



Appeal Decision

Site visit made on 25 April 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/H1705/W/21/3281406

The Darling Buds of May Nursery, Hyde Lane, Headley, Thatcham, Hampshire

- 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 Mr Surinder Ghalley of The Darling Buds of May Nursery against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 20/02209/PIP, dated 11 August 2020, was refused by notice dated 24 February 2021.
 - The development proposed is demolition of existing utility building and redevelopment for up to nine dwellings (Use Class C3) on land neighbouring Darling Buds of May Nursery, accessed from Hyde Lane, Headley.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 5 and a maximum of 9 dwellings at The Darling Buds of May Nursery, Hyde Lane, Headley, Thatcham, Hampshire in accordance with the terms of the application, Ref 20/02209/PIP, dated 11 August 2020.

Procedural Matters

2. The proposal is for permission in principle. The 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 two stages: the first ('permission in principle') stage establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. 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 the appeal accordingly.
4. The application includes a schematic layout to demonstrate how the site might be developed. I have treated this information as illustrative.
5. Natural England has recently updated its advice in relation to nutrient level pollution in a number of existing and new river basin catchments. Basingstoke and Deane Borough Council has been previously identified as an affected local planning authority. However, the application site lies within the Kennet

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

catchment area which does not drain to the Solent. As such, Natural England is satisfied that the proposal is not likely to result in significant impacts on designated sites in the Solent due to nutrient impacts. Based on the information before me, I have no reason to take a different view.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. The site comprises a parcel of land on the western side of Hyde Lane. It is accessed via an existing vehicular track which also serves The Darling Buds of May Nursery. The land is flat and open, and predominantly hard surfaced. A small utilities building adjacent to the eastern boundary supports the current use of the land as a touring caravan and motorhome site.
8. The site lies outside of any Settlement Policy Boundary (SPB) and is considered to be within the countryside by Policy SS1 of the Basingstoke and Deane Local Plan 2011-2029 (BDLP). This policy directs new housing to locations within defined SPBs and sites that have been allocated within the development plan, including neighbourhood plans.
9. Policy SS6 of the BDLP sets out the circumstances where new housing would be permitted in the countryside. Criterion a) of the policy would permit development proposals on 'previously developed land', provided that: i) They do not result in an isolated form of development; and ii) The site is not of high environmental value; and iii) The proposed use and scale of development is appropriate to the site's context.
10. The majority of the site is hard surfaced. The officer report notes the lack of planning history for the caravan storage (sic) use, but concedes that over the passage of time this part of the site has become previously developed. I concur with this assessment and consider that Policy SS6 criterion a) is engaged.
11. The Council contends that the proposal would constitute an isolated form of development. The Glossary to the BDLP defines 'isolated' as where there is a significant separation between the proposed dwelling and the nearest settlement. A dwelling is considered to be isolated if it is not well served by public transport (e.g. within 500 m of a bus stop or train station) or well served by services and facilities (e.g. within 1 km of an SPB, which generally contains facilities such as schools, post offices, doctors surgery, etc).
12. The site does not adjoin a settlement, rather it forms part of the nursery which contains a range of buildings and structures, including a bungalow. There is also a nearby cluster of development at Knightsbridge Farm and 4 Kingdoms Adventure Park and Family Farm. There are bus stops within 100 m of the site entrance from which regular services operate to Newbury and Basingstoke. Greenham Business Park is also within walking distance (approximately 800 m using pavements) and this provides employment opportunities. Having regard to the circumstances of this case, and taking into account the development plan and relevant court judgments², I do not consider this site to be isolated.

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610
City and Country Bramshill Ltd v SSHLG and others [2021] EWCA Civ 320

13. The Council does not suggest that the site is of high environmental value and I saw that it is well-contained in landscape and visual terms. From Hyde Lane, the roofs of existing buildings at the nursery are visible above mature roadside hedging. The layout and scale of the proposed development would be a matter for technical details consent. Nevertheless, I am satisfied that it would be possible to develop the site for housing without adversely affecting landscape character. An established band of trees would hide the development in views from open countryside to the west and from a public footpath to the north the scheme would be partially screened by intervening vegetation. Insofar as the dwellings may be visible (and the extent to which they are will depend upon the ridge heights agreed at the technical details stage), the built form is likely to be read as part of the nursery complex. Contrary to the concerns of the Landscape Officer, domestic paraphernalia would not be visible from outside of the site.
14. A high quality scheme, incorporating single-storey buildings if necessary, would have limited impact on the character and appearance of the area and avoid conflict with Policies EM1 and EM10 of the BDLP insofar as these seek to ensure that proposals are sympathetic to the character and visual quality of the area. The proposed use and scale of development is appropriate to the site's context.
15. The appellant has submitted a revised Flood Risk Assessment (FRA) to rebut the Council's concerns over the inadequacy of the information submitted with the original application. The FRA demonstrates that the developable part of the site, upon which the dwellings would be built, is within Flood Zone 1, classed as land having a low probability³ of river or sea flooding. The ground levels on the site are above the predicted flood levels for the 1 in 100 + 35% climate change allowance and the 1 in 1000 year storm events. Furthermore, the available evidence indicates that most of the site has a very low risk of flooding from surface water, with only the very extreme western boundary being vulnerable.
16. The flood mapping also demonstrates that the road into the site, through the existing nursery, is within Flood Zone 2. This land has a medium probability of flooding, meaning that access to the development could be restricted in flood conditions. However, there is the opportunity to reinstate an old access onto a section of Hyde Lane which is in Flood Zone 1. This would provide access for emergency services during a design flood, and would also allow residents to safely access and exit their dwellings.
17. The FRA recommends that the finished floor levels of the new dwellings are set at 300 mm above existing ground level to ensure they are not at risk from the peak level storm events predicted. This would need to be addressed at the technical details consent stage, but would not affect my findings in relation to the visual impact of the proposed development.
18. Accordingly, I find the proposal to be acceptable in flood risk terms. Although the location of the access within Flood Zone 2 fails the sequential test set out within the National Planning Policy Framework (the Framework), the breach is a purely technical one as safe access is achievable. The development would not place its occupants at unacceptable risk and would not result in an increase in surface water flooding and flood risk elsewhere. There would therefore be no conflict with the aims of Policy EM7 of the BDLP or national policy.

³ Less than 1 in 1,000 (0.1%) annual probability

19. Overall, I conclude that the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development. There are no substantive conflicts with the development plan in relation to the principle of development.

Other Matters

20. The parish council and interested parties have raised a range of concerns, including in connection with the impact on the setting of a listed building, the ability of Hyde Lane to cope with additional traffic and the oversubscription of the local school. Whilst I have taken account of these matters, there is no compelling evidence before me to indicate that they would make the principle of development unacceptable. The Council retains control over the design and layout of the development through the technical details consent. Given that the precise number of dwellings will be established at that stage, and that the site is easily large enough to accommodate the minimum figure of 5 dwellings, there is no basis for concluding that the site would be overdeveloped.

Planning Balance and Conclusion

21. There is a broad level of compliance with the development plan in relation to the location, the proposed land use and the amount of development. Although the site lies outside of SPBs, it nevertheless adheres to policy relating to new housing on previously developed sites in the countryside.
22. Even had that not been the case, the Council is unable to demonstrate a 5 year supply of deliverable housing sites⁴ and therefore paragraph 11 (d) of the Framework is engaged. Policies SS1 and SS6 of the BDLP are rendered out-of-date. The appeal scheme would make efficient use of previously developed land to bring social and economic gains through the delivery of between 5 and 9 new homes. There are no adverse impacts that would significantly or demonstrably outweigh these benefits. The proposal would thus comply with the presumption in favour of sustainable development set out in Policy SD1 of the BDLP and the Framework.
23. For the reasons given above, I conclude that the appeal should be allowed. The duration of the permission is 3 years and applications for technical details consent must be determined within the duration of the permission granted.
24. Whilst noting the Council's suggested list of informative notes, no conditions are applicable, since the PPG makes clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development.

Robert Parker

INSPECTOR

⁴ According to the appellant, the housing land supply stands at 4.44 years and this figure is uncontested.