
Appeal Decision

Site visit made on 20 April 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/N1730/W/20/3264254

The Bourne, Redlands Lane, Crondall, Farnham GU10 5RF

- 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 Francis Williams against the decision of Hart District Council.
 - The application Ref 20/02387/FUL, dated 5 October 2020, was refused by notice dated 27 November 2020.
 - The development proposed is new three bedroom house with car port.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised plan showing an alternative orientation for the proposed building was submitted by the appellant alongside the appeal. However, taking account of the principles established in the Wheatcroft case, given no consultation has taken place on these amended details, I have considered the appeal against the plans as originally determined by the local planning authority.
3. In their statement, the Council have highlighted an error in relation to reason for refusal one, where Policy 2 of the Crondall Neighbourhood Plan Referendum Plan (NP) should have been referred to instead of Policy 2d. I have therefore determined the appeal on this basis.

Main issues

4. The main issues in this appeal are:
 - Whether the proposed development would provide a suitable location for residential development, having regard to the character and setting of the countryside;
 - The effect of the proposed development on the integrity of the Thames Basin Heath Special Protection Area (the SPA); and
 - Whether the proposal provides an acceptable means of surface water drainage.

Reasons

Character and appearance

5. In terms of the development plan, the appeal site lies outside of the settlement boundary of Crondall and therefore lies within the open countryside.

6. In this respect, Policy NBE1 applies, which identifies that development within the countryside is to be resisted, unless it meets one of the exceptions identified within the Policy. It was put to me by the appellant that the proposed site, by reason of comprising previously developed land, would meet the requirements of this Policy.
7. Whilst I do not seek to question the submissions of the appellant, there appears to be little evidence before me, or on the site, to fully demonstrate that the land was occupied by a permanent structure and any associated fixed surface infrastructure. Furthermore, given its lack of relationship with and separation from surrounding development, neither do I consider the appeal site to form part of the garden area of any of the surrounding residential properties.
8. As a consequence, the proposed site would not meet the definition of previously developed land as identified in the Glossary to the National Planning Policy Framework (the Framework). Furthermore, given that the site is not considered to be a residential garden, the recent case law is not relevant to this site.
9. Therefore, the proposal would not meet any of the exceptions identified in Policy NBE1 with regards to development in the countryside.
10. Whilst the site is identified as lying outside of the settlement boundary of Crondall, it is almost entirely surrounded by residential development. This includes the new housing which is currently under construction to the east of the appeal site. As a consequence, despite its development plan designation, the appeal site no longer sits on the settlement edge. The site has little connection with the surrounding countryside and displays no real countryside characteristics, instead the appeal site feels part of the settlement.
11. In this respect therefore, due to the surrounding development, the overall prominence of the site is limited mainly to views along the access road. These views of the proposal would be seen in the context of the existing doctor's surgery and surrounding residential developments. Furthermore, the proposed development would be set back from the access road, with its mass and siting being in keeping with that of surrounding development. It is also in a location that provides relatively easy access to local services within the village. As a consequence, the proposed development would not materially harm the character and setting of the countryside.
12. In summary, whilst the proposal would not meet any of the exceptions identified in Policy NBE1, the appeal site has more in common with the urban area than the surrounding countryside, from which it has been increasingly divorced by recent developments. Therefore, the proposed development would not materially harm the countryside.
13. For the above reasons, I therefore conclude that the proposed development would not harm the character and setting of the countryside and, in this respect, accords with Policies NBE1 and NBE2 of the Hart Local Plan Strategy and Sites 2032 (HLP2032), saved Policies GEN1 and RUR1 of the Hart District Local Plan 1996-2006 (HDLP), Policy 2 of the NP and the Framework.

The SPA

14. The SPA is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is not within the SPA, however given its proximity, the proposed development would be likely to have significant effects on the features of interest of the SPA, due to the increased recreational use arising from the appeal development in combination with other developments. In these circumstances, the Habitats Regulations require that an Appropriate Assessment is carried out.
15. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the SPA. Due to the nature of the proposed development and the constraints of the appeal site, there appears to be no scope for the provision for on-site mitigation. Therefore to mitigate the impact of the scheme upon the SPA, measures in the form of the provision of an off-site Suitable Alternative Natural Greenspace (SANG) capacity, along with a financial contribution to the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) project would be required. Were they to be secured, these measures would appear to provide appropriate mitigation in this regard for the proposed development.
16. However, delivery of these mitigation measures requires the completion of a S106 Agreement. Therefore, without a suitable mechanism in place I cannot be satisfied that the scheme would deliver adequate measures to avoid or mitigate potential adverse effects on the integrity of the SPA. As such, there can be no guarantee that these mitigation measures would be provided or retained and therefore they carry very little weight.
17. For these reasons, the proposed development would harm the integrity of the SPA and, in this respect is contrary to Policy NRM6 of the South East Plan, Policy NBE3 of the HLP2032, Policy 2d of the NP and the Framework. These Policies, amongst other things seek to ensure development respects the integrity of the SPA and that appropriate mitigation measures are delivered.

Surface water and flood risk

18. The appeal site lies within Flood Zone 1 and is located within close proximity to the River Hart. The appellant's have confirmed that the proposal would be connected to existing local infrastructure, although in this respect, no details of how this would be delivered are provided, nor are any details submitted to confirm that the relevant statutory undertakers are satisfied that such a proposal is deliverable.
19. In this respect, I agree with the Council that, given the lack of detail, it is not possible to determine exactly how surface water flows would be dealt with. However, given the modest scale of the development, I am satisfied that an acceptable solution can be designed to ensure compliance with the drainage hierarchy. As a consequence, I am content that the matter could be dealt with through an appropriately worded planning condition and on this basis, it would be unjustified to withhold planning permission on these grounds.
20. For the above reasons, I conclude that the proposal would provide an acceptable means of surface water drainage and, in this respect, accords with

Policy GEN1 of the HDLP, Policy NBE5 of the HLP2032, Policy 6 of the NP and Framework.

Other Matters

21. The Council raise no other issues in relation to ecology, trees, highways, heritage issues and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Conclusion

22. I have concluded that the proposal would not harm the character and setting of the countryside or have an adverse effect upon surface water. However, these are outweighed by the harm I have found to the nearby SPA. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR