
Appeal Decision

Site visit made on 1 February 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/N1730/W/21/3275073

Nyasaland, Crondall Road, Crookham Village, Fleet, GU51 5SU.

- 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 Chartfield Homes (Nyasaland) Ltd. against the decision of Hart District Council.
 - The application Ref. 21/00202/FUL, dated 21 January 2021, was refused by notice dated 26 April 2021.
 - The development proposed is the erection of a 4 bedroom dwelling following demolition of existing dwelling on site.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application forms refer to the erection of the new dwelling following the demolition of the existing dwelling on site whereas the Council's description of the proposal refers to the demolition of the existing 'buildings'. From the main parties' submissions it appears that the Council has (informally) viewed the existing structure as a dwelling - Class 3¹ (see paragraph 6 below) and therefore the appellant's description is more appropriate and I will use it.

Main issues

3. The main issues are:
 - whether in principle the proposal should be regarded as a replacement dwelling and being located on previously developed land (PDL);
 - the effect of the proposed dwelling on the landscape character of the area; and
 - whether the proposal constitutes sustainable development.

Reasons

Background

4. The appeal site comprises a square shaped area of land lying between Crondall Road and two single storey buildings said to have been used for agricultural purposes, one of which is also the subject of a separate appeal for conversion to

¹ Class C3 – dwellinghouse as defined in the Town and Country Planning (Use Classes) Order 1987.

three dwellings APP/N1730/W/21/3278777. The mobile home/structure and the agricultural buildings lie on the western side of Crondall Road in an area of countryside and the adjoining fields are within the ownership of the appellant. There are detached houses on the eastern side of the road, however the general area falls within the Hart Valley Landscape Character Area. It is proposed to demolish the existing structure and erect a four bedroom property with double garage.

Policy context

5. The development plan includes the Council's Hart Local Plan (Strategy and Sites) 2032 (now referred to as HLP32); saved policies in the Hart Local Plan (Replacement) 1996-2006, and the Crookham Village Neighbourhood Plan (as made in May 2021). The main relevant HLP32 policy is NBE1 which applies to development in the countryside and the appeal site lies outside of the existing settlement boundary for Crookham Village. As such new development will only be permitted where one of 14 criteria is met and the relevant one for this case is (g) concerning a replacement dwelling. The supporting explanatory text for the policy in paragraph 226 clarifies that a 'replacement dwelling' is limited to those which are not temporary in nature or the result of a temporary permission.

The principle of a replacement dwelling

6. I noted at the visit that the existing structure, which appears to have been permitted as a mobile home but has small extensions added, is very dilapidated in a state of disrepair and is presently unfit for human habitation. There is no Certificate of Lawfulness that it has the planning status of a dwelling or extant planning permission for such residential use. However, in 2006 the Council's Enforcement Officer expressed the view that the building was in use as a dwellinghouse (Class 3) and had become immune from enforcement action. The Council therefore do not appear to dispute that the principle of a replacement dwelling on this site accords with Policy NBE1.
7. The appellant says the new dwelling should be seen as involving 'previously developed land' (PDL). This term is defined in the glossary to the National Planning Policy Framework (NPPF) as excluding land occupied by agricultural or forestry buildings. However, if the planning status of the caravan/structure is as a dwelling, as set out in the legal advice sought by the Council and the appellant, and a separate planning unit is established, then it is reasonable to view this specific appeal proposal as involving PDL.

The effect on the character and appearance of the area

8. The proposed house needs to be assessed in the context of the 'building' being replaced. While the new house proposed would be a visual improvement of the current derelict caravan/structure I am concerned about the relative difference in scale and prominence and the resulting impact in the long term. The new house would have a considerably greater footprint and a high two storey form even though the upper floor would be partly formed in the roofspace.
9. Taking account of the existing mature trees and vegetation along the road frontage the new house proposed would be readily apparent when viewed from Crondall Road especially in winter months. The positioning of the house 'end on' to the road would also increase the visual impact of the structure viewed from the north and south along the road as well as the general location of the site in open fields.

10. The Council also refers to views of the proposed house from the public right of way (Footpath 11) to the north-west of the site but from this footpath views of the new house would be limited at a distance or screened by the existing large buildings in the other part of Nyasaland.
11. Overall I find that the mass, scale and prominence of the replacement dwelling proposed would be out of scale with the existing dwelling and would have a harmful visual impact on this area of countryside. The proposal would not maintain the largely open character or 'visual amenity' of the countryside landscape and so would not meet the requirements of Policy NBE2. Nevertheless, although the new house would be on its own, given the other housing that exists on the other side of Crondall Road it would not be 'isolated' as described in paragraph 80 of the NPPF.
12. In terms of the Neighbourhood Plan, the proposal would not be materially in conflict with the general design principles set out other than the need for the height of the development not to have an over-bearing or dominant effect on the existing street scene.

Other matters

13. The local community also raise objections to the scheme on other grounds including the access to the site and traffic generation. I saw at my site visit that Crondall Road is limited in width and the access to the site has restricted visibility. However, the application forms indicate that no alterations to the existing access are proposed. As the proposal is to replace what is regarded as a dwelling on the site the highway authority raised no objection to the scheme. On the evidence put to me I find that there is not a issue regarding highway safety.

Planning balance

14. On the main issues I have found that the evidence submitted indicates that the principle of the erection of a replacement dwelling on this site accords with the relevant policy NBE1. The specific site of the existing caravan/structure should also be considered as PDL which, in general terms, the NPPF seeks to make effective use of. However, I find that the scale, mass and siting of the replacement house put forward would be visually imposing, compared to the limited extent of the present caravan/structure, and would be harmful to the visual amenity of this area of countryside contrary to the provisions of Policy NBE2. As such the proposal does not constitute sustainable development as set out in Policy SD1 or the NPPF when read as a whole.
15. This policy conflict and the adverse visual effect have to be balanced with other considerations. However, the benefits that arise with the removal of the present dilapidated structure and the creation of a new property on land recognised as previously developed do not justify the scale of the replacement house put forward and its visual impact on the countryside landscape. I find that the conflict with the development plan is not outweighed by the other considerations involved in this case and this indicates that the appeal should not be allowed.

Conclusion

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

David Murray

INSPECTOR