
Appeal Decision

Site visit made on 17 March 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/H1705/W/20/3264484

West View Farm, Baughurst Road, Baughurst, Tadley RG26 5LL

- 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 Giles against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/00578/FUL, dated 29 February 2020, was refused by notice dated 9 October 2020.
 - The development proposed is the erection of 1 no. dwelling and associated parking following demolition of existing building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. dwelling and associated parking following demolition of existing building at West View Farm, Baughurst Road, Baughurst, Tadley RG26 5LL in accordance with the terms of the application, Ref 20/00578/FUL, dated 29 February 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. In my heading and decision, I have used the fuller description of development requested by the appellants in their statement of case. This is similar to that used on the planning application form but in addition refers to the demolition of the existing building on the site. This was implicit on the submitted plans and clearly understood as part of the proposal by the local planning authority. As such, no one will be prejudiced by an explicit reference to it in the description.

Main Issues

3. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether the site provides a suitable location for housing having regard to local and national planning policies.

Reasons

Character and appearance

4. The settlement pattern near to the appeal site includes residential and equestrian buildings. There is a broadly linear pattern of residential development along Baughurst Road, but there are notable exceptions including West View Farmhouse which is set further back from the road and served by a long access drive. In addition, there are several dwellings set perpendicular to the road facing towards the approach to the farmhouse. Dwellings in the

vicinity are generally of a substantial size and set within generous verdant grounds. In combination with the proximity of open fields and hedgerows, the prevailing character is spacious and rural.

5. The appeal site comprises part of the residential grounds to West View Farmhouse and includes a detached annexe building. Nevertheless, most of the space comprises mown grass. It has an open verdant residential character broadly consistent with the surrounding settlement pattern.
6. The proposal would subdivide the plot, remove the existing annexe building and introduce a detached two storey dwelling to the side of the farmhouse. Although it would have a greater physical presence than the annexe building it would replace, it would sit reasonably close to the farmhouse and equestrian buildings opposite, such that it would read as part of a cluster of buildings. The proposed siting of the structure would be on land within an existing residential curtilage and in a broadly linear alignment with the farmhouse. This would prevent the presence of the dwelling from appearing sporadic or fragmented from the concentration of dwellings at the farmhouse and along the access. Furthermore, it would avoid harmfully encroaching into the overtly rural paddocks nearby.
7. The scale of the proposal would respect the prevailing pattern of substantial detached one and a half or two storey dwellings in the vicinity. Furthermore, the size of the plot would allow for a generous garden. A reasonable gap would be retained between the built form of the proposed dwelling and the farmhouse that would allow for glimpses towards open countryside to users of the nearby footpath. In addition, the traditional form and use of red brick and tiles would assist in assimilating the dwelling visually into the wider grouping of buildings nearby.
8. Taking these factors together, the proposed dwelling would be successfully integrated into its immediate context. Moreover, given the relatively modest scale of the proposal, the relationship of the appeal site with the wider landscape would not be significantly altered, and the rural qualities of the surrounding countryside and views from the nearby footpaths would be conserved.
9. I have had regard to the guidance in the Baughurst and Wolverton Village Design Statement, Supplementary Planning Guidance, April 2004 (VDS). This advises that new development should respect the character of the area established by the pattern of frontage set backs and the spacing between buildings, which allow glimpses of landscape and trees beyond. Development without a roadside frontage should be avoided where it will adversely affect this character¹. Hence, the guidance does not rule out development without a roadside frontage altogether. Nevertheless, it implies that such development is more likely to have an adverse effect. For the reasons outlined, the proposal would reasonably respect the immediate pattern of existing development which already departs from the prevailing linear development lining the road. Moreover, the proposed configuration would allow for glimpses of the landscape beyond. As such, it would adhere to the VDS guidelines.

¹ Page 11, VDS

10. Reference is made to an appeal decision² that dismissed a proposal for a dwelling near to the appeal site. Given the recent timing and similar form of the proposed dwelling, this decision is relevant to my determination. The Inspector in that case found the proposal would appear as a sporadic and fragmented form of development. However, unlike the proposal before me, the siting of the proposed dwelling in that case was further to the west and separate from the farmhouse on land forming part of a paddock rather than residential curtilage. The significant differences with respect to the proposed siting of the respective developments mean that they are not directly comparable. Consequently, the decision is of limited weight in my consideration of the impacts arising from the siting proposed in this case. Therefore, it would not lead me to find otherwise.
11. Accordingly, I find that the proposal would respond positively to its context and therefore, would not result in harm to the character and appearance of the area. It follows that there would be no conflict with policies EM1 and EM10 of the Basingstoke and Deane Local Plan (2011-2029), May 2016 (LP). Policy EM1 seeks to protect landscape quality and, amongst other things, requires development to be sympathetic to the character and visual quality of the area concerned. Policy EM10 sets out criteria that seek to deliver high quality development. This includes positively contributing to local distinctiveness and taking into account all relevant Supplementary Planning Documents and community documents that identify the local character and distinctiveness of an area which is valued by local communities, whilst allowing for innovation where appropriate.

Location

12. Policy SS1 of the LP sets out the local strategy for housing delivery across the borough. It seeks to direct development to within the defined Settlement Policy Boundaries (SPB) and allocated sites in the development plan. It states that sites outside of the SPBs will be considered to lie in the countryside. Policy SS6 of the LP seeks to restrict new housing in the countryside to specific exceptions. The supporting text explains that it is the intention to maintain the existing open nature of the countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. Although the use of SPB's is not required by paragraphs 77-79 of the National Planning Policy Framework (the Framework), the approach in policy SS1 broadly aligns with the general thrust of national policy on rural housing.
13. One of the exceptions listed in policy SS6 permits housing on previously developed land subject to certain provisions. Whilst both parties agree that the appeal site lies outside of the SPB, they dispute whether it constitutes previously developed land.
14. The Framework defines previously developed land as including land which is occupied by a permanent structure, including the curtilage of the development land. However, it explicitly excludes land in built-up areas such as residential gardens, parks, recreation grounds and allotments. Caselaw has established that this exclusion does not apply to private residential gardens outside of built-up areas. A definition of "built-up" is not included in the Framework. I acknowledge that such areas may not be confined to urban environments, but this will depend upon the nature of the development in the surrounding area.

² Appeal reference APP/H1705/W/19/3227479

As such, it requires a planning judgement to be made in each case based on the circumstances on the ground.

15. My observations were that the appeal site accommodates an ancillary structure that has been used as annexe accommodation to West View Farmhouse but is otherwise comprised of domestic garden land. Residential development nearby generally comprises detached dwellings set in generous grounds in a broadly, but not exclusively, linear layout lining Baughurst Road. However, West View Farmhouse is set well back from the road and equestrian buildings and facilities are situated close by. This, together with the presence and proximity of fields, pockets of woodland, hedgerows and grass verges conveys a spacious rural character. On that basis, I cannot agree that the area is built-up. It follows that the grounds of West View Farmhouse including the appeal site, fall within the definition of previously developed land in the Framework.
16. In these circumstances, policy SS6(a) of the LP further requires that new housing (i) does not result in an isolated form of development, (ii) that the site is not of high environmental value and (iii) that the proposed use and scale of development should be appropriate to the site's context. Neither party suggest that the proposed dwelling would be isolated and given the proximity of other housing I see no reason to disagree. Neither is it shown that the appeal site lies within any designated area that would denote high environmental value. Furthermore, I have seen no substantive evidence that would undermine the observations of the Council's Biodiversity team that the existing annexe building appears to have negligible potential for roosting bats and the mown lawn is of low value for biodiversity.
17. With respect to the final criterion, the appeal site is currently in a residential use. The proposal would not alter that but would make more efficient use of the land for which general support is given in the Framework. The question of whether the scale of the development is appropriate to the site's context overlaps to an extent with the first main issue. It will be seen that I did not find that harm would result to the character and appearance of the area and the consideration of scale formed part of my determination.
18. Accordingly, I find that the proposal would fulfil the requirements of policy SS6(a) of the LP which permits new housing in the countryside on previously developed land. On that basis, there is no need for me to further consider whether the proposal would meet any of the other exceptions for new housing in the countryside permitted by policy SS6.
19. Therefore, I find that the site would provide a suitable location for housing having regard to local and national planning policies as it accords with policies SS1 and SS6 of the LP.

Other Matters

20. Baughurst Parish Council raise concerns that the site is within the exclusion zone around the Atomic Weapons Establishment (AWE) at Aldermaston. It is appropriate to consider whether the Off-Site Nuclear Emergency Plan can accommodate the additional residents that would be associated with the development should a radiation emergency occur. The emergency planners at West Berkshire Council and Hampshire County Council state that given the separation distance from the AWE and modest scale of the proposal there would be a minimal impact on the AWE Off-site Emergency Plan and make no

adverse comments. This addresses the initial concerns expressed by the Office for Nuclear Regulation. Given their specialist expertise, the views of the emergency planners attract considerable weight and I have seen no substantive evidence that would lead me to a different view.

21. A single dwelling would generate limited traffic movements and consequently, the development would not have significant impacts on the wider transport network. Furthermore, I observed that the public footpath is segregated from the vehicular access that would serve the development for most of its route. There is little before me to substantiate concerns that there would be an unacceptable impact to highway safety or users of the public footpath arising from the proposed use of the existing driveway to access the dwelling.
22. I have considered the concerns raised that the grant of planning permission would set a precedent for other developments. However, no directly similar sites to which this might apply were identified. Each application must be determined on its individual merits and a generalised concern of this nature does not justify withholding a development that would otherwise accord with the development plan policy.
23. The Council cannot demonstrate a five year supply of deliverable housing sites. Be that as it may, it will be seen from my reasoning above that I have found no conflict with the development plan. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise³. It follows that there would be no harm arising from conflict with local or national planning policies in relation to rural housing that would provide a reason to prevent the development. Accordingly, it is not necessary to deliberate further on the presumption in favour of sustainable development set out in paragraph 11 of the Framework as it would not lead me to a different outcome.

Conditions

24. The three-year period in which the planning permission may be implemented is a statutory requirement. I also consider that it is necessary to specify the plans that are approved, and that the development shall be undertaken in accordance with these, as this provides certainty.
25. A condition requiring the agreement of the finish of the external materials to be used is reasonable given their impact on the overall quality of the design. Furthermore, to safeguard the verdant qualities of the site and assist in the assimilation of the development into its context, a suitable landscaping scheme is necessary. However, this could be agreed prior to the occupation of the dwelling rather than prior to the commencement of development as suggested by the Council. Neither is it necessary, given the modest scale of the proposal to approve a maintenance programme for the landscaping scheme.
26. Given the proximity to other residents, it is reasonable to restrict the hours of working for construction and associated deliveries to avoid times that would be more likely to cause disturbance to their living conditions.

³ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

27. In addition, in the interests of highway safety a condition is imposed to ensure the provision of appropriate car parking prior to the occupation of the dwelling. Secure and undercover cycle parking provision is also required to encourage the use of transport modes other than the car.
28. Cognisant of the recommendation of the Council's Biodiversity Team and to provide a net gain for biodiversity in accordance with paragraph 170 d) of the Framework, it is necessary to agree and install appropriate bat or bird boxes at the site.
29. Policy EM9 of the LP imposes a water efficiency standard on new development of 110 litres or less per person per day to encourage sustainable water use. In the absence of details to show how the development would adhere to this standard a condition is necessary to secure compliance with the development plan policy.
30. The Council also suggested a condition relating to land contamination. However, no evidence is provided to show that contamination from previous uses is probable at the site and the existing residential occupation of the land would suggest otherwise. Therefore, I am not convinced that such a condition would be necessary to make the development acceptable in planning terms. As it would not pass the requisite tests for conditions set out in paragraph 55 of the Framework, I have not imposed it.

Conclusion

31. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan reference AB_01 Revision A and Elevations and Floor Plans reference AB_02 Revision A.
- 3) No development above damp proof course shall take place until details/specification of the types and colours of external materials to be used, together with samples have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 4) Prior to the first occupation of the dwelling hereby permitted, a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Demolition or construction works and deliveries of construction materials, plant and machinery or removal of spoil shall take place only between 0730 and 1800 on Monday to Friday and 0800 to 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) The dwelling shall not be occupied until the car parking spaces for at least 4 vehicles and turning areas shown on drawing no. AB_01 Rev A have been provided. The spaces shall thereafter be kept available at all times for the parking of vehicles.
- 7) The dwelling shall not be occupied until secure undercover cycle storage provision for at least 2 bicycles has been provided and that space shall thereafter be kept available for the parking of bicycles.
- 8) The dwelling shall not be occupied until bat or bird boxes in accordance with details and siting previously agreed in writing with the local planning authority, are installed. Thereafter, they shall be retained in accordance with the agreed details.
- 9) The dwelling hereby permitted shall not be occupied until a technical report and a certification of compliance demonstrating that the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.