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## Appeal Decision

Hearing Held on 4 February 2021

Site visit made on 5 February 2021

**by J P Longmuir BA (Hons) DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 February 2021**

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**Appeal Ref: APP/N1730/W/20/3246254**

**Land north of Erlands House, Bowling Alley, Crondall, Hampshire  
GU10 5RL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs T Wilks against the decision of Hart District Council.
  - The application Ref 19/01248/OUT, dated 10 June 2019, was refused by notice dated 6 August 2019.
  - The development proposed is the erection of three detached dwellings with garages and new access from Bowling Alley.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. At the Hearing applications for costs were made by Mr and Mrs T Wilks against Hart District Council and vice versa. These applications are the subject of separate Decisions.

### Procedural Matters

3. Subsequent to the Council's decision, The Hart Local Plan (Strategy and Sites) 2032 (LP) has been adopted. The relevant policies in relation to each reason for refusal were updated at the Hearing without dispute. Several policies of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (RLP) are relevant and I have taken them into account below.
4. The Crondall Parish Neighbourhood Plan (NP) has been through examination. Hart District Council recommended in March 2020 that it should proceed to referendum, but that has been delayed due to Covid. However, all parties agreed at the Hearing that it has considerable weight.
5. Subsequent to the Council's decision, the appellants submitted the Arboricultural Survey and Impact Assessment Report dated August 2019 (AR), in respect of refusal reason 3. This does not change the development proposal and the Council had sufficient time to consider the content. I have accepted it as no parties would be prejudiced by its submission. Similarly, subsequent to the Council's decision, the appellants submitted the Aspect Ecological Appraisal, dated January 2020, and Biodiversity Mark Up Plan. The Council was also able

to consider the contents, and on the same basis as the above, I have given it consideration.

6. A Unilateral Undertaking (UU) in respect of refusal reason 4 was submitted on 18<sup>th</sup> December 2020. Again, I have given this consideration and the Council maintained their objection, responding on the day before the Hearing. This was the subject of further discussion as below.
7. Both parties submitted details of bus timetables after the closure of the Hearing. I have considered the factual content only.
8. The application was submitted in outline with only layout and access details before me, I have therefore taken any submitted information relating to the reserved matters as indicative only.

### **Main issues**

9. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- the accessibility of the appeal site to services and facilities and whether the occupants of the dwellings would be dependent on cars;
- the effect of the proposal on the Thames Basin Heaths Special Protection Area;
- the effect of the proposal on the ecological value of the appeal site and Downsland Copse and;
- the effect of the proposal on trees

### **Reasons**

#### *Character and appearance*

10. The site is just outside the hamlet of Bowling Alley and located on a road by the same name. Just off this road is the neighbouring village, of Crondall.
11. Bowling Alley hamlet largely consists of a straggle of traditional, low height dwellings fronting the road running through it, which ends just before the appeal site at a junction with Hyde Lane. Erlands House is adjacent to this junction and thereafter lies the appeal site.
12. The appeal site is a grass field and is largely open except for a dilapidated shed. Its frontage on Bowling Alley Road is dominated by a row of mature poplar trees, with remnants of a mixed species hedge underneath. The AR report notes the hedge is in poor condition and sparse. The site is clearly visible, from the Bowling Alley Road.
13. Willow House is at the opposite side of the appeal site from Erlands House. This is largely obscured from view by vegetation, which contributes to the rurality of the appeal site.
14. The Bowling Alley Road has pronounced bends at either end of the appeal site. These obscure the hamlet from view. Indeed, the hamlet is in a bowl which also distinguishes itself from the hilltop location of the appeal site. Consequently, the site appears distinct and part of the countryside.

15. Bowling Alley Road is characterised by its verdancy. The poplar trees on the frontage are complimented by Downsland Copse on the opposite side of the road. The trees collectively form a canopy over the road. Grass verges and ditches also contribute to the green swath.
16. There was some disagreement on the formal landscape typology of the appeal site as it borders several. Nonetheless, the area is clearly characterised by its groups of mature woodland. These are also evident on the 1871 historic map in the appellant's supporting statement for the planning application. I also noted on my site visit that the immediate area is characterised by gently rolling hills. The woodland provides a sense of enclosure which contrasts with the open fields.
17. From Hyde Lane there is a signposted footpath to the west of the site and the existing shed is visible on a ridge amongst fields and pockets of woodland. This footpath appears to be well used judging by the discernible erosion of the surface.

*The effect of the proposal on character and appearance*

18. The proposed development would occupy much of the width and depth of the appeal site. All parties agreed at the Hearing that the site is visible in the summer, and a photograph was produced to that effect. The proposed access would also lead to the creation of a new viewpoint from the road.
19. The proposal would change the site from a field to one dominated by buildings, an access and hard surfaces. The eye would no longer be drawn along the Bowling Alley Road but would be unduly sidetracked to new buildings.
20. The new dwellings would appear out of place and intrusive in the otherwise verdant context. Indeed, the bends at either end of the appeal site restrict outward views which focuses attention within this frontage. As a result the presence of the development would be particularly apparent.
21. The appeal site and the woodland currently appear as countryside segregated from built form. Accordingly, they form a wedge which contain the hamlet. The NP stresses the importance of the gap between the hamlet and the settlement to the north. I noted on my site visit that the appeal site is a particularly conspicuous part of this gap.
22. The proposal would extend development perceptively out of the existing hollow and onto the ridge towards the next settlement, thereby undermining the gap.
23. Additionally, from the footpath off Hyde Lane, there is a view of countryside and the hamlet is not visible. The development would be visible on the ridge and would be intrusive.
24. The appellants suggest that the proposal would be infill development between Erlands House and Willow House. However, the gap is too large to be infilling and there is no discernible built up environs as the site appears as part of the countryside.
25. The Design and Access chapter in the accompanying supporting document to the planning application envisages the proposal as a farmstead. However, the appeal site does not have the space of an agricultural holding and the concept therefore would not appear convincing.

26. I therefore conclude that the proposal would harm the character and appearance of the area.
27. Policy NBE2 of the LP requires development to respect and wherever possible enhance the special characteristics, value or visual amenity of the landscape. Saved Policy GEN 1 of the RLP requires development to respect local character and landscape. The Hart District Council Local Plan Landscape Capacity Study 2016 identifies the area as low capacity for development. This is the lowest tier, and whilst the explanatory text does not preclude all development, it must have regard to the setting and form of existing settlement and the character and sensitivity of the adjacent character areas. NP policy 4 identifies a "Local Gap- North of Crondall", which includes the appeal site. This Policy seeks to ensure development within the Local Gap does not result in coalescence or harm to the separate identities of Crondall and Mill Lane. The proposal would be in conflict with the above policies and Study.

*Accessibility to services and facilities*

28. The Bowling Alley hamlet has no facilities and Crondall is a village with only basic amenities. The Parish Council quantify distances from the appeal site as 2.1km to the primary school, 1.3km to the doctors surgery and 1.3km to a pub. There is a shop, but the Parish Council advised that it is threatened with closure. The appeal site is connected to Crondall by a roadside footpath, although this is not wholly continuous, is unlit and very narrow at one part.
29. The nearest shop to the appeal site is a 'M and S Simply Food' outlet at a garage on the A287, in the other direction from Crondall. It provides newspapers, basic groceries and food. The Parish Council quantified this as 570m away from the appeal site although this did not tally with the District Council's reckoning of 440m. This would be sufficiently close to be walkable, however this stretch of Bowling Alley Road lacks any footway. Although the grass verges are wide, the surface would not be conducive for walking and at best would provide a means of stepping away from cars. The route also involves crossing the busy A287, which would be a psychological barrier.
30. Due to the distances involved and the nature of the pedestrian environment, walking to facilities would be unlikely. Cycling would be feasible, but this tends to be a niche form of transport particularly away from dedicated cycle routes. Consequently, cycling would be unlikely to be widely used.
31. Bus services were discussed at the Hearing. Although there was some disagreement, it was evident that they are very limited and would also require walking to a stop.
32. I therefore conclude that the occupants of the proposed dwellings would have a significant dependency on private transport
33. Several decisions at Dogmersfield and Darwins Holdings were suggested as setting a precedent for development here. However, these are previously developed land or adjacent to settlement boundaries. References were also made to the relative merits of the sites suggested for development in the NP. However, the above did not appear to me to be wholly comparable to the particular characteristics of the appeal site. The development at Marsh Farm was highlighted at the Hearing, but this is a brownfield site

34. The site is outside a settlement boundary in the LP and Policy NBE1 of the LP applies, which seeks to restrict houses in the countryside to rural workers, affordable local needs or exceptional one-off innovative designs. NP policy 1 also seeks to ensure development outside settlements is appropriate to a countryside location. The explanatory wording requires clear justification for development. The proposal would conflict with these policies.
35. New housing growth is being targeted in areas with good access to facilities. The newly adopted LP confirms such clear intent and LP Figure 3 Key diagram plan shows sites for major development in or by the main settlements in the area. This includes a proposed new settlement allocated very near Fleet, named Hartland, which will provide 1,500 dwellings with facilities and served by public transport. The appeal proposal would have significant car dependency which would be contrary to the Local Plan strategy.
36. Paragraph 79 of the National Planning Policy Framework (the Framework) states decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. Such circumstances are similar to those in the above policy. The appellants suggested that the appeal site is not isolated. However, houses would not be within a settlement with facilities, rather the occupants of the houses would have significant dependency on car transport. Accordingly, the proposal would contravene paragraph 8 of the Framework, which includes the need for accessible services and adaption to climate change, under an environmental objective. This is one of three overarching objectives of the planning system. Therefore, the proposal would be contrary to the Framework when taken as a whole.

*The effects on the Thames Basin Heaths Special Protection Area*

37. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area (SPA). This area is noted for its ground nesting heathland bird population and is protected under the Conservation of Habitats and Species Regulations 2017.
38. Having regard to the evidence provided by the Council, I consider that the development could, in combination with other development in the area, have a significant adverse effect on the SPA through added recreational pressure causing disturbance to the bird population. It is therefore necessary to assess whether the potential adverse impact could be adequately mitigated so as to avoid any significant adverse effect on the conservation objectives of the SPA.
39. The Council, in partnership with neighbouring councils and conservation bodies, including Natural England, has developed an approach to mitigation based on the provision of suitable alternative natural greenspace (SANG) and a strategic access management and monitoring plan (SAMB). Residential development between 400m and 5km from the SPA can mitigate its potential adverse impact by making a financial contribution towards these initiatives.
40. The UU commits to buying the required amount of SANG on a site owned by Reading University. However, there is no clause requiring the maintenance and retention of the land as SANG in perpetuity. Whilst there may be goodwill from the university this cannot be guaranteed in the future. There was no evidence from Wokingham Borough Council, where the SANG is located, to suggest otherwise.

41. The UU provides £2,901 for the SAMM monitoring of the effectiveness of the SANG strategy. However, the fees were increased to £3,315 in October 2020. The explanatory wording of LP Policy NBE3 highlights the importance of the SAMM to provide on-site wardens, an education programme and a monitoring of visitors and the bird population, under the coordination of Natural England. Accordingly, the proposal would not provide sufficient funds for monitoring this development, which would undermine the informed management of the recreational impacts on the SPA.
42. I therefore conclude that it cannot be assumed that the three dwellings would not lead to increased recreational pressures on the SPA which would harm the protected species.
43. Policies NBE 3 and NBE 4 of the LP and Policy NRM6 of the South East Plan seek to protect the SPA, require avoidance or mitigation measures. The proposal would be in conflict.

*The effects of the proposal on the nature conservation of the appeal site and adjacent Site of Importance for Nature Conservation*

44. Subsequent to the Council decision, the Aspect Ecological Appraisal was submitted. This includes details of the survey of the appeal site in July 2019, which showed that it has limited interest. Consequently, it is unlikely to contribute significantly to the biodiversity of Downsland Copse.
45. The report also includes enhancement details, which together with the submitted Biodiversity Mark Up Plan, show the potential for improvements.
46. The loss of 2 poplars would harm the site's ecological value although this would be very limited as others would remain. Moreover, the layout shows there would be room for replacement tree planting and boundary hedging. Such landscaping could be incorporated into a reserved matters application and the specified enhancements could be controlled by condition. Similarly bat and bird boxes have been suggested which again could be the subject of a condition.
47. The reason for refusal states that the proposal would harm the biodiversity value of the adjacent Downsland Copse, which is notable for its veteran oaks. However, it is segregated from the appeal site by the metalled Bowling Alley Road which discourages the movement of wildlife.
48. The Council confirmed that following the submission of both the above documents, they withdrew their objections on this ground. I concur that in this respect the proposal would not be harmful, and the biodiversity of the site could be improved, without adverse impact on the adjacent Site of Importance for Nature Conservation.
49. Policy NBE 4 of the LP seeks to conserve and enhance biodiversity. The proposal in this respect would not be in conflict.

*Loss of trees*

50. Following the Council's decision, the AR has been submitted. This shows that the proposal would lead to the loss of two poplars, which are classified as moderate quality and have deadwood. The resulting gap would be closed by additional growth from the other trees. Consequently, their loss would not be significant.

51. Understorey hedging would also be lost; however, the above AR confirms that they are poor specimens including dead elm.
52. Following the submission of the AR, the Council withdrew its objection on this ground. Similarly, I conclude that the proposal would not be harmful in this respect and I find no conflict with Saved Policy CON 8 of the RLP.

#### *Other matters*

53. Erlands House is a grade II listed building. Planning Practice Guidance and the glossary in the Framework provide advice on defining setting. Erlands is characterised by a grand front facade including formal sash windows and a bay window. The proposed dwellings would be to the side of the House. The House does not have any notable features on this side elevation and its design appears focussed on the frontage. Furthermore in between the main House and the appeal site, there is a hard-surfaced tennis court with wire fencing and two outbuildings, one of which has permission for rebuilding. Thus, the immediate setting of the main listed building is currently a domestic character.
54. It was confirmed at the Hearing that there is no evidence of any historic or cultural association with the appeal site. As a result of the above, the proposed dwellings would not harm the setting of the Listed Building. Notably the District Council's specialist officer had no objection on this aspect. I concur that the proposal would preserve the setting of the listed building and would not conflict with paragraphs 194 and 196 of the Framework.

#### **Planning Balance**

55. The proposal would provide three new dwellings, which would have economic and social benefits. Indeed, the NP envisages growth of 66 dwellings to help the viability and vitality of the village.
56. At the Hearing it was argued that the sites identified and those with planning permission will not result in this level of growth. However, that figure is not a target which must be met rather it is an aspiration. In any event the NP is still new and given its long plan period, 2032, there is likely to be growth within its duration.
57. The proposed three dwellings would contribute to housing land supply. However, this would not be particularly significant as the latest figures, agreed by both parties, show that Hart District has a 10.2 years housing land supply and a delivery rate of 201%.
58. Paragraph 60 of the Framework refers to housing land supply as a minimum of 5 years. Consequently, it should not be regarded as an upper ceiling to prevent development unnecessarily and supply can be boosted. However, in this appeal I have found that there would be harm to the character and appearance of the landscape and the Thames Heaths Basin Special Protection Area. In addition, the site would have significant car dependency.
59. Consequently, the benefits of the proposal would not outweigh the impacts.

## **Conclusion**

60. I therefore conclude that the appeal should be dismissed.

*John Longmuir*

INSPECTOR

## **APPEARENCES**

### FOR THE APPELLANTS

Ms Emily Temple BSC Hons, MSC, MTRPI Director ET Planning

Mr Toby Wilks Appellant

Mrs Maddy Wilks Appellant

### FOR THE LOCAL PLANNING AUTHORITY

Mr Robert Moorhouse BSC Hons MSC MRTPI Principal Planning Officer

Mr Andrew Ratcliffe BA Hons, Dip LA Countryside Manager

Ms Nicky Williamson BSC Hons, MSC, MCIEEM Ecologist

### FOR CRONDALL PARISH COUNCIL

Mr Richard Freeman-Griffiths Planning Lead

Ms Astrid Angove, Clerk