
Appeal Decision

Site visit made on 8 June 2021

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/H1705/W/21/3268433

Land at Inhurst Lane, Baughurst, Tadley, Grid ref: Easting 457409, Northing 161904

- 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 Robert Sandford against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 20/01217/FUL, dated 15 May 2020, was refused by notice dated 11 December 2020.
 - The development proposed is erection of one new dwelling and new access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's first reason for refusal concerns the failure of the proposal to accord with Policy SD1 of the *Basingstoke and Deane Local Plan 2011 – 2029* (2016) (BDLP), which reflects the presumption in favour of sustainable development and approach to decision-taking where the policies which are most important for determining the application are out of date, as set out in Paragraph 11 of the *National Planning Policy Framework 2019* (the Framework). I will address this reason for refusal, which relates to the Council's view that the proposal would comprise a new dwelling in an isolated location, contrary to Framework policy, in the 'Planning Balance' section of this decision.
3. The Council's statement of case confirms that it has withdrawn its third reason for refusal relating to the adequacy of vehicular access visibility splays. On the basis of the information before me, and my site visit, I find no reason to disagree and I have dealt with the appeal accordingly.
4. In coming to this view I have had regard to the narrow single track nature of Inhurst Lane, which would have the effect of reducing traffic speeds along the road, together with the visibility benefits arising from the straight nature of this part of the road and the ability to ensure an appropriate height for the proposed frontage hedging by means of a planning condition. As such, having regard to the highway safety and design objectives of BDLP Policies CN9 and EM10 respectively, I am satisfied that this matter is capable of being dealt with by means of a planning condition.
5. The Council has also withdrawn its fourth reason for refusal relating to failure to provide an adequate supporting flood risk assessment. On the basis of the evidence before me, and notwithstanding the location of the site within a

locally defined Basingstoke Upstream Critical Drainage Area and the associated requirement for a flood risk assessment in accordance with BDLP Policy EM7, I see no reason to disagree. In coming to this view, I have noted the location of the site within Flood Zone 1, the small-scale nature of the proposal, and the lack of cogent evidence from the Council of drainage harm that would arise from the appellant's proposed drainage scheme as described in paragraph 3.23 of the appellant's grounds of appeal. As such, I am satisfied that this matter is capable of being satisfactorily addressed by means of a planning condition and I have dealt with the appeal accordingly.

6. Having regard to the above, the main issues are:

- the effect of the proposal on the character and appearance of the area; and
- the effect of the proposal on biodiversity.

Reasons

Character and appearance

7. The appeal site lies on the east side of Inhurst Lane, within countryside to the west of the built-up area of Baughurst. It has a tranquil and wholly rural character, comprising undeveloped grassed land devoid of any buildings or hardsurfacing. It is surrounded by woodland to both sides and the rear, with a bridleway running adjacent to the northern side boundary, between the site and the adjacent woodland. Low timber post and rail fencing defines the front and northern site boundaries, so that the site is readily apparent in views from the public realm in Inhurst Lane and the adjacent bridleway.
8. The Council has confirmed that the site lies within the Wolverton Landscape Character Area, according to the Basingstoke and Deane Borough Council Landscape Assessment (2001) (the Landscape Assessment). This area is characterised by medium to small-scale mixed farmland and woodland mosaic which has a high proportion of woodland cover, creating a relatively enclosed and textured landscape. Fields are given over to a mix of pasture and arable use and are bounded by a strong structure of hedgerows and trees. The landscape is generally identified as having a rural, quiet character, although urban influences of Tadley and Baughurst are evident within the area near the appeal site. The Landscape Assessment states that suburbanising influences of new built development are a key issue affecting the landscape.
9. Inhurst Lane is a narrow, single track, unlit country lane, with no pavements and with edges defined by trees and mature landscaping and grass verges. The road has a predominantly rural character, with sporadic development of residential properties and rural enterprises along its edges, and large areas of undeveloped land comprising woodland and fields.
10. Whilst acknowledging the time frame that has elapsed since the production of the Council's Landscape Assessment, and notwithstanding the proximity of the site to a small group of residential properties on the opposite side of the road, the appeal site is clearly perceived as forming part of a wider area of undeveloped rural landscape, which still exists within this part of Inhurst Lane and displays the identified features comprising the Wolverton Landscape Character Area. I find that the site makes a positive contribution to the attractive landscaped setting around the urban areas located further north and east.

11. By introducing built development comprising a large, potentially 4-bedroom, chalet dwelling, the appeal proposal would disrupt the peaceful, rustic nature of this part of the eastern side of Inhurst Lane. It would urbanise the appeal site, extending built development into the undeveloped rural area and detrimentally eroding the intrinsic landscape character of the site.
12. In addition to the new dwelling, the proposed vehicular access, parking and turning area, would further domesticate the rural site. It is also reasonable to expect that the proposed residential use of the site would include features such as further ornamental plantings, domestic paraphernalia, garden buildings and structures, in addition to the patio and garden shed indicated on the proposed block plan drawing. This would further reduce the open rural character of the site.
13. The proposed new boundary hedging along the frontage and new hedging and tree planting to the north side of the site would provide some screening to the proposal. However, the amount, size and height of built development, and its proximity to the site frontage and northern site boundary means that it would be likely to be visible in public views from Inhurst Lane, above the frontage hedging, whose height would be likely to be restricted in order to provide adequate visibility splays, and from the vehicular access point. It would also be apparent to users of the adjacent bridleway.
14. Also, whilst the new planting could potentially provide a degree of screening to the development, this would rely upon the implementation, and maintenance thereafter, of the landscaping scheme. Furthermore, I am not persuaded that this would overcome the harm to the intrinsic rural character of this part of the countryside which would arise from the introduction of permanent residential built development onto the appeal site.
15. The proposed use of materials that are appropriate for a rural location and roof features which are reflective of those of other dwellings within the locality, does not overcome the above concerns.
16. For the above reasons, I therefore conclude that the appeal scheme would cause significant harm to the character and appearance of the area. As such, it would conflict with Policies EM1 and EM10 of the BDLP, which, amongst other things, require new development to be of a high quality, respond positively to the local context, and respect, enhance, and not be detrimental to, the character or visual amenity of the landscape likely to be affected.
17. For similar reasons, the appeal scheme would be contrary to Chapters 12 and 15 of the Framework, which, respectively, require well-designed places and the conservation and enhancement of the natural environment.

Biodiversity

18. The Council's fifth reason for refusal relates to concerns about the proximity of the proposal to the Heath End Copse woodland to the south and east of the site. The appeal proposal, including its residential garden, would be sited close to the boundary of this woodland, contrary to the required minimum buffer of 20m as set out in the Council's adopted *Landscape, Biodiversity and Trees Supplementary Planning Document* (2018) (the LBT SPD). I attach weight to this document, which was adopted by the Council following public consultation, to support the natural environment policies of the BDLP.

19. The appellant has confirmed that the woodland is outside the appellant's ownership, the appellant's supporting Ecological Assessment confirms that it would remain untouched, and the appellant's supporting Arboricultural Report concludes that the development would not encroach over the root protection areas of the woodland edge trees. However, notwithstanding this, and proposed biodiversity enhancements that would be secured through the development, I do not find sufficient cogent evidence before me to satisfactorily justify the proposed incursion into the 20m woodland buffer required by the LPT SPD, having regard to possible impacts on the ecology of the woodland arising from domestic activity associated with the occupation of the new dwelling, including the dumping of garden rubbish, light and noise pollution and pressure for lopping trees and removing valuable deadwood habitat.
20. For the above reasons, and taking a precautionary approach, I conclude that there is insufficient evidence before me to satisfactorily demonstrate that the proposal would not have a demonstrably harmful impact on biodiversity. As such, I cannot conclude that the proposal would accord with BDLP Policy EM4, which states that development proposals will only be permitted if significant harm to biodiversity from a development can be avoided or adequately mitigated.
21. For similar reasons, the appeal scheme would be contrary to Chapter 15 of the Framework which requires the conservation and enhancement of the natural environment.

Planning balance

22. The first step in considering the appeal scheme is the development plan, which comprises the BDLP. 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 site lies outside of any designated 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.
23. Given the scale and nature of the appeal scheme, and the characteristics of the appeal site, criterion e) of Policy SS6, which relates to small-scale (4 dwellings or fewer) market housing, is most relevant 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.
24. 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.
25. The housing shortage is not acute. Nevertheless, the absence of the requisite 5 year housing land supply means that BDLP Policies SS1 and SS6, which set out that the required development can be met within the defined SPBs and specific site allocations, and that development in the countryside will only be acceptable in set exceptional circumstances, are out of date. I have therefore attached limited weight to the conflicts with those policies.
26. 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.
27. 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 11 d) of the Framework is engaged.
28. I have considered the location of the proposal having regard to paragraphs 78, 79 and 103 of the Framework, and the Braintree caselaw¹ 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.
29. The appeal site lies within the immediate vicinity of several dwellings on the opposite side of Inhurst Lane. It also lies within walking and cycling distance of a range of community facilities and services, including shops, food and drink establishments, schools and a village hall within the settlement of Baughurst to the east of the site. These can be easily accessed from the appeal site by means of transport other than the car, via a bridleway from Inhurst Lane which runs adjacent to the site or via Inhurst Lane/Stokes Lane or Inhurst Lane/Wolverton Road. There are also bus stops within reasonable walking distance of the site, providing access to good public transport links to other settlements.
30. I acknowledge that accessibility by sustainable means of transport to these facilities and services would be less convenient during the winter months or periods of inclement weather, due to a lack of footpaths and lighting along part of the access routes. However, Paragraph 103 of the Framework 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 proximity of the appeal site to the facilities and services of the closest settlement, I find no conflict with paragraphs 78 and 79 of the Framework.

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

31. The proposal would comprise a sustainable location where a new dwelling would positively contribute to the maintenance of the vitality of the local rural community. Having regard to paragraph 78 of the Framework, this may include giving support to the services in nearby Baughurst.
32. The proposed dwelling would not be in an isolated location, having regard to the proximity of the site to a group of dwellings in Inhurst Lane and to the services and facilities and public transport connections within the settlement of Baughurst. As such, in the planning balance, I consider that the issue of the conflict with Policies SS1 and SS6, in relation to the new house being outside of a settlement boundary, as an issue where any harm does not significantly or demonstrably outweigh the benefits.
33. I have noted the Council's reference to the appeal Inspector's conclusion on accessibility in respect of appeal ref APP/H1705/W/16/3146886. However, I do not find the details of that appeal site in relation to accessibility to facilities and services to be directly comparable to those of the current appeal, which I must determine of the merits of the appeal scheme before me and the particular circumstances of the appeal site.
34. There would be benefits arising from the proposal. An additional dwelling would make a very modest contribution towards addressing the housing supply deficit, and could be built-out relatively quickly, having regard to paragraph 68 of the Framework. It would deliver economic benefits during the construction period. Additional expenditure by new residents would help support the services in nearby settlements, including Baughurst. The dwelling could incorporate sustainable aspects, and the appellant has confirmed that the proposal would include net biodiversity gains. However, as the appeal scheme is only for one dwelling, these benefits would be modest.
35. Whilst the Framework encourages efficient and effective use of land for new housing, and the optimal use of land where there is a shortage of housing, this is not unqualified, and does not outweigh or justify the harm that I have identified in respect of the main issue.
36. For the reasons set out above, I conclude that the appeal scheme would have a harmful effect upon the rural character and appearance of the area. This would conflict with the requirements of the Framework to achieve well-designed places and to conserve and enhance the natural environment, recognising the intrinsic character and beauty of the countryside. 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. Therefore, the presumption in favour of sustainable development in Paragraph 11(d)(ii) does not apply in these circumstances.

Other Matter

37. I acknowledge that the proposal represents an amended scheme from that refused under planning application Ref 19/02458/FUL, including a reduction in the size of the proposed dwelling, the removal of a separate garage building, the relocation of the proposed vehicular access, and the incorporation of additional soft landscaping. However, this does not alter my findings in respect of the current proposal.

Conclusion

38. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR