



Appeal Decision

Site visit made on 5 January 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/H1705/W/20/3259602

Land at 3 Church Brook, Tadley, Hampshire RG26 4AY

- 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 David Lenton and Mrs Samantha Lenton against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/02084/FUL, dated 27 July 2019, was refused by notice dated 19 March 2020.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In my heading above I have taken the address and description of development from that cited on the appeal form and decision notice as they are more succinct than those on the planning application form.
3. The appellants have confirmed that the extent of the appeal site is shown on the Street Finder Plan 1:10,000 provided. In addition, the appellants have submitted drawing numbers 0563-PL01-5 as part of the appeal. They refer to them as additional drawings and do not suggest that they replace any of the unnumbered drawings submitted as part of the planning application. Whilst these plans have a greater presentational and illustrative clarity in comparison to the plans upon which the Council made their decision, they do not make any significant changes in terms of the substance of the proposed development. On that basis, I am satisfied that no parties would be prejudiced by my determining the appeal having reference to these plans.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area having particular regard to the setting of 3 Church Brook, a grade II listed building;
 - Whether the proposal would be in a suitable location for housing having regard to local policies;
 - Whether the proposal makes appropriate provision for refuse and recycling storage, and;

- If harm arises, whether this is outweighed by other material considerations.

Reasons

Character and appearance

5. There are a cluster of residential and rural buildings along the section of Church Brook nearest to the appeal site. They are set within a wider landscape of fields, hedgerows and pockets of woodland. Church Brook itself is a narrow lane mostly bounded by grass verges, hedgerows and trees. The limited amount of built form combined with the presence of natural features and open land results in a strong countryside character.
6. The appeal site lies within the grounds of 3 Church Brook, a grade II listed building. It is a house dating from the early 17th century that underwent remodelling and extension during the course of the 19th century. Having regard to the list entry (where it is referred to as Little Farmhouse) and the submitted Heritage Appeal Statement¹ which includes historic mapping, its significance lies in part in its aesthetic appearance but also the historic evolution of the modest dwelling as a homestead with a loose courtyard of working buildings. As such, its connection to its rural setting contributes towards its heritage interest.
7. This remains the case notwithstanding that subsequent development has taken place nearby that may have diluted this heritage interest. This includes the subdivision of the plot (Oak Barn) and the presence of a concentration of modern functional rural buildings at Church Brook Farm. My view is also consistent with the findings of the Inspector in a previous appeal² at the site for a single storey dwelling, who considered that the open, agricultural character that existed to the rear of No.3 formed part of its setting. I have a statutory duty³ to give special attention to the desirability of protecting the setting of listed buildings.
8. The land to the south of No.3 remains largely open and verdant in character. The appeal site lies in the corner of the grounds and has an established use for the storage of landscaping materials, hardware and machinery as part of a landscaping business. My observations of the site were that the storage arrangements had a fairly low key presence which was softened by the proximity of areas of grass and established vegetation. The absence of significant built form means that it retains a sense of openness and overall, the site has a prevailing rural character. In combination with adjoining land in the grounds of the listed building, the site makes a positive contribution towards its rural setting. Hence, I cannot agree with the Heritage Appeal Statement provided that asserts that the site makes a negligible contribution to the significance of the listed building.
9. The proposal would introduce a new building which, although single storey, would nevertheless have a notable physical presence that would reduce the sense of openness at the site and would be likely to increase the overall human presence and activity. In addition, it would be likely to have associated parked vehicles and domestic paraphernalia such as seating on the patio areas,

¹ Prepared by JP Heritage, August 2020

² Reference APP/H1705/W/15/3134394

³ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

domestic outbuildings/storage and more ornamental planting. Although I acknowledge that some steps could be taken to mitigate the impact of domestic paraphernalia, it would be unreasonably restrictive to prevent future residents from having normal outbuildings, patio equipment, washing lines and the like, as well as inhibiting ornamental gardening activity in perpetuity. Neither would such measures fully overcome my concerns that the proposal would domesticate the character and appearance of the land, resulting in harm to its rural character.

10. Furthermore, a significant level of glazing is shown, particularly along the western elevation. Given the limited space to the western boundary which provides a patio, it is likely that future occupants would seek to keep the boundary to the wildflower meadow shown on drawing PL05 relatively open in order to retain views of the countryside. Even if measures were taken to reduce light spill, a notable level of lighting would remain.
11. The design concept for the new dwelling is largely predicated on it emulating the appearance of a modern agricultural building, and therefore, it takes some design cues from the form of modern buildings evident at Church Brook Farm rather than the listed building. However, I am not persuaded that such a design approach would be successful in this context for the following reasons. Firstly, the scale and footprint of the proposed dwelling would be notably smaller than the nearest utilitarian building at Church Brook Farm. Secondly, it would be located on the other side of a track and boundary hedgerows and therefore, would appear separate from rather than part of the closely grouped buildings at Church Brook Farm.
12. Thirdly, the Heritage Supplementary Planning Document, March 2019 (Heritage SPD) states at paragraph 7.3.4 that the evaluation of the impact of a development proposal within the setting of the listed building will include consideration of the cumulative effect of existing and proposed development. It is not shown that the presence of the large modern rural buildings at Church Brook Farm positively contribute to the setting of No.3. The heritage assessment refers to the evolution of No. 3 as a homestead with a loose courtyard layout of working buildings as opposed to detached buildings. In my view, the concentration of such built form at the adjacent farm somewhat detracts from the setting of No.3. Consequently, their existence does not present a sound template to justify the further proliferation of harmful buildings closer to the listed building.
13. Taking these factors together, the proposal would be harmful to the character and appearance of the area and would undermine the site's contribution towards the setting of the listed building. However, in view of the relatively modest scale of the development, this would be less than substantial harm.
14. Paragraph 196 of the National Planning Policy Framework (the Framework) indicates that where the development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would provide an additional dwelling in an area where there is unmet need and I am mindful that paragraph 68 of the Framework indicates that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and can be built out relatively quickly.

15. Furthermore, the accommodation provided would be particularly suited to occupants who may have mobility difficulties, and therefore it would diversify the overall housing stock. Moreover, there would be economic benefits arising from its construction as well as long term social and economic benefit from the activities of the future occupants. In combination these factors count in favour of the proposal. However, given its modest scale, they attract limited weight overall.
16. The appellants refer to the use of a brownfield site. However, based on the evidence submitted, even though a certificate of lawfulness exists for the use of land for storage associated with a landscaping business, it is not clearly shown that this falls within the definition of previously developed land in the Framework which refers to land which is or was occupied by a permanent structure. Therefore, I am not assured that the support in paragraphs 117 and 118 of the Framework that encourages the use of brownfield land applies in this case.
17. Reference is also made to the removal of an unsightly existing use. However, based on my observations and the information submitted it is not shown that the existing use for storage generates impacts so objectionable that its removal should attract weight as a public benefit.
18. Furthermore, although the site is described by the appellants as accessible, I did not observe any facilities or services necessary to support day to day living in the vicinity of the appeal site. Tadley provides a range of local facilities but these are some distance away. Furthermore, the distance to the nearest bus-stops is considerable. The network of narrow lanes makes little footway provision and are mostly unlit with limited surveillance. Whilst these might present suitable conditions for recreational walking and cycling, they do not necessarily suit more routine functional usage and are likely to deter some pedestrians or cyclists especially in darker or inclement conditions. A recent permission and an earlier appeal decision at 17 Church Road are highlighted but as I am not provided with the full circumstances of those decisions, this inhibits a meaningful comparison with the appeal proposal. Therefore, based on the information supplied, I am not persuaded that the relatively limited accessibility of the site would amount to a public benefit arising from the development.
19. Overall, the limited weight given to the public benefits identified would not surmount the great weight I must give to conserving the significance of designated heritage assets under paragraph 193 of the Framework.
20. The degree of screening derived from planting in the vicinity is brought to my attention. This would reduce inter-visibility between the listed building and the appeal site as well as curtail the visibility of the proposed development from public vantage points. Nevertheless, as is shown in the illustrative viewpoint provided (Drawing PL04), it would be possible to glimpse the development from the entrance to Church Brook. I was also able to see parts of the site from along Church Brook to the north west, albeit this was during Winter when most hedgerows and trees were not in full leaf.
21. Moreover, Planning Practice Guidance⁴ advises that the contribution a setting makes to the significance of a heritage asset does not depend on there being

⁴ Paragraph:013 Reference ID:18a-013-20190723

public rights of way or an ability to otherwise access or experience that setting. Neither am I aware that my statutory duty with regards to the setting of listed buildings is confined to the consideration of the impact on publicly accessible land.

22. My attention is drawn to many examples of residential development that have been approved by the Council. Of these, some are also expressly mentioned in representations of support received⁵. However, it is not shown that any of these examples would be so close to the appeal site that they would be within the setting of No.3. Similarly, one of the closest examples highlighted by the appellants is made in relation to development at Church Brook House (or Bowenhurst) (reference 18/03227/HSE) which is on the opposite side of Church Brook with Church Brook Farm buildings in the intervening space. Therefore, on the evidence provided it is not shown that it forms part of the surroundings in which No.3 is experienced. As such, the context of those developments is different to the appeal proposal and the statutory duty would not apply. Therefore, they carry little weight in support of the proposal.
23. Further references are made to examples of development that the Council has permitted in close proximity to listed buildings. Most of these concern different designated heritage assets and the limited information provided does not identify the significance of the respective listed buildings concerned. This will be particular to the attributes and context of each individual asset. Therefore, it is unlikely these examples are directly comparable to the scheme before me and therefore they are of little weight.
24. However, one example whereby a garage was permitted at Oak Barn (reference 17/02247/HSE) does concern No.3, and therefore is of relevance. This concerned a detached garage building situated closer to No.3 than the proposal. Although its roof ridge is higher than the appeal proposal, its footprint and therefore overall scale is smaller. In addition, it proposed an incidental building to the existing dwelling at Oak Barn, rather than a new dwelling. Due to these considerable differences, this decision attracts only limited weight in favour of the proposal. Hence, it would not lead me to a different view. In any event, I have determined the appeal proposal on its own merits.
25. The appellants consider that the Council made their determination based upon out of date assessments and that the setting of the site has changed since the previous appeal decision. I have made my determination based on the evidence before me and my own observations. In coming to my view, I have also had regard to the advice in the Landscape, Biodiversity and Trees, Supplementary Planning Document, December 2018 and the Heritage SPD.
26. Accordingly, I find that the proposal would have a harmful effect on the character and appearance of the area and the setting of a designated heritage asset. Therefore, it would be contrary to policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan (2011-2029), May 2016 (LP). In combination, and amongst other things, these policies seek to ensure high quality development that respects and enhances the character of the area and

⁵ Rimes Barn, reference 15/03780/FUL; Shaw Lane, reference 18/01710/FUL; 17 Church Road, reference 20/00162/FUL; Kiteshill, reference 20/00839/FUL and Roundtown, reference 20/01218/FUL.

conserves or enhances the quality of the borough's heritage assets in a manner appropriate to their significance.

Location

27. Policy SS1 of the LP sets out the approach to the scale and distribution of new housing in the borough. This generally seeks to direct most development within identified Settlement Policy Boundaries (SPB) and specific site allocations. Development outside of the SPB is considered to lie in the countryside where development is limited to specific exceptions set out in policy SS6. Paragraph 4.70 of the supporting text explains that it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy.
28. This broadly accords with the approach to rural housing in the Framework established in paragraphs 77-79 which, although it does not mention the use of SPB's, does not expressly prevent them. The appeal site lies outside of the identified SPB in the LP, and therefore for its purposes, lies within the countryside.
29. One of the permitted exceptions identified in policy SS6 allows new housing outside of the SPB on previously developed land provided that i) it would not result in an isolated form of development; ii) the site is not of high environmental value; and iii) the proposed use and scale of development would be appropriate to the site's context. As indicated above, I am not assured that the appeal site does constitute previously developed land as defined in the Framework. In any event, given my finding on the first main issue, the proposed use and scale of development would not be appropriate to the site's context. Accordingly, the proposal would not meet all the necessary criteria under policy SS6 a). Therefore, even though the proposal may not result in an isolated home in the countryside that would conflict with paragraph 79 of the Framework, it does not follow that it would comply with all the criteria of policy SS6 a).
30. It is not part of the appellants case that the proposal would be covered by any of the other exceptions listed in policy SS6 and I have not seen evidence to show otherwise. Therefore, I find that the proposal would not provide a suitable location for housing as it would conflict with the approach to rural housing set out in policies SS1 and SS6 of the LP. The degree of weight that the conflict with these policies attracts is something I shall consider further in the overall planning balance.

Refuse and recycling storage

31. Policy CN9 (i) of the LP indicates that development proposals will be permitted that provide appropriate waste and recycling storage areas in accordance with the Design and Sustainability Supplementary Planning Document (July 2018) (SPD). Similar provision is made in policy EM10 (f) of the LP. Appendix 3 of the SPD stipulates that storage provision should be provided to avoid the need for householders to carry waste and recycling material a distance greater than 30m. In addition, they should not have to wheel bins or carry containers for a distance greater than 15m to the collection point.

32. The submitted plans do not identify where the relevant storage area or collection points would be located. However, the distance of the proposed dwelling from the roadside is in the region of 65m and it is likely that the collection point would be near the access with the lane. Therefore, it would seem unlikely that both the distance requirements in the SPD could be met and that as a result waste material, or receptacles would need to be carried a greater distance than would be normally recommended. This would be somewhat inconvenient to future occupiers but the distance would not be so great that it would be unworkable or likely to impact on the living conditions of future residents to any significant degree.
33. Whilst the SPD carries considerable weight, it does not have the status of a mandatory standard. Moreover, in the event of an approval, a planning condition to agree the specific location of the refuse and recycling storage could be used to ensure the optimum arrangement in the circumstances.
34. Accordingly, whilst not ideal, I find that adequate arrangements could be made for the provision of refuse and recycling storage such that the proposal would not conflict with policies CN9 and EM10 of the LP, which amongst other things, seek to ensure the appropriate provision of waste and recycling storage areas.

Other matters

35. The proposal would be beneficial to the appellants in terms of providing suitable accommodation for later life and in addressing health needs. It would further allow them to remain in the place they enjoy living. Nevertheless, planning decisions are exercised in the public interest and consequently, personal circumstances rarely carry more than limited weight. As part of my determination, I have had regard to the representations received, which included a number in support of the proposal. I have considered the points raised as part of the main issues and they do not otherwise lead me to take a different view.

Planning balance and conclusion

36. As stated in the Authority Monitoring Report 2018/19, as of 1 April 2019, the supply of deliverable housing sites in the borough was 4.25 years' supply. Footnote 7 to paragraph 11 of the Framework states that in circumstances where a 5 years' supply cannot be demonstrated, the policies which are most important for determining the application should be considered out-of-date. The presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (the tilted balance). A similar approach is replicated in policy SD1 of the LP which sets out a presumption in favour of sustainable development.
37. Footnote 6 to paragraph 11 d)(i) indicates that the policies relating to designated heritage assets are relevant to its application. For the reasons outlined above, I have found, having undertaken the balancing exercise set out in paragraph 196 of the Framework, that the proposal would result in harm to the significance of a designated heritage asset. This provides a clear reason for refusing the proposal. In these circumstances the tilted balance in paragraph

- 11d)(ii) does not apply. It follows that neither would the presumption set out in policy SD1 of the LP.
38. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise⁶. There would be benefits arising from the proposal including the provision of an additional dwelling to the housing supply where there is unmet need. There would be economic benefits associated with the construction as well as the activities of future occupants of the additional dwelling. Moreover, the dwelling would diversify the local housing stock by providing two bedroomed accommodation suited to the mobility impaired and would be particularly beneficial to the appellants' circumstances. However, in light of the modest scale of the proposal, overall, these benefits attract limited weight.
39. The location of the proposal would conflict with the housing strategy of the LP to restrain development in the countryside. The shortfall in housing land supply means that policies SS1 and SS6 are out of date. Although they broadly align with the approach to rural housing in the Framework, the use of SPB's is more restrictive. In these circumstances, the conflict with these policies attracts limited weight.
40. In addition, the proposal would be unacceptably harmful to the character and appearance of the area and the setting of a designated heritage asset. The conflict with the development plan policies and harm in this regard attracts significant weight.
41. Accordingly, the limited weight given to the benefits arising from the proposal would not provide sufficient justification to find other than in accordance with the development plan policy. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Helen O'Connor

Inspector

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