
Appeal Decision

Site visit made on 5 January 2021

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 February 2021

Appeal Ref: APP/H1705/W/20/3260592

Kite Acre Nursery, Kite Hill, Kempshott, Basingstoke, Hants RG22 5HW

- 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 Roger Smith (Transplus Ltd) against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/01330/PIP, dated 27 May 2020, was refused by notice dated 8 September 2020.
 - The development proposed is described as 'a phased development of 3 no self build 4 bedroom detached houses with garaging and access. Site landscaping.'
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Decision

1. The appeal is dismissed.

Procedural matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main issues

4. The main issues are whether the site is suitable for residential development having regard to its location considering i) the need for safe access to the highway; and ii) the character and appearance of the area.

Reasons

Location: The need for safe access to the highway

5. Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029, Adopted May 2016 (the LP) sets out that all development will be of a high-quality design and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- supports accessible and safe proposals. Furthermore, Policy CN9 of the LP requires development proposals to provide safe and suitable access without compromise to highway safety. In this regard the LP has a high degree of conformity with the National Planning Policy Framework (the Framework).
6. The proposal has resulted in an objection from Hampshire County Council's highway officer and I place significant weight on their expert views without evidence to the contrary. The proposal includes access from the public highway along a single width track. The lane is flanked on either side by hedging or fencing. The site location plan indicates that there may be opportunities for conflicting movements to pass at either end. However, the route is relatively long and does not have forward visibility for users to see to either end. Furthermore, there is little evidence to indicate that there are suitable passing spaces or opportunities to create such spaces to satisfactorily provide opportunities to pass at points with adequate forward visibility. Conflicting movements would result in additional manoeuvring along the track and around the junction with Pack Lane.
 7. The appellant sets out that the site is located within walking and cycling distance of a number of services including the bus stops on Pack Lane. Whilst the accessibility of the site may facilitate more sustainable travel choices and consequently minimise vehicular movements, it would not preclude the use of private vehicles. Furthermore, the track is also a designated public right of way (Basingstoke Footpath 38). As such, the concerns are compounded by the likely use of the footpath by pedestrians where there are no pavements or lighting on this very narrow track.
 8. I have observed that the access track serves a limited number of other sites at the end of the lane. However, I have been provided with little evidence as to the level of movements that these generate. Furthermore, whilst there was no clear activity at the appeal site on my visit, I note that it is described as a 'nursery'. However, I have little evidence as to the type and frequency of movements this could generate, and the application form states that the nursery is 'disused'. The development of up to 3 dwellings would result in regular vehicular movements along the track and this would create the potential for conflicting traffic movements. In the context of the site access width, length, lack of forward visibility and passing places, and its dual use as a public footpath, based on the information before me the residential development would be prejudicial to highway safety and result in significant harm.
 9. The appellant asserts that the Council's concerns regarding highway safety ought to be addressed within any technical details consent stage. However, I find no reason why, when as is the case here, options in respect of access are so limited, that the issue of safe access to the highway cannot fall within the ambit of 'location' at this first stage.
 10. Therefore, in conclusion on this main issue, based on the evidence before me I find that the site would not be suitable for residential development having regard to its location considering the need for safe access to the highway. As such, insofar as relevant to this main issue, the proposal would be contrary to Policies EM10 and CN9 of the LP and Section 9 of the Framework.

Location: Character and appearance

11. As noted previously Policy EM10 of the LP seeks high quality design. It seeks to promote the efficient use of land with densities appropriate to the local context whilst positively contributing to local distinctiveness. Furthermore, Policy EM1 requires proposals to be sympathetic to the character and visual quality of the area concerned. These objectives accord with Section 12 of the Framework which seeks to achieve well designed places.
12. The appeal site is located on the periphery of Basingstoke immediately to the west of the twentieth century suburban housing on the opposite side of Old Kempshott Lane. The site, together with the land immediately to the north projects into the large, open and undulating agricultural field on this edge of the settlement. The appeal site has an unkempt appearance, but the trees and hedges, particularly to the site margins, provide a high degree of enclosure, filtering views in, out and through the site.
13. The evidence sets out that the appeal site would be circa 0.39 hectares in area excluding the access. This has not been challenged by the Council. The appellant proposes the erection of up to 3 detached dwellings. Even if 3 dwellings were detailed this would result in a low-density arrangement, in keeping with the arrangements on the land immediately to the north and some of the lower density suburban arrangements to the east. Furthermore, such a density would facilitate the provision of a scheme of landscaping that could maintain the existing verdant and enclosed character of the site.
14. Whilst I have noted the landscape officer objection and the concerns raised in the public consultation responses, landscaping could ensure that the housing is not seen in the same context as the linear housing arrangement to the east. It would potentially facilitate the creation of a separate character area. This would allow the site to continue to act as a buffer between the existing urban character to the east and the current rural character to the west. Additionally, the development plan identifies the site within the defined settlement limits of the town and the site is not subject to any special designations.
15. Therefore, in conclusion on the second main issue I find that the site would be suitable for residential development having regard to its location considering the character and appearance of the area. As such, insofar as relevant to this second main issue, the proposal would not be contrary to Policies EM1 and EM10 the LP or Section 12 of the Framework. However, this does not address my findings regarding the matter of providing safe access.

Other matters

16. The appellant has detailed that the proposed units are intended to be suitable for self-build housing. However, I have not been provided with details of how this would be secured and as such I can afford this very little weight.
17. The Council acknowledge that they cannot demonstrate a 5-year housing land supply in accordance with paragraph 73 of the Framework. As such, relevant policies for the supply of housing should not be considered up-to-date and paragraph 11 should therefore be applied.
18. The appellant highlights that the residential development of up to 3 dwellings would be a form of windfall development within the settlement boundary that would contribute to housing supply. Whilst paragraph 59 of the Framework

refers to boosting significantly the supply of housing, the provision of up to 3 additional units would make little meaningful difference. When judged against some of the core planning principles the proposal would perform well in that it would be within the settlement limits with reasonable access to facilities. However, ensuring safe access is a feature of good design and that is also a key aspect of sustainable development.

19. In terms of its component dimensions there would be small economic benefits in the construction and occupation of the new properties. Based on the information before me the proposal would result in a broadly neutral impact in terms of environmental considerations. In terms of the social credentials of the scheme it would be substantially compromised having regard to the need for a well-designed and safe built environment.
20. As such, even if I were to find that the shortfall in housing land supply were significant, when assessed against the policies of the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development.

Conclusion

21. For the reasons given above I conclude that the appeal would be contrary to the development plan and that there are no other material considerations, including the Framework, to outweigh this. As such, the appeal should be dismissed.

James Taylor

INSPECTOR