
Appeal Decision

Site visit made on 22 February 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Appeal Ref: APP/H1705/W/21/3281924

Land adjacent to the former sawmill, Newbury Road, Headley, RG19 8JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by HID against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 21/00551/PIP, dated 15 February 2021, was refused by notice dated 13 August 2021.
 - The development proposed is erection of 9 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has made by HID against Basingstoke and Deane Borough Council. This application is the subject of a separate decision.

Procedural Matters

3. The proposals is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposal is assessed. The appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined this appeal accordingly.
5. I have treated the sketch scheme (drwg 1940/400 Rev A) as indicative.

Main Issue

6. The main issues are whether or not the site is suitable for residential development, having regard to its location and the amount of development.

Reasons

Location

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

7. The appeal site lies to the north of the site of a former sawmill which is being built out following the grant of planning permission for 9No. dwellings. Although the appellant has stated that the appeal site was formerly used by the sawmill no evidence has been provided to substantiate this point. From my site visit, if it had been used in this way, the features which characterised this use would seem to have blended into the landscape. For this reason, the site does not fall within the definition of previously developed land as defined by the National Planning Policy Framework (the Framework).
8. The site lies to the north of the main settlement of Headley from which it is separated by a number of paddocks. A feature of this settlement around the appeal site is the incidental form of development comprising detached properties set within large gardens or paddocks. This character prevails despite the recent spate of permissions which lie close to the track leading from the A339, Newbury Road. Beyond the site, to the north and west are open fields with wooded copses.
9. Adopted policies SS1 and SS6 of the Local Plan 2011-2029 state the Council's settlement strategy which is focussed on development within built up areas and allocated green field sites. These policies identify that there may be exceptional circumstances when new development could be allowed in the countryside. These policies are complemented by Policies EM1 and EM10 which seek to ensure that development is sympathetic to the character and visual qualities of an area and that it contributes to a sense of place.
10. The appellant cites a number of recent Council decisions as precedents for why the appeal scheme should be allowed. However, the decision to permit the development of 9 dwellings on the former sawmill site would appear to have been taken because this site was identified as previously developed land. Whilst other permissions were granted as 'permissions in principle' or through detailed planning permission or allowed on appeal, it is unclear the full details of each of these schemes or their site histories which indicates why these decisions were made.
11. In respect of the appeal at Broadacres², the scheme was for a single dwelling largely located in the garden of an existing residential property close to existing rear outbuildings. In the consideration of the site's context it was noted that they were few other examples of dwellings located in backland despite the area being characterised by a non uniform and loose pattern of development in the area (DL13).
12. The appeal scheme would significantly extend development into the countryside. This contrasts with the recent decisions identified by the parties which have largely been located close to the access road which runs east from the A339 or as it would appear from their locations within the site boundaries of existing dwellings or other uses. Furthermore, it would introduce development of a considerably higher density than its surrounding even accounting for the recent series of permissions.
13. The size of the proposed scheme is in contrast to those recently permitted in the area. It would not be sympathetic to the character of the area and would represent a discordant incursion into the countryside.

² APP/H1705/W/20/3254805

14. For these reasons, I conclude that the location of the proposed development conflicts with Policies EM1 and EM10 of the Local Plan. The amount of development is not appropriate for the proposed location.

Site ecology

15. The site has not been accompanied by ecological surveys. The appellant's evidence refers to surveys which I understand were completed for other schemes and for the permissions in principle on the site of the former sawmill. It is understood that these surveys do not indicate the presence of protected species.
16. The permission in principle process comprises 2 stages and a decision to allow this appeal would not be a grant of planning permission. This would only arise on the grant of a technical details consent pursuant to this decision. Although a clear understanding of a site's ecology is required by the Framework it is not required at this stage of the permission in principle process.
17. For the above reasons I conclude that the absence of ecological reports for this appeal is not contrary to the Policy EM4 of the local plan or the adopted supplementary planning guidance.

Conclusions

18. Both parties acknowledge that the Council cannot demonstrate a 5 year housing land supply (5YHLS). These circumstances, together with the age of the most important policies deems that they are out of date. The tilted balance is invoked by Paragraph 11d(ii) and footnote 8 of the Framework.
19. The fact that policies are considered as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 219, which amongst other things, states that the closer that local policies are to policies in the Framework, the greater weight that may be given to them. As such it is perfectly possible for policies which are deemed out of date for reason of an inadequate land supply to still carry significant weight.
20. For the purposes of this appeal the most important policies are those identified in the first reason for refusal. These include Policies EM1 and EM10.
21. Policy EM1 is consistent with Paragraph 174 of the Framework in recognising the intrinsic character and beauty of the countryside. It doesn't seek to protect the countryside for its own sake. Policy EM10 recognises the varied contexts in which new development may occur. Whilst the policy requires an efficient use of land it also requires that a site's physical qualities should be taken into account. This goes to the heart of this appeal given the form and amount of development proposed which contrasts with that existing and what has been recently permitted on other sites which are not identified as previously developed land. For these reasons, I accord the conflict between these policies and the appeal scheme substantial weight.
22. Set against this is the fact that the new development would contribute 9 additional dwellings which could partly address the shortfall in supply. Furthermore, the scheme would result in the creation of additional employment during construction and 9 additional households could benefit the local economy through increased spend in shops and services.

23. However, when considered overall, in the planning balance the benefits of the scheme do not outweigh the harm which would arise by the introduction of a large amount of housing at a relatively high density into this semi rural location. The amount of development is not appropriate for the proposed location.

24. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR