

Appeal Decision

Site visit made on 15 July 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 September 2022

Appeal Ref: APP/N1730/W/22/3291387

5 Down Farm Cottage, Alton Road, Odinham, Hook, RG29 1QY

- 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 Mrs Jody Crome against the decision of Hart District Council.
 - The application Ref 21/02246/FUL, dated 26 August 2021, was refused by notice dated 15 December 2022.
 - The development proposed is the erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether this is an appropriate location for a new dwelling having regard to local and national policy, and
 - the effect of the proposal on the character and appearance of its surroundings.

Reasons

Locational appropriateness

3. The appeal site forms part of the curtilage of 5 Down Cottage, which is a semi-detached dwelling. Beyond this pair, closely to the north, stands a detached dwelling. The three houses are served by a drive leading from the B3349, which links Alton from the south to the M3 and Hook to the north.
4. It is common ground between the parties that the site lies in countryside beyond a designated settlement boundary, as defined in local policy, and I have no reason to disagree. Reference has been made to several development plan policies but in dealing with this, the first issue, I consider the most relevant policies to be policies SS1 & NBE1 of the Hart Local Plan (Strategy and Sites) 2032 (LP), and policy 1 of the Odiham and North Warnborough Neighbourhood Plan (2017) (NP).
5. LP policy SS1 sets out the Council's spatial strategy and distribution of growth. It provides that development will be focused within defined settlement boundaries; on previously developed land in sustainable locations, and on

- allocated sites. Rural exception sites may be permitted outside settlement boundaries, under the terms of LP policies H3 and NBE1. The Council's land supply for housing is such that it satisfies the terms of national policy as set out in the Framework¹, and the appellant does not suggest otherwise. The proposal, given its location outside the settlement boundary where there is adequate housing land provision, goes firmly against the grain of this policy.
6. Policy NBE1 deals with development in the countryside and provides that outside settlement boundaries development will only be supported in certain circumstances, which are listed in the body of the policy. None of the applicable criteria appear to me to be satisfied, although the appellant suggests that the development may qualify under the provisions of criterion (j), which relates to previously developed land. I shall return to this specific aspect later.
 7. NP policy 1 provides that development will be supported within the villages of the area, but development proposals outside settlement boundaries will be required to conform to national policy, the policies of the relevant applicable Local Plan and the policies of the Neighbourhood Plan in respect of the control of development in the open countryside. For the purposes of the policy, the term 'open countryside' is defined as land outside the settlement boundaries.
 8. The Framework provides that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby. It appears to me, judging from the nature of development plan allocations, other development plan policies and the satisfactory state of the Council's housing land supply, that the thrust of national policy in this regard has been satisfied locally. The proposed development, given its limited scale, would have little or no material impact on enhancing or maintaining the vitality of rural communities.
 9. I have no reason to disagree with the view held by the appellant that the site is comprised of previously developed land and is not isolated in the terms of the Framework². However, the Framework's definition of previously development land contains the proviso it should not be assumed that the whole of the curtilage should be developed. That is, other factors need to be taken into consideration.
 10. By the same token, that a site is not isolated in the countryside does not render it appropriate for development as a matter of course. In considering development proposals the Framework advises that it should be ensured that safe and suitable access to the site can be achieved for all users; that applications for development should give priority first to pedestrian and cycle movements and create places that are safe and which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

¹ The National Planning Policy Framework

² As clarified in the Courts

11. The appellant has drawn my attention to the presence of schools, shops, bus stops and other services within 2km or so from the site³. However, a significant length of the journey to and from these facilities be they at Odinham, RAF Odinham or the nearest bus stop southwards, would be along the B3349. This is an unlit, busy and tortuous highway, with no footways. It would be hazardous enough for pedestrians and cyclists to use it during the day, but even more so between dusk and dawn. The likelihood of pedestrians using this part of the road is, in my view, remote given the inherent dangers involved, and I note that the appellant does not suggest otherwise.
12. Some adult cyclists may venture along the route, but I very much doubt whether children would be allowed to cycle to the local schools mentioned by the appellant, or any other facility. I acknowledge the appellant's point that the car may be expected to more widely used in rural rather than in urban communities, but that does not justify granting permission for development on a site which I regard as unsustainable with regard to the desirability of obtaining safe and suitable access for all users.
13. I therefore conclude that the site is not an acceptable or sustainable location for a proposed dwelling since for the reasons provided above it would conflict with the thrust of LP policy SS1 and does not comply with policy NBE1's criteria. A conflict also arises with policy 1 of the NP, not least since it does not comply with an important tenet of national policy with regard to safe access to all users of a proposed development, minimising the conflict between pedestrians, cyclists and vehicles.

Character and appearance

14. As mentioned earlier, the site is closely related to 3 other dwellings, which are red bricked with tiled roofs, two-storey and of a traditional appearance. In complete contrast, the appellant proposes a bungalow, clad in a composite material giving a wood finish effect, with all windows, sills, doors, fascias, soffits and rainwater goods being comprised of powder coated aluminium. The asymmetrical roof would be fitted with solar panels facing south and what is described as a 'green' roof facing in the other direction.
15. The Council's concerns relate principally to the siting of the proposed dwelling resulting in an alleged awkward and contrived layout. I have some sympathy with this view. More significantly, the dwelling's proposed design and materials of construction would contrast strikingly and harmfully with that of the nearby dwellings, which to my mind are far more characteristic of this rural location. The design shows very little regard to the appearance and characteristics of nearby development.
16. I saw that the site was in a relatively sheltered position, with a belt of trees providing a good level of screening to views from the nearby Alton Road. Nevertheless, whilst this would assist in reducing the proposed dwelling's impact, it does not alter my view that this is a development which would harm the character of its surroundings. Accordingly, a clear conflict arises with those provisions of LP policy NBE9, policy GEN1 of the Hart Local Plan (Replacement) 1996-2006, and policy 5 of the NP requiring new development to be sensitive

³ The floor plans show a single bed house, but with the capability of it being two bedroomed. The appellant's reference to local schools indicates a prospect that children may live here in future.

to its surroundings, in keeping with local character and should complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, massing and materials.

Other matters

17. I have taken account of all other matters raised in the representations including the references to other appeal decisions by both parties, albeit for differing reasons. I also note the recent planning permission granted for a significantly sized solar panel development on nearby land. However, it appears to me that this is a form of development that normally requires a rural location. The comments made by the Parish Council have also been taken into account.
18. Finally, I note that the appellant has been on the self-build register since its inception, and that no plots have become available during that time. Thus, she wishes to pursue this plot with a view to a self-build. I have accorded this some weight but neither this nor any other matter raised in the representations outweigh the considerations that led me to my conclusions on the main issues identified at the outset.

G Powys Jones

INSPECTOR