



Appeal Decision

Site visit made on 11 January 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal A Ref: APP/H1705/W/21/3284682

**Land to the rear of The Cottage, Blackstocks Lane, Nately Scures
RG27 9PH**

- 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 T Stacy against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/01670/FUL, dated 14 May 2021, was refused by notice dated 22 September 2021.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new dwelling, at Land to the rear of The Cottage, Blackstocks Lane, Nately Scures RG27 9PH, in accordance with the terms of the application, Ref 21/01670/FUL, dated 14 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. This is one of two concurrent appeals I am dealing with from the same appellant on adjacent sites on Blackstocks Lane. I have considered each application on its own merits, though I have necessarily made similar comments where the effects of the proposals or the overarching policy context is similar.
3. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The main parties were afforded the opportunity to comment on these results, and I have had regard to the responses received.

Main Issues

4. Based on the Council's decision notice, the main issue is the effect of the proposal on the landscape character of the area. However, the Council's officer report also cites conflict with the development plan in terms of the suitability of the site as a location for housing. Therefore, I consider this as another main issue.

Reasons

Location for housing

5. The development plan for the area is the Basingstoke and Deane Local Plan 2011-2029 (May 2016) (the Local Plan). The appeal site is located in the open countryside for planning purposes. Therefore, the most relevant policies relating to the location of new development are Policies SS1 and SS6. Policy

SS1 relates to the overall scale and distribution of new housing, with development outside of defined Settlement Plan Boundaries supported only where certain criteria are met or it is essential for the proposal to be located in the countryside.

6. Policy SS6 sets out the exceptional circumstances where new housing development in the countryside would be supported. Of these criteria, the only one potentially applicable is e) small scale development to meet a locally agreed need, this being four dwellings or fewer. Whilst the development would be small scale in number, no evidence has been adduced by the appellant to demonstrate that the proposal would meet a locally agreed need. Therefore, the proposal would conflict with the locational requirements of Policy SS6. However, there are other material considerations weighing against this conflict.
7. The site would be located next to several existing dwellings on Blackstock Lane and therefore would not be isolated within the meaning of the National Planning Policy Framework (the Framework). The Council also accepts that the dwelling would be located within reasonable distance of services and facilities in Old Basing and Hook, which could be reached by bus from London Road some 250 metres away, or by bicycle. This would reduce reliance on the private car and additional residents would help to sustain local services. Having regard to the Framework, which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I am satisfied that the location of the dwelling would be reasonably accessible to local facilities and by means of a sustainable mode of transport.
8. It is also a matter of common ground that the Council is unable to demonstrate a five year supply of deliverable housing sites. As a result, policies which are most important for determining the application, including Policies SS1 and SS6, must be considered out-of-date.
9. Having regard to these matters, and to the Framework which sets out that housing should be located where it will enhance or maintain the vitality of rural communities, I find that the appeal site does not represent an unsustainable location for housing. Therefore, I afford only limited weight to the conflict with Policies SS1 and SS6. I consider this further in the overall planning balance.

Effect on Landscape Character

10. The appeal relates to a parcel of land to the rear of The Cottage on Blackstocks Lane. The lane is rural in character and part of the open countryside. However, there is housing development immediately to the west and north of the site. There are further dwellings across the lane, albeit set well back in their sites and some screened by trees. A further cluster of dwellings lies to the south-west, accessed by a single track and set behind a substantial tree line, though still partly visible from the lane.
11. The land itself is described as being in agricultural use for the growing of fruit and vegetables and the keeping of a small number of animals. The land is mainly laid to grass with unmade tracks to the southern and western sides. A timber outbuilding stands to the northern side, with other smaller storage structures close by. To the east is Hang Wood, a Site of Importance for Nature Conservation (SINC) and an ancient woodland. It is of note that the red line of the appeal site encompasses roughly the western half of the parcel of land,

with the remainder, and the field to the south, within the blue line and under the appellant's control.

12. The proposed dwelling would be located to the southern part of the site, directly opposite the entrance. It would however be orientated to face south, and therefore would present its side elevation to the site entrance. An existing tree on the southern boundary (T2) would be removed to facilitate the development. A post and rail fence would demark the eastern boundary of the site from the undeveloped remainder of the parcel of land.
13. The appeal site lies within the Loddon and Lyde Valley landscape character area. This is characterised by a generally unspoilt, quiet character with the land ranging from open farmland to smaller, more enclosed patterns within the valley itself. The Lyde River is a short distance to the west of the site and I saw the immediate area to reflect this smaller, enclosed character, particularly due to the screening provided by the woodland to the east. The appeal site, although described as agricultural land, is modest in scale and heavily enclosed from the wider landscape by dwellings, boundary trees and hedges and the woodland. As such, I consider it makes a limited contribution to the wider landscape.
14. Development within the field would result in built form where there presently is none and the introduction of a residential character in place of an agricultural one. The Council criticises the loss of the 'distinctive field pattern' as a result of contrived subdivision of the land, the purpose of which is to maintain a buffer zone to the woodland and SINC.
15. The use of only part of the field would introduce an element of artificiality to what is a parcel of land mainly defined by natural boundaries. However, the sub-division of the land would not be readily visible from the public realm, as the dwelling itself would obscure views of the fencing. Moreover, the land is small in size and heavily enclosed. It does not form part of an expansive landscape where field patterns can be appreciated in long views. Contrary to the Council, therefore, I do not consider that development on the land would degrade an otherwise meaningful contribution to a distinctive field pattern. Rather, from my own observations, the woodland to the rear and other boundary hedgerows would help embed the dwelling into its surroundings and would help to offset the starkness of the new built form.
16. The Council further criticises the siting and orientation of the dwelling, which it argues presents an underwhelming side elevation to the public realm, along with excessive hardstanding. The dwelling would stand side-on to the lane. This in itself is not uncharacteristic, as The Cottage at the site entrance and the pair of semi-detached dwellings to the north of the site are also perpendicular to the lane. In general, the pattern to the surrounding built form is irregular, with dwellings having different orientations and setbacks from the road. Given this context, the proposed dwelling would not form an isolated feature within the landscape, nor would it appear wholly out of character with the surroundings.
17. The Council accepts that the overall design would not be poor quality, and it recognises that there is not a consistent design to surrounding dwellings. The side elevation facing the road would be plainer in detail than the front elevation, but would contain French doors as a feature, whilst the articulation of the rear projection would also be appreciable. Moreover, the dwelling would not be exactly square to the entrance and the front elevation would be

- perceptible from the lane. In my view, the overall composition of the dwelling could be understood in views from the public realm, and its orientation would not result in the dwelling appearing incongruous within its surroundings.
18. The introduction of a new dwelling would have an urbanising effect compared to the existing condition of the land; however, the scale of the proposal would be small and would not significantly enlarge the existing cluster of development along Blackstocks Lane or result in it taking on the character of a recognised settlement. Rather, the impression would remain one of a small, organic cluster of rural dwellings within the countryside.
19. The proposal would see a mature tree removed from the southern boundary. Though a significant presence, it is categorised as dead and it is not subject to a preservation order or other form of protection. Therefore, it could be removed at any time. Moreover, the surroundings are heavily populated by trees and the loss of this single specimen would not have a significant adverse effect on the overall character of the site or the wider landscape.
20. Taking these considerations together, the proposal would result in development where there presently is none and the partial loss and re-shaping of an agricultural field that makes a modest contribution to the surrounding landscape character. However, the adverse effects of this would be tempered by the heavily enclosed nature of the site which would limit the visibility of the dwelling to immediate views from the lane. The scale, form and orientation of the dwelling would also be acceptable given the varied pattern of development surrounding the appeal site.
21. Overall, I conclude that the proposal would result in localised and modest harm to the landscape character of the area. There would be conflict with Policies EM1 and EM10 of the Local Plan, which together permit high quality, design-led development that respects, enhances and is not detrimental to the character or visual amenity of the landscape, and with the Framework in terms of its recognition of the intrinsic character and beauty of the countryside. However, given the modest degree of harm identified, I afford limited weight to these conflicts.
22. In reaching a view on this main issue, I have also considered the potential cumulative effect should the appeal at the adjacent site also be allowed. This scheme is for two dwellings. The provision of three dwellings in total would still represent a limited scale of development within the same enclosed landscape and within the context of established rural residential development. As such, I consider that the cumulative effect of both developments would still result in a limited extent of harm to the landscape character of the area.

Other Matters

Neighbours' Living Conditions

23. The nearest dwelling to the proposal would be The Cottage, some 14 metres away at the closest point. Having regard to the orientation of both dwellings and the placement of windows, no significant or invasive overlooking would occur from the proposed dwelling towards The Cottage. The separation distance would also be sufficient to avoid an overbearing effect, noticeable loss of light or increased sense of enclosure to the neighbouring dwelling. I am satisfied that the proposal would not cause material harm to neighbours' living conditions.

Highway Matters

24. Blackstocks Lane is a lightly trafficked rural road. It is relatively straight with a gentle curve as it passes the appeal site, although it narrows to a single lane at The Cottage just to the north of the site entrance. I note local residents' concerns regarding safety of the access. However, the local highway authority noted that speeds are below the posted speed limit and a visibility splay of 2.4m x 43m would suffice to the south. From what I saw, traffic was not fast when passing by the site, and was sporadic.
25. The addition of a single dwelling would generate modest additional vehicular movements which would not lead to a significant increase in traffic or pose a demonstrable risk to highway safety. I also saw on site that to achieve the visibility splays would require some pruning of the verge and front hedgerow of the site; however this appeared achievable and could be secured by condition. I am satisfied, having viewed the site, that the proposal could provide safe access and would not result in demonstrable harm to highway safety.

Biodiversity

26. The dwelling would be located near to the SNIC and ancient woodland. I recognise concerns raised locally at the prospect of harm arising to the woodland from the proposed development. However, I note that the proposed layout would maintain a 20 metre buffer zone between the side boundary of the dwelling and the woodland, in accordance with the guidance of the Landscape, Biodiversity and Trees SPD. This area would remain in agricultural use as part of the retained field and allow for the necessary natural processes of tree death and decay to occur without interference with people or property.
27. There is little evidence before me to indicate, given the recommended physical separation would be provided, that the residential use of the appeal site would lead to direct or indirect harm to the SNIC or ancient woodland.

Other Issues Raised

28. The appellant has provided details of a number of developments approved by the Council which are argued to be similar in nature to the appeal scheme. Whilst there are some similarities in terms of the number of dwellings, the sites being in rural areas and the policies considered relevant by the Council, there are also differences in the site circumstances and the material considerations in each case. As such, I do not regard these examples as being determinative, and I have considered the appeal on its own planning merits.
29. I have had regard to other concerns raised by interested parties, and other matters addressed by the Council at the application stage, including affordable housing, refuse, trees, contamination, flooding and drainage. I note the proposed use of planning conditions to ensure certain matters are acceptable. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues and, taking account of the evidence before me, I have not identified other matters of such significance as to result in further benefits or harms to be factored into the planning balance.

Planning Balance

30. The proposal would be located within the open countryside where Policies SS1 and SS6 generally seek to restrict development. However, the Council accepts

it is unable to demonstrate a five year supply of deliverable housing sites. As a result, the Framework indicates that the most important policies for determining the application should be regarded as out-of-date.

31. Therefore, the 'tilted balance' set out at Paragraph 11 of the Framework is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
32. The proposal would deliver a family-sized dwelling for the Borough's housing stock, in line with the key aim of the Framework to boost the supply of housing. Given the Council's housing land supply shortfall, this would be a demonstrable social benefit of the proposal warranting significant weight, even in view of the modest overall scale of the development.
33. There would also be benefits arising from the economic activity generated for the local building trade in implementing the development, and from engagement by future occupants in the local economy, which would align with the Framework's support for rural communities, though given the scale of the development, such benefits would attract limited weight.
34. Set against these benefits, I have found that the proposal would result in harm to the landscape character of the area, but that this would be modest and localised, such that I consider this harm to be of limited weight in the planning balance.
35. The location of the site for housing would be reasonable in terms of accessing and supporting local services, and by sustainable modes of transport, that would reduce reliance on the private car, in line with the general approach of the Framework to rural housing and transport. Given this, the identified conflict with the locational strategy of the development plan attracts only limited weight against the proposal.
36. Overall, the adverse effects of the development, including the identified conflict with the development plan when considered as a whole, would not significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would represent a sustainable form of development for which, under Paragraph 11, there is a presumption in favour of granting planning permission.

Conditions

37. I have had regard to the conditions suggested by the Council. Where necessary, I have amended the wording or combined conditions to ensure they accord with the relevant tests of conditions set out in the Framework.
38. I have imposed a condition specifying the approved plans to provide certainty. During construction, conditions are necessary to ensure that tree protection measures and on-site parking and storage areas are provided, to safeguard existing trees and hedgerows and to avoid risks to highway safety from uncontrolled parking on Blackstocks Lane.
39. It is further necessary to require development to proceed in accordance with the recommendations of the submitted Ecological Assessment, in the interests of biodiversity and protected species. A condition requiring details of water

efficiency measures is also necessary in the interests of promoting sustainable water usage. It is also necessary to specify hours of construction and when deliveries may take place to safeguard the living conditions of neighbours.

40. Before development passes slab level, a condition requiring details of proposed external materials is necessary to ensure a satisfactory appearance, as is a condition for a scheme of hard and soft landscaping, in order to preserve the landscape character of the area.
41. Before the dwelling is occupied, conditions are necessary for the implementation of parking and turning areas in accordance with the approved plans, and provision of required visibility splays at the site entrance, in the interests of highway safety. Finally, conditions are required to ensure provision of cycle parking and bin storage to promote sustainable modes of transport and to ensure proper waste management.

Conclusion

42. For the reasons given, I conclude that the appeal should be allowed.

K. Savage

INSPECTOR

Schedule of Conditions

Time Limit/Plans

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plans (AB_01 rev A); Plans and Elevations (AB_02 rev A); Visibility Splays (2021/5919/004 Rev P1).

During Construction Phase

- 3) Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement prepared by Harrison Arboriculture, referenced 8614257/24/2020 2.1. Protective fencing and ground protection measures shall be put in place prior to any other equipment, equipment, machinery or materials being brought onto site, and shall remain in place and maintained in a satisfactory manner until the development is completed.
- 4) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, deliveries of construction materials, plant and machinery or removal of spoil from the site, shall take place before 7:30am or after 6:00pm Monday to Friday, before 8:00am or after 1:00pm on Saturdays, and at no time on Sundays or recognised public or bank holidays.
- 5) The development hereby approved shall be constructed in accordance with the recommendations and procedures contained within Chapter 4 Impact Appraisal and Chapter 5 Opportunities for Enhancement of the Ecological Assessment by The Ecology Co-op dated 23/12/2020.
- 6) Within one week of the commencement of development, the developer shall ensure that there is provision to be made within the site for the parking and turning of operatives' and construction vehicles, together with storage on site of construction materials. The provision shall be retained and used for the intended purpose for the duration of the construction period and that area shall not be used for any other purposes other than for the parking and turning of vehicles and storage of construction materials respectively.
- 7) Within 3 months of the date of commencement of the development hereby permitted, a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Before construction above slab level

- 8) No development shall commence on site above slab level until details of the types and colours of external materials to be used have first been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out and thereafter maintained in accordance with the details so approved.

- 9) No development shall take place on site above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) including boundary treatments, hard surfacing and a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The approved soft landscaping works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. The approved hard landscaping works shall be implemented prior to occupation of the dwelling. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

Pre-occupation

- 10) The development hereby approved shall not be occupied until the vehicle parking area has been constructed and surfaced in accordance with the approved details. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the development. The area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
- 11) The development shall not be brought into use until the sightline of 2.4 metres x 43 metres from the approved site access as indicated on plan 2021/5919/004 revP1 in which there shall be no obstruction to visibility exceeding 0.6m in height above the adjacent carriageway channel line has been completed. Such sightlines shall thereafter be retained for the lifetime of the development.
- 12) The dwelling hereby permitted shall not be occupied until it has provision within its curtilage for refuse and recycling storage (prior to disposal). The surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the movement of waste containers to the collection vehicle and shall make space to provide one 240 litre refuse Wheelie bin, one 240 litre recycling Wheelie bin and one glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained as such.
- 13) The dwelling hereby permitted shall be not occupied until it has provision within its curtilage for secure cycle parking facilities for two long and one short stay places. The cycle storage shall thereafter be retained and maintained in perpetuity.

End of Schedule