
Appeal Decision

Site visit made on 26 January 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/H1705/W/20/3261247

Land at Monk Sherborne Road and Sand Martin Close, Charter Alley, Tadley, Hampshire RG26 5PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Mr Pearson (Thornacre Land Limited) against Basingstoke & Deane Borough Council.
 - The application, Ref 20/01299/PIP, is dated 22 May 2020.
 - The development proposed is residential development of a minimum of 4no. and a maximum of 9no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development of a minimum of 4no. and a maximum of 9no. dwellings at land at Monk Sherborne Road and Sand Martin Close, Charter Alley, Tadley, Hampshire RG26 5PS, in accordance with the terms of the application, Ref 20/01299/PIP, dated 22 May 2020.

Application for costs

2. An application for costs was made by Mr Pearson (Thornacre Land Limited) against Basingstoke & Deane Borough Council. This application is the subject of a separate Decision.

Background

3. The appeal proposal is for a Permission in Principle (PIP). In accordance with the Planning Practice Guidance (the Guidance) and the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order), this is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for the proposed development (first stage) from the technical detail (second stage).
4. The Guidance states that the scope of a PIP application is limited to location, land-use and the amount of development, and that other matters should be considered at the technical details consent stage¹. It confirms that local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

¹ Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

5. The Guidance also confirms that, following a grant of a PIP, the site must receive a grant of Technical Details Consent (TDC) before development can proceed, and that other statutory requirements may apply at this stage, such as those relating to protected species or listed buildings².
6. For the avoidance of doubt, the appeal proposal is at the first stage. In respect of residential development, an applicant can apply for a PIP for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for a minimum of 4no. and a maximum of 9no. dwellings on the appeal site. I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.

Main Issues

7. The Council did not issue a decision notice determining the proposal. The Council's statement of case sets out the reasons for refusal, had the Council determined the application.
8. Accordingly, based on the Council's statement of case and the evidence before me, I consider the main issues to be:
 - whether the proposal would comply with development plan policy in respect of housing in the countryside;
 - the effect of the proposal on the character and appearance of the area; and
 - whether any policy conflict in relation to the above issues 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

9. The first step in considering the appeal scheme is the development plan, which comprises the *Basingstoke and Deane Local Plan 2011 – 2029* (BDLP) and the *Wootton St Lawrence Parish Neighbourhood Plan 2016 – 2029* (WSLNP). Section 38(6) of the Act sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The appeal site comprises an area of undeveloped land on the south side of Monk Sherborne Road (MSR) on the southern edge of Charter Alley village. It 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 contained with BDLP Policy SS6, under which new housing in the countryside would be appropriate.
10. Policy SS6 relates to small-scale (4 dwellings or fewer) market housing, and would therefore be relevant only in respect of the lowest number of dwellings within the range proposed by the appellant. Given the nature of the appeal scheme, and the characteristics of the appeal site, criterion e) of Policy SS6,

² Paragraph: 003 Reference ID: 58-003-20190615 Revision date: 15 06 2018

would be the only criteria which could apply to the proposal. However, in order to be appropriate, such housing would need to be of a scale and type that would meet a locally agreed need as detailed in the Council's published guidance. This advises that applicants must demonstrate that the development would address a specific and clearly identified unmet local need having regard to number, size, type and tenure of dwellings. I have no cogent evidence before me that such a locally agreed need has been satisfactorily demonstrated. As such, I find that the scheme would be contrary to Policies SS1 and SS6 of the BDLP in respect of housing in countryside.

11. WSLNP Policy WSL 5 replicates the criteria of BDLP Policy SS6, but also allows for new dwellings in Charter Alley. This applies where proposals relate to the infilling of a restricted gap within the settlement, where the gap is within an otherwise continuous built-up frontage to the public highway used by vehicular traffic and does not exceed a width of 30 metres when measured between the buildings on either side, and subject to compliance with criterion e) of BDLP Policy SS6. The site characteristics fail to comply with the infilling requirements of Policy WSL 5, and failure to comply with Policy SS6 has already been established above. As such, I find that the proposal would not accord with the new housing policy of the WSLNP.
12. For the above reasons, I conclude that the proposal would not comply with development plan policy in respect of housing in the countryside.

Character and appearance

13. The appeal site lies on the southern edge of the most intensely built-up part of the hamlet of Charter Alley. To one side of the site, a group of residential properties front onto MSR, and to the other side residential development in the cul-de-sacs of Sand Martin Close and Beals Pightle extend in a southeasterly direction away from the centre of the settlement. Directly opposite the appeal site are houses fronting MSR and a group of commercial buildings.
14. The majority of the site comprises an open field which forms part of a wider parcel of grazing land, extending south and southeast beyond the appeal site, with land levels dropping significantly beyond the rear of the site towards woodland at the far end of the field. Whilst the site provides a green wedge between areas of built development to each side, it is not specifically designated as an open gap to be retained. Although providing a pleasant green edge to the adjacent housing, the appeal site and the adjacent open countryside are not covered by any formal landscape designation. From the evidence before me and my site inspection, the proposal would not be visually prominent in key views of, and from, the wider landscape.
15. The appeal site boundary would restrict the area of new built development so that it would not notably extend beyond level with the line of the rear boundaries of the adjacent properties to the west, and would roughly align with the rear of the residential development at Beals Pightle, allowing the remainder of the grassed area to remain undeveloped.
16. The range of dwelling numbers proposed would allow for a development which would be of a comparable density to either of the different densities of built development either side of the site, and a form and layout of development that would be in keeping with that which surrounds the site. Accordingly, the proposal would not appear at odds with existing built development to both

- sides. New tree and soft landscaping, including along the front and rear site boundaries, could potentially be secured as part of the development to further soften the visual impact of the new built development.
17. As such, given the limited extent of proposed built development into the wider landscape, and the proposed juxtaposition of the new housing in relation to the edge of the built development, the development would not appear significantly visually intrusive or incongruous within wider views from the surrounding countryside. The proposed infilling of the existing green area between built development fronting MSR would be perceived as a consolidation of the existing built-up section of the settlement, whilst maintaining a large open grassed backdrop between the houses and significant woodland to the rear beyond.
18. The treed and hedged nature of the northern site boundary presents a distinctly rural site frontage onto MSR. However, even if this were to be eroded by the removal of mature frontage vegetation, for example to provide access to the development, this would not be out of keeping with existing development fronting this part of the road, which includes open frontages to the terraced housing to the west of the site and vehicular accesses and frontage parking areas associated with the residential and commercial buildings on the opposite side of the road. As such, the impact of any visible domestic paraphernalia would not be unduly harmful within the context of the prevailing street scene.
19. Furthermore, whilst the details of the design of the development would be determined at the TDC stage, I find that the scale of development proposed and the site size are such that the proposal is unlikely to necessitate removal of the entire site frontage landscaping, which could also potentially be secured as part of the development. As such, I do not find that the proposal would have a materially harmful urbanising impact on this part of the road.
20. For the above reasons, I therefore conclude that, having regard to the character and appearance of the area, the principle of the appeal proposal is acceptable and that the development would provide a suitable location for a minimum of 4no. and a maximum of 9no. dwellings. As such, having regard to the principle of the development, the proposal would accord with Policies EM1 and EM10 of the BDLP, which amongst other things, seek to ensure that new development is sympathetic to the character and visual quality of the area and respects the local environment.
21. For similar reasons, having regard to the character and appearance of the area, the principle of the appeal proposal would accord with guidance within Chapters 12 and 15 of the *National Planning Policy Framework 2019* (the Framework) which requires high quality design, and conservation and enhancement of the natural environment.

Other considerations and planning balance

22. The Council has confirmed that, with the addition of a 5% buffer in accordance with the Housing Delivery Test 2020 (HDT) published in January 2021, it cannot demonstrate a 5 year supply of deliverable housing sites as required by the Framework. It has confirmed that it is able to demonstrate 4.44 years of deliverable housing land supply. As such, there is an undisputed undersupply of deliverable housing sites within the Borough. Furthermore, whilst not yet acute,

the housing land supply has reduced from the figure of 4.86 years prior to the publication of the Council's Annual Monitoring Report in December 2020.

23. Accordingly, BDLP Policies SS1 and SS6 and WSLNP Policy WSL 5 are out of date. I therefore afford limited weight to these policies in decision making terms. I also find that they are not entirely consistent with rural housing policy contained within the Framework, which is less restrictive.
24. Paragraph 11 d) of the Framework 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, permission should be granted 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.
25. 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. Given the lack of a 5 year housing land supply, paragraph 11d) of the Framework is engaged.
26. I have considered the location of the proposal having regard to paragraphs 78 and 79 of the Framework and the Braintree caselaw³, which concluded that the definition of 'settlement' within the context of paragraph 79 is not defined and that the Framework contains no definitions of a 'community', a 'settlement' or a 'village', so that whether a site is considered 'isolated' or not, will be a matter of fact and planning judgement for the decision-maker.
27. The location of the appeal site, immediately adjacent to residential properties to both sides and directly opposite a significant area of built development within the settlement comprising residential and commercial properties, is such that the proposal would result in an infilling of existing residential development on the southern edge of the settlement. As such, it would not result in the creation of isolated homes in the countryside and there would be no conflict with paragraph 79 of the Framework in this respect.
28. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Government policy, as expressed in the Framework, is to significantly boost the supply of homes. The appeal scheme would make a modest contribution to this objective, having regard to the Framework advice in paragraph 68 that small sized sites can make an important contribution to meeting the housing requirements of an area, and are often built-out relatively quickly. This weighs in favour of the scheme. As does the lack of allocated sites for new housing within the WSLNP.
29. Owing to the location of the appeal site, limited public transport provision within the site vicinity, and the restricted suitability of the local road network for walking and cycling, the occupiers of the development would be largely reliant upon cars in order to access many day-to-day services including retail, health and secondary level education, which would require travelling to larger

³ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

settlements such as Basingstoke and Tadley. This weighs against the scheme. However, this is tempered by the context of the existing dispersed pattern of rural settlements that exists within a large part of the BDLP area and advice in paragraph 103 of the Framework which acknowledges that decision-making should take into account that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. As such, having regard to the non-isolated location of the site, the weight I afford to this matter is limited.

30. The appellant has drawn my attention to a number of community facilities and services within Charter Alley and neighbouring settlements. Whilst these are limited, nonetheless, having regard to paragraph 78 of the Framework, the subsequent occupation of between 4 and 9 dwellings would contribute towards their viability. It would also promote the vitality of these local communities. The proposal would also provide some economic benefits through employment at the construction stage. These are all modest, but measurable, benefits that weigh in favour of the scheme.
31. Having regard to the environment, I have not found harm arising from the scheme in respect of its impact on the character and appearance of the area and landscape visual amenity.
32. I have had regard to third party concerns in respect of a number of issues in addition to the matters already addressed in my decision. These include character and appearance, biodiversity, flooding, highway safety, traffic generation, parking, neighbour living conditions, land stability, and noise and light pollution. I have no conclusive evidence before me of harm arising from the appeal scheme in respect of these matters, which, given the PIP nature of the proposal, I am satisfied should be dealt with through the TDC process.
33. In terms of the planning balance, I find that the lack of identified harm in respect of the above matters, including those which are not within the scope of a PIP application, would comprise a neutral factor.
34. Having regard to the above considerations, there would be some degree of harm arising from conflict with the development plan strategic housing policies, as the proposal would amount to new dwellings in the countryside. However, because of the Council's position in terms of the undersupply of housing, and, when assessing the development against the policies in the Framework taken as a whole, the benefits of the proposed development arising from the provision of between 4 and 9 additional new dwellings, would significantly and demonstrably outweigh any adverse impacts.
35. My attention has been drawn to a recently dismissed appeal in respect of residential development of up to 4 no. dwellings in the nearby settlement of Monk Sherborne⁴, in which the Inspector considered that reliance upon the private car weighed heavily against the scheme. There are notable differences between the current appeal proposal and that dismissed scheme, including a greater number of proposed dwellings, a different settlement location, different neighbourhood plan policy context, and lack of any listed building impacts, the latter which was attributed substantial importance and weight in the dismissed scheme. In any event, I must determine the appeal on its own merits.

⁴ APP/H1705/W/20/3249367

Conditions

36. No conditions are applicable, since the Guidance makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development. However, the appellant's attention is drawn to the default duration of permission in principle being 3 years from the date of the permission.

Conclusion

37. For the above reasons, I therefore conclude that the appeal should be allowed.

S Leonard

INSPECTOR