
Appeal Decision

Site visit made on 23 March 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2021

Appeal Ref: APP/H1705/W/20/3264678

Knights Farm, Knights Lane, Ball Hill RG20 0NP

- 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 Alan Burton against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/00792/PIP, dated 19 March 2020, was refused by notice dated 10 June 2020.
 - The development proposed is residential development for up to nine dwellings with access off Knights Lane.
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Decision

1. The appeal is dismissed.

Background

2. 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).
3. 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.
4. 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.
5. 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 one and a maximum of 9 no. dwellings on the appeal site. I

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

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

have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the Guidance.

Main Issues

6. The main issues are:

- The impact of the proposal on the character and appearance of the area; and
- Whether the appeal site is an appropriate location for housing, having regard to its proximity to existing commercial uses, with particular reference to noise and odour impacts.

Reasons

Character and appearance

7. The appeal site comprises a roughly rectangular-shaped area of arable land fronting onto the north side of Knights Lane on the northern edge of Ball Hill village. It lies within open countryside outside the designated Settlement Policy Boundary (SPB) and within the North Wessex Downs Area of Outstanding Natural Beauty (the AONB). It is adjacent to Knights Farmhouse and a collection of commercial buildings to the northeast, and comprises part of a wider area of agricultural land which extends to the rear of the appeal site and the adjacent buildings at Knights Farm. Beyond this, to the northwest of the site, is an industrial estate and several residential properties in Gore End Road.
8. South of the appeal site in Knights Lane, there are residential properties which form a ribbon of development on the opposite side of the road. From there, frontage housing continues on both sides of the road leading southwards towards the junction of Knights Lane and the main road through the village.
9. The *National Planning Policy Framework 2019* (the Framework) advises that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues (paragraph 172).
10. Knights Lane is a narrow, unlit country lane, with no pavements and with edges defined by trees, hedging and grass verges. The road has a predominantly rural character, and becomes increasingly so as it extends northeastwards from the appeal site, with sporadic areas of built development giving way to open countryside and the 'no-through' end of the road.
11. The appeal site is located in a prominent position at a sharp bend in the road, where there is a notable change in character on the northern side, with built development giving way to more open countryside. The appeal site is wholly rural in character. It forms part of a larger field which is currently used for grazing, and extends back to the industrial estate to the rear. It presents a maturely treed frontage to the street, with field gate access in the eastern corner adjacent to Knights Farm. The site forms a significant part of an existing distinctive rural gap between two areas of built development extending northwards from the village main road along Knights Lane and Gore End Road. This undeveloped landscaped gap continues to the southwest of the appeal site and to the northeast behind the adjacent commercial buildings at Knights Farm.

12. The appeal site therefore makes a significant positive contribution to the visual amenity and the rural character and appearance of the northern edge of village. It forms a key part of the transition area between the built development of the village and the surrounding open countryside, making a positive contribution to this part of the AONB, which comprises the village fringe.
13. The extant permissions for residential development and live-work units at Knights Farm is not sufficient to justify the redevelopment of the appeal site for residential purposes. The evidence before me, is that the extant schemes comprise the redevelopment of an existing built-up site, and that the houses would replace existing buildings, resulting in site enhancement through the removal of some existing unsightly structures. The extant scheme would not, therefore, notably alter the existing scattered pattern of built development along the north-eastern part of Knights Lane.
14. Whilst the rear of the appeal site aligns with that of Knights Farm, the appeal scheme would not comprise a logical 'infilling' of residential built development along this part of the road, having regard to the position of the site directly facing a sharp bend in the road, the undeveloped rural land that extends to the southwest of the appeal site and the notably greater depth of the appeal site than that of the ribbon residential development on the west side of the road to the south of the site.
15. The proposal would have a suburbanising effect upon a large area of land in a visually prominent position when approaching the bend in the road from the south, extending built development into a visibly undeveloped and tranquil rural part of the village edge. The effect would be a detrimentally harmful erosion of the intrinsic landscape character of the site and the northern edge of the village. Furthermore, the subdivision of the wider parcel of undeveloped farmland, with its strongly defined landscaped boundaries of hedging and trees which comprise a strong feature of the existing rural landscape, with an artificial boundary to serve the new built development, would be at odds with the prevailing landscape character of the immediate locality.
16. As such, I find that the proposed incursion of built development into this grassed pasture land, which makes a positive contribution to the edge of the village, would have a detrimentally harmful suburbanising impact on this part of the AONB.
17. New landscape planting and the retention of existing frontage trees, as proposed by the appellant, could potentially provide a high degree of screening to the development. However, this would rely upon the implementation, and maintenance thereafter, of the landscaping scheme. Also, this would not overcome the harm to the intrinsic rural character of this part of the countryside which would arise from the expansion of permanent residential built development onto the appeal site.
18. Neither would the appellant's proposal to incorporate individual traditional designs for the dwellings, to reflect their rural location and the design of the dwellings of the adjacent extant permissions, overcome my aforementioned concerns regarding the impact of the proposal on the character and appearance of the area.

19. Whilst views into the site from the public realm are limited to mainly users of Knights Lane where it passes the site, the site does however make a strong contribution to the tranquil rural edge of the village as experienced by road users, and its undeveloped nature is particularly apparent when approaching the site from the south, where the change to a more rural roadside character becomes notably apparent. Furthermore, limited visibility of the site and lack of public access are not the only factors determining whether the proposal would harm the intrinsic landscape value of this part of the AONB, and these matters do not overcome my aforementioned concerns.
20. The appellant has drawn my attention to other appeal decisions relating to residential development in the countryside, including within AONB land. The evidence before me is that these appeals are not directly comparable with the current appeal in respect of the appeal scheme and site circumstances. In any event, I must determine the current appeal on the merits of the proposal before me and on the circumstances of the appeal site.
21. For the above reasons, I therefore conclude that the proposal would detrimentally harm the character and appearance of the area which lies within the North Wessex Downs AONB. As such it would be contrary to Policy EM1 of the *Basingstoke and Deane Local Plan 2011 – 2029* (2016) (the Local Plan) and Policy DE01 of the *North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2019 – 2024* (2019). These policies, amongst other things, require new development to respect, enhance, and not be detrimental to the character or visual amenity of the landscape likely to be affected, including having regard to the setting of a settlement and the local character of settlements, including important open areas, and to conserve and enhance the natural beauty of the North Wessex Downs.
22. For similar reasons, the proposal would also conflict with Chapter 15 of the Framework which seeks to conserve and enhance the natural environment, and confirms that AONBs are afforded the highest status of protection in relation to the conservation and enhancement of landscape and scenic beauty.

Proximity to commercial premises

23. The Council's second reason for refusal relates to concerns in respect of harm to the living conditions of future occupants of the appeal scheme, arising from noise and odour impacts from the Studland Industrial Estate, and a potential reciprocal impact on the existing business activities arising from the requirement for operational restrictions to mitigate any such harmful impacts. The Officer Delegated Report also confirms that the Council has similar concerns in respect of the adjacent commercial buildings at Knights Farm.
24. I acknowledge that there are extant permissions for the residential development of Knights Farm, which, if implemented, would remove the existing commercial use of that site. However, I must consider the appeal scheme on the basis of the site circumstances as they currently exist, since there is no cogent evidence before me that provides certainty of the future implementation of the extant permissions.
25. The Council's view is that, in the absence of odour and noise impact assessments, it is not possible to satisfactorily conclude that the appeal site is appropriate for residential use. I find that it is appropriate to consider this matter at this PIP stage, rather than at TDC stage, as suggested by the

- appellant, given that the remit of this PIP application includes consideration of the proposed location and land-use.
26. The existence of other residential properties within the appeal site vicinity does not remove my duty to consider this issue, and the fact that the Council raised no issue in this respect in granting permission for the replacement of a single storey industrial unit with a two-storey unit in 2018, does not in itself justify allowing the appeal scheme, which relates to the potential for a number of residential units to be sited in close proximity to commercial uses to two sides of the development.
27. I acknowledge that the appeal proposal would be separated from the industrial estate by open land within the applicant's ownership, and that this separation distance, together with the introduction of measures such as acoustic screening/bunding and a planting buffer on this land, and appropriate dwelling orientation and inclusion of acoustic windows within the new buildings, could potentially address the Council's concerns.
28. However, I find that I have insufficient information before me in respect of precise mitigation measure details, and in respect of the lawful uses of the nearby commercial units, and therefore of the likely noise or odour impacts arising from those premises, to enable me to reach a conclusion on this matter. I have noted that there has been a history of complaints from nearby residents in respect of odour from the industrial estate, and I have not been provided with sufficient details to enable me to conclude that the matters raised by the residents would not impact on the appropriateness of building new residential units on the appeal site.
29. For the above reasons, and taking a precautionary approach, I conclude that there is inadequate evidence before me to satisfactorily demonstrate that the appeal site is an appropriate location for housing, having regard to its proximity to existing commercial uses, with particular reference to noise and odour impacts. As such, I cannot conclude that the proposal would accord with the aims of Local Plan Policy EM12, in so much as this policy seeks to ensure that development which is sensitive to pollution, including noise and odour, will only be permitted where there would be no detrimental impact on quality of life as a result of nearby land uses and activities.
30. For similar reasons, the proposal would also conflict with Policies of the Framework which seek to ensure that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on living conditions, and that new development can be integrated effectively with existing businesses, and that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

Other Matters and Planning Balance

31. 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 a figure of 4.86 the previous year.

32. Paragraph 11 of the Framework sets out that decisions should apply a presumption in favour of sustainable development, and that, under criterion d), where the policies that are most important for determining the application are out of date, planning 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.
33. Given my conclusion in respect of the first main issue and the conflict that I have identified with policies of the Framework which aim to protect AONBs, notwithstanding the lack of a 5-year housing land supply, I find that the presumption in favour of sustainable development in paragraph 11 d) i) of the Framework is not engaged.
34. There would be benefits arising from the proposal. Up to 9 additional dwellings would make a modest contribution towards addressing the housing supply deficit, and could be built-out relatively quickly, having regard to paragraph 68 of the Framework. They would deliver economic benefits during the construction period. Additional expenditure by new residents would help support services in the village and in nearby settlements. The dwellings could incorporate sustainable aspects, biodiversity enhancements and additional soft landscaping. However, as the appeal scheme is only for up to 9 dwellings, these benefits would be modest. The Council has indicated that the proposal would be required to make a contribution towards the provision of affordable housing. This would result in a potentially significant benefit of the proposal. However, the weight I afford to this is diminished to very little by the lack of planning obligation or other substantial evidence to secure an affordable housing contribution.
35. Having regard to the location of the site, I concur with the Council's view that the proposed development does not accord with Local Plan Policies SS1 and SS6, which set out the Council's spatial strategy for new housing and the exceptional circumstances under which new housing would be permitted in the countryside. However, the proposed dwellings would not be in an isolated location, having regard to the proximity of the site to existing built development at Knights Farm and other residential properties within Knights Lane. Whilst facilities and services are limited within the village, and there would be a high reliance on the private car to access day to day facilities and services due to limited provision within Ball Hill, the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Therefore, in the planning balance, I consider that the issue of the conflict with Policies SS1 and SS6, in relation to the new housing being outside of a settlement boundary, as an issue where any harm does not significantly or demonstrably outweigh the benefits.
36. The Council has raised no objection to the appeal scheme in respect of matters including the design of the dwellings, biodiversity, highways, parking and refuse, trees, drainage, flooding and contaminated land. I am satisfied that these other matters should be dealt with through the TDC process. 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.

37. However, for the reasons set out above, I conclude that the appeal scheme would have a harmful effect upon the character and appearance of the area which lies within the AONB. This would conflict with the requirements of the Framework to conserve and enhance the natural environment. Having given careful consideration to the balance of factors, I consider that, when assessed against the policies of the Framework taken as a whole, this harm would significantly and demonstrably outweigh the benefits of the proposed development.
38. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified.

Conclusion

39. For the above reasons, I therefore conclude that the appeal should be dismissed.

S Leonard

INSPECTOR