
Appeal Decision

Site visit made on 8 December 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/H1705/W/20/3258292

Land at Bramley Road, Silchester, Basingstoke, Grid Ref Easting:463360, Grid Ref Northing:161447

- 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 and Mrs A Eagle against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/01724/FUL, dated 26 June 2019, was refused by notice dated 13 March 2020.
 - The development proposed is erection of 1 no. dwelling on land adjacent to Bramley Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the site location from the appeal form, since it comprises a more comprehensive description of the location than that of the application form.

Main Issue

3. The main issues are:
 - Whether the proposal would comply with development plan policy in respect of housing in the countryside; and
 - Whether any policy conflict in relation to the above issue 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

4. The appeal site comprises a roughly rectangular shaped parcel of land fronting onto Bramley Road. It lies to the southeast of Silchester, within open countryside. It is occupied by a single storey timber stable building and hardstanding, which is accessed from Bramley Road, together with paddock land to the rear and side of the structure.
5. There is mature vegetation along the northern site boundary, and the remaining boundaries are defined by post and rail fencing. The site is surrounded by open fields, including on the opposite side of the road.

6. 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.
7. The site lies outside of any designated Settlement Policy Boundary (SPB), 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 listed within BDLP Policy SS6, under which new housing in the countryside would be appropriate.
8. The appellants consider that the proposal accords with criteria SS6 (a), which allows for new housing in the countryside where it is on 'previously developed land' (PDL), provided that it does not result in an isolated form of development, is not of high environmental value, and the proposed use and scale of development is appropriate to the site's context.
9. There is a difference of opinion between the main parties as to whether the appeal site comprises PDL. Annex 2 of the *National Planning Policy Framework 2019* (the Framework) describes PDL as "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure*".
10. A stable building, hardstanding and vehicular access are sited in the northwestern part of the site. The evidence before me is that the stable block was subject to a temporary permission that expired in 1993, but that the Council has not sought its removal, and acknowledges that such a building has been sited in this location for more than 10 years. The remainder of the land, together with adjacent land outside the appeal site and within the appellants ownership is used as paddock land, incorporating fields that are bounded by timber post and rail fencing.
11. Following my site inspection, I find that, notwithstanding the existing post and rail fencing, the paddock land upon which the new dwelling is proposed forms part of the existing appeal site use for equestrian purposes. As such, in the absence of evidence to the contrary, I find it to comprise an integral part of the site which is within the curtilage of the stable building. I therefore consider the site to comprise PDL for the purpose of Policy SS6 (a).
12. The Council raises no objection on the basis of criteria ii) and iii) of Policy SS6(a) and neither do I, having regard to the appeal site character and location and design of the proposal. However, in order to comply with criteria i), the proposal must not result in an isolated form of development. In this respect, I have had regard to the Braintree caselaw¹ which considered the interpretation of the term "isolated" in paragraph 55 of an earlier version of the Framework, and remains relevant to the interpretation of paragraph 79 of the current Framework.
13. The Braintree caselaw established that "*the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is*

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

physically separate or remote from a settlement” and that “whether a proposed new dwelling is, or is not, “isolated” in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand”.²

14. I found on my site visit that the appeal site has a remote rural character, being surrounded by equestrian land, open fields and soft landscaping. The nearest residential properties at Woodman’s Cottage to the southeast and Dickers Farm to the northwest are both about 200m away from the site, and are clearly separated from it by undeveloped countryside. Their distances from the appeal site, and the rural nature of the land in between, means that these neighbouring properties are not visually obvious residential neighbours to the appeal site. Furthermore, they themselves comprise sporadic residential development, and are sited in a remote position in relation to the two closest settlements of Silchester and Three Ashes.
15. Having regard to the above, notwithstanding the existence of the stable building, it is my view that the proposed dwelling would comprise a standalone housing development that would be physically separate from a settlement, and would result in an isolated home in the countryside for the purposes of BDLP Policy SS6(a), and having regard to paragraph 79 of the Framework.
16. I am not persuaded by the appellants’ view that paragraph 7.32 of the BDLP means that the Council consider that no part of the Borough is “isolated” for the purposes of Policy SS6(a), having regard to the Council’s spatial strategy for new housing as set out in BDLP Policies SS1 and SS6.
17. The appellants’ case also refers to criteria SS6(f), which allows for a new dwelling linked to an existing and viable agricultural, forestry, horse breeding and training, livery or equivalent rural business, where it can be shown that: there is an essential need for the occupant to be on site at any time during any 24 hour period; no alternative suitable accommodation is available in the locality; and the rural business linked to the proposed new building must have been viable for the previous 3 years.
18. Whilst one of the appellants competes at national show jumping level, and the appellants carry out horse breeding on a self-employed basis, they acknowledge that the breeding and training is not in connection with a registered business. Furthermore, the evidence before me is that the appellants’ two horses are currently in livery in Micheldever, where they are looked after Monday to Friday, and, moreover, that it is common practice in the equine industry to have horses in a livery yard where they are supervised and checked regularly throughout the day.
19. Accordingly, I am not persuaded of the necessity of moving the horses to the appeal site and constructing a large 4-bedroomed house in association with their care. I therefore conclude that there is no cogent evidence of an existing business on the site that would fulfil the requirements of criteria SS6(f).
20. The appellants have referred me to BDLP Policy EP4. I find that this policy relates to development proposals for economic uses, and that supporting paragraph 7.40 specifically confirms that development proposals which require on-site accommodation will only be permitted where the residential

² Paragraph 31, Lindblom LJ

accommodation is already provided. Whilst, this policy includes reference to stables, it does not negate the requirements of Policy SS6 in respect of new housing being allowed on the basis of demonstrating an essential need in relation to a registered business enterprise.

21. The appellants have also put forward a case for an on-site residence, on the basis of animal welfare and security considerations, particularly having regard to the high value of their horses as show jumpers. Whilst this matter itself would not be sufficient to demonstrate compliance with Policy SS6, it is a matter I come back to later in my consideration of the planning balance.
22. For the above reasons, I therefore conclude that the scheme would be contrary to Policies SS1 and SS6 of the BDLP in respect of housing in the countryside.

Other material considerations and planning balance

23. 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 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.
24. As such, paragraph 11 of the Framework advises that the development plan policies most important for determining the application should be considered out-of-date. Paragraph 11 d) of the Framework is engaged and 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. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development.
25. The housing shortage is not acute. Nevertheless, the absence of the requisite 5 year housing land supply means that 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 have therefore attached limited weight to the conflicts with those policies.
26. Having regard to national policy, paragraph 79 of the Framework establishes a general principle that decisions should avoid the development of isolated homes in the countryside unless specific criteria are met. My findings in respect of Policy SS6, having regard to whether the site is isolated and whether there is an essential need for a dwelling in association with a rural business, have led me to conclude that the proposal is contrary to paragraph 79 of the Framework. The proposal fails to accord with criteria (a), and criteria (b) to (e) do not apply to the appeal proposal. This conflict with the approach to rural housing in the Framework carries significant weight.

27. Notwithstanding that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal would result in unjustified market housing in a location where there is poor access to fundamental services and facilities by sustainable transport modes.
28. Whilst there are some facilities and services within Silchester and Three Ashes, they are limited, with neither settlement being classed as a 'Designated Settlement' for the purposes of BDLP Policies SS1 and SS6. The nature of the routes to them and to the nearest bus stops, from the appeal site, via Bramley Road and Byes Lane, is not conducive to easy accessibility by means of walking or cycling, particularly in the winter, due to the narrow roads, which are lacking in footpaths and street lighting. The appeal site is therefore poorly related to services, facilities and employment opportunities. I consider that future occupiers of the proposed dwelling, which could potentially include the elderly, children and those with mobility issues, would be heavily reliant on the use of the private motor vehicle to gain access to the most basic of services.
29. The reliance upon the private car would conflict with the principles set out in the Framework, and this weighs heavily against the scheme. On the basis of the evidence before me, I am not persuaded that this harm would be outweighed by any reduction in car journeys associated with the care of the appellants horses.
30. Harm would also arise from the introduction of isolated permanent residential built development onto equestrian land, due to the erosion of the intrinsic rural character of this part of the countryside.
31. There would be benefits arising from the proposal. An additional dwelling would make a very modest contribution towards addressing the housing supply deficit, and could be built-out relatively quickly, having regard to paragraph 68 of the Framework. It would deliver economic benefits during the construction period. Additional expenditure by new residents would help support the services in neighbouring settlements. There would also be some animal welfare and security benefits associated with the proposal, although I find that these would be limited, having regard to the small number of horses involved.
32. The Council has raised no objection to the appeal scheme in respect of matters including design, biodiversity, highway safety, traffic generation, neighbour living conditions and flooding. On the basis of the evidence before me, neither do I. In terms of the planning balance, I find that the lack of identified harm in respect of the above matters would comprise a neutral factor.
33. Having given careful consideration to the balance of factors, I consider that the adverse impacts 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.
34. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Overall, the benefits of the proposal would not outweigh the conflict with local and national policy on rural housing.

Conclusion

35. For the above reasons, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR