



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 Ref: APP/H1705/W/21/3275067

Land at 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 Stacy against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/01597/FUL, dated 18 June 2020, was refused by notice dated 26 February 2021.
 - The development proposed is the erection of 2 no. dwellings and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2 no. dwellings and associated parking, at Land at Blackstocks Lane, Nately Scures, RG27 9PH in accordance with the terms of the application, Ref 20/01597/FUL, dated 18 June 2020, 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 nature of the proposals or the overarching policy context is the same for both proposals.
3. The Council's decision letter included two reasons for refusal, the second relating to the unsuitability of the proposed parking and turning arrangements on the site. The Council has confirmed that amended plans submitted by the appellant satisfactorily address its concerns in this respect, and it no longer sustains an objection in this matter. The amendments are minor in nature and I am satisfied that my taking them into account would not be prejudicial to any party. I therefore do not address this matter as a main issue.
4. 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

5. Based on the Council's decision notice, the outstanding 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

6. 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.
7. 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.
8. 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 dwellings 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. 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 dwellings would be reasonably accessible to local facilities and by means of a sustainable mode of transport.
9. 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.
10. 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

11. The appeal relates to an open, agricultural field adjacent to Blackstocks Lane, located between the A30 London Road and the M3 Motorway to the south of the small settlement of Nately Scures. The lane is undoubtedly rural in character and part of the open countryside. However, there is housing development immediately to the north of the site and directly across the road, albeit some dwellings are set well back from the lane and 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.

12. The proposal would add two detached dwellings within the north-western corner of the field, accessed via a shared drive from the existing access point. In this position, the dwellings would form a close extension of the existing cluster of development to this part of Blackstocks Lane, seen in the same views as The Cottage on the eastern side. Consequently, I do not agree with the Council's view that the dwellings would be divorced from other development.
13. However, the field is presently undeveloped and agricultural in nature. Visible beyond the site to the east is Hang Wood, a Site of Importance for Nature Conservation (SINC) and an ancient woodland, whilst the 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. Therefore, the existing field makes a modest but nonetheless positive contribution to the landscape character of the area.
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 an 'important open space' and 'distinctive field pattern' as a result of the proposal, including the introduction of straight fencing within the field to demark the boundaries of the residential land. The parish council also remarks that the proposal would have an urbanising influence on what is a rural lane.
15. I agree that the use of only part of the field and resulting re-shaping of the remainder would introduce an element of artificiality to what is an irregular parcel of land between the lane and the woodland. However, the rear boundary is located to provide a buffer zone to the ancient woodland. The proposal would not result in the complete loss of the field, with the buffer zone and the southern part of the field remaining in its existing undeveloped state. The plans also show new hedgerow planting to the southern boundary which would soften the transition between the residential site and the remaining field on this side.
16. Moreover, the use of post and rail fencing is not uncharacteristic of a rural setting, and its visibility would be filtered by the dwellings themselves and soft landscaping to the front of the site. The proposed gardens would also be mainly located to the rear of the dwellings, or screened by proposed planting to the side. This would reduce the extent to which domestic paraphernalia would be visible from the lane or neighbouring dwellings. Whilst the Council raises concern over this and proposed hardstanding as adverse features of the proposal, they would be seen in context with other front drives and parking areas visible to neighbouring properties, along with parts of gardens where typical domestic items can be seen.
17. Taking a broader view, the site is detached from the wider landscape by the woodland and adjacent residential development. As a result, the field is not read as part of a wider expansive landscape where a distinctive field pattern can be observed or where new housing would affect broad vistas. Rather, the site is experienced only from Blackstocks Lane itself. Therefore, the adverse effect arising from the partial loss of the field and introduction of dwellings would have a limited effect on the wider landscape character of the area.

18. Indeed, from my own observations, the woodland to the rear and the tall, mature hedgerow to the front would help embed the dwellings into their surroundings and would help to offset the starkness of the new built form. The pattern to surrounding development is also irregular, with dwellings having different orientations and setbacks from the road. Given this context, the proposed dwellings would not form isolated features within the landscape, nor would they appear wholly out of character with the surroundings.
19. The introduction of new dwellings would have an urbanising effect to some extent; 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.
20. The Council does not oppose the detailed design of the dwellings, which would include black horizontal cladding giving a barn-like appearance. I agree that such a design would be appropriate to a rural location. There is also no prevailing scale to the dwellings along Blackstocks Lane, with some significant in size. As such, the proposed dwellings would not appear disproportionate in size or form unduly dominant presences along the lane, particularly given their set back position and the filtering effect of the roadside hedgerow.
21. It is raised that the roadside hedgerow would need to be partly removed to enable visibility splays to be provided. However, the access already exists and I saw that the main hedgerow is set back behind a lower verge. From what I saw, the requisite visibility could be achieved with limited cutting down of the verge growth and without significant works to the main hedgerow. On this point, I am satisfied that the proposal would not be harmful.
22. Taking these considerations together, the proposal would result in development where there presently is none and the partial loss and re-shaping of an undeveloped agricultural field that makes a positive contribution to the surrounding landscape character. However, the adverse effects of this would be tempered by the enclosed nature of the site and the presence of several dwellings immediately around the site to which the proposed dwellings would be sympathetic in form, scale and pattern.
23. 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.
24. In reaching a view on this main issue, I have considered the potential cumulative effect should the appeal at the adjacent site also be allowed. This scheme is for a single dwelling. The provision of three dwellings as opposed to two 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 Material Considerations

Heritage Assets

25. Reference is made to the potential effect on the settings of the Grade II Listed buildings at Manor Farm and Manor Farm Barn and the Grade I Listed St Swithun's Church. These are some 250 metres away, set amid more open fields to the south of London Road, but screened from the appeal site by intervening buildings, trees and hedgerows. As such, there is no intervisibility between the listed buildings and the appeal site, and the proposed dwellings would not have a material effect on the appreciation of the settings of these designated heritage assets.

Neighbours' Living Conditions

26. The proposed dwellings would face towards Blackstocks Lane, and would stand at least 28.5 metres from the nearest dwelling, The Cottage. At this distance, the proposed dwellings would not have an overbearing effect or cause noticeable loss of light or increased sense of enclosure to the neighbouring dwelling.
27. There would be two first floor windows to the side elevation of the northern dwelling. These would serve a bedroom and bathroom but would not face directly towards the neighbouring dwelling. There would also be vegetation on the site boundary that would filter views between the properties. Given this, I am satisfied that the proposal would not cause material harm to neighbours' living conditions.

Highway Matters

28. 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.
29. The addition of two dwellings 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.
30. 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

31. The dwellings would be located near to the SNIC and ancient woodland. I note the 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 rear boundaries of the dwellings 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.

32. 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. Moreover, the application included ecological assessments which demonstrate an overall net gain in biodiversity could be achieved, which could be secured by condition.

Other Issues Raised

33. 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.
34. 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

35. 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.
36. 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.
37. The proposal would deliver two family-sized dwellings 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.
38. 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. Modest environmental benefits would also arise from the net gain in biodiversity.
39. 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.

40. 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.
41. 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

42. 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.
43. 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.
44. 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.
45. 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 soft landscaping, in order to preserve the landscape character of the area. To secure the net gain in biodiversity, it is also necessary to condition submission, approval and subsequent implementation of a Biodiversity Management Plan.
46. Before the dwellings are 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. Details of a scheme of external lighting are also required, so as to avoid harm to nocturnal wildlife. 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

47. 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 (drawing no. AB_01 rev C); Plot 1 Floor Plans (drawing no. AB_02 rev B); Plot 1 Elevations (drawing no. AB_03 rev B); Plot 2 Floor Plans (drawing no. AB_04 rev B); Plot 2 Elevations (drawing no. AB_05 rev B); Visibility Plan (drawing no. 2021/5919/001 rev P2).

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 8614264/24/2020. 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 permitted shall be carried out in accordance with the recommendations and procedures contained within Chapter 4 Impact Appraisal of the Ecological Assessment by The Ecology Co-op dated 22/1/2021.
- 6) Within one week of the commencement of the development hereby permitted, 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 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 above ground floor slab level shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority setting out:
- Details of the habitats/conservation features to be retained/created/enhanced;
 - The methodology to be used to create the habitat/features;
 - Details of the long-term management proposed for the establishment and maintenance of the habitat/nature conservation feature;
 - Future Ecological Monitoring of the Habitat.

The Biodiversity Management Plan shall be informed by the biodiversity metric and the measures shall be representative of those depicted on the provided plan, whilst also providing for enhancements for protected species. The development shall be carried out in accordance with the approved Biodiversity Management Plan.

- 10) 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 landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate), and a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The 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. 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

- 11) No dwelling hereby permitted shall be occupied until the vehicle parking areas have been constructed and surfaced in accordance with the approved details within the respective plot. 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.
- 12) The development shall not be brought into use until sightlines of 2.4 metres x 43 metres from the approved site access as indicated on the approved drawing 2021/5919/001 Rev P2 in which there shall be no obstruction to visibility exceeding 0.6m in height above the adjacent carriageway channel line have been completed. Such sightlines shall thereafter be retained for the lifetime of the development.
- 13) No dwelling hereby permitted shall be 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.

- 14) No dwelling hereby permitted shall 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 for each dwelling, 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.
- 15) No dwelling hereby permitted shall be occupied until a fully detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations contained within Section 4.4 Bats of the Ecological Assessment by The Ecology Co-op dated 21/01/2021. The external lighting scheme shall include full lighting specifications and address the cumulative effects of all external lighting sources upon nocturnal animals sensitive to external lighting (principally bats). The lighting shall be installed before the development is first occupied and shall thereafter be operated and maintained in accordance with the approved scheme.

End of Schedule