reaching my decision, since the NP has not yet reached the community consultation stage.
31. Whilst there is some conflict with the BDLP in respect of its strategy for housing delivery, I find that, because of the Council's position in terms of the undersupply of housing, and, when assessing the development against the policies in the Framework taken as a whole, the benefits of the proposed development arising from the contribution made by the provision of up to 4 additional new dwellings, would significantly and demonstrably outweigh any adverse impacts.

Conclusion

32. For the above reasons, I therefore conclude that the appeal should be allowed.
33. No conditions are applicable, since the Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.

S Leonard

INSPECTOR