



Appeal Decision

Site visit made on 25 October 2022

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/H1705/W/22/3301262

**Land to the south of Neats House, Common Rd, Headley, Hampshire
RG19 8AW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs R Pinchin against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/01867/OUT, dated 27 May 2021, was refused by notice dated 23 December 2021.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for proposed erection of two detached dwellings, at Land to the south of Neats House, Common Rd, Headley, Hampshire RG19 8AW in accordance with the terms of the application, Ref 21/01867/OUT, dated 27 May 2021, subject to the conditions in the Schedule to this decision below.

Preliminary Matters

2. Since the decision of the Council to refuse planning permission, the Ashford Hill with Headley Neighbourhood Plan (NP) has been made (adopted) and therefore forms part of the Development Plan. The parties have commented on the relevant policies, and I have therefore considered the appeal on this basis. The application is in outline with access and layout falling for consideration now. I have treated plan 2115/PL/04C as only being indicative of the possible size and height of the dwellings.

Main Issue

3. The main issue is whether the proposal would accord with the spatial strategy of the Development Plan having regard to its effect on the character and appearance of the area.

Reasons

4. It is undisputed that the site lies outside of any Settlement Policy Boundary (SPB) identified in the Basingstoke and Deane Local Plan, adopted May 2016 (BDLP). It is therefore in the countryside, where BDLP Policy SS1 only permits development where a countryside location is essential, or where it is an exception site. BDLP Policy SS6 sets out the circumstances where new housing will be permitted outside SPBs. Relevant to this appeal, these include criteria (e), namely where a proposal will help to meet a locally agreed need.

5. The appellant has put it to me that, in the absence of a five-year housing land supply within the District, there is a housing need for the purposes of this policy. Housing supply is a matter to which I will return, but Policy SS6 relates to a specific need for dwellings of a particular size and type within the parish, rather than to a general need for housing. No evidence is before me to show that the proposal meets a specific local need, and so I consider that Policy BDLP SS6 including criteria (e) is not met.
6. The area consists of grassland enclosed from the road by trees and hedges. Common Road has a scattered collection of dwellings. Some of these are close together, for example where the road meets Ashford Hill Road. At the southern end of Common Road there are dwellings with a clear linear pattern fronting the highway. These are some distance from the appeal site however and in the area immediately around it, there are only a few scattered dwellings, sporadically located. As such, the character of the area around the site principally consists of countryside having a low-density, green and open appearance.
7. The proposal would introduce two dwellings to the site. Although the proposal is in outline, layout is fixed at this stage and the dwellings would be located relatively close together. The indicative elevations also show that two storey dwellings are intended. As such, the erection of two dwellings here would have an urbanising and encroaching effect that would reduce the sense of rural, undeveloped countryside.
8. However, despite the close proximity of the proposed dwellings to each other, there would remain relatively large gaps between the site and the nearest dwellings on either side, at Hillview Farm and Neats House. Furthermore, both of the neighbouring properties are set well back from the road. This means that the proposal's location would not have the effect of creating a harmful linear ribbon of development but would retain some degree of spaciousness.
9. Although the Council is concerned that the dwellings would share a similar appearance, the application is in outline and so these details are not for consideration now. Furthermore, whilst views of the proposal would be visible from the entrance driveways, and the dwellings may be taller than the hedging, the hedge would still largely screen them from the road. Planning conditions can be used to secure retention of the hedgerow and suitable landscaping.
10. In conclusion, the proposal would not accord with the spatial strategy of the Development Plan having regard to the effect of the proposal on the character and appearance of the area, and so would be contrary to BDLP Policy SS1 and SS6. It would also be contrary to BDLP Policies EM1 and EM10, that require proposals to respect and enhance the character and visual quality of the area concerned and to positively contribute to local distinctiveness.
11. For similar reasons the proposal would be contrary to Policy L1 of the NP as well as the requirement of the National Planning Policy Framework (the Framework) that development is sympathetic to local character. As such, it would conflict with the Development Plan, read as a whole. However, for the reasons given above, I give this conflict only moderate weight.

Other Considerations

12. The Council accepts that it cannot currently demonstrate a five-year housing land supply, with around 4.5 years of supply. Although the NP has recently become part of the Development Plan, there is no evidence before me to suggest that it contains policies or allocations to meet the identified housing requirement. Therefore paragraph 14 of the Framework relating to the effect of a NP on the presumption in favour of sustainable development is not engaged.
13. As such, the Council's housing policies are out of date and it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in the proposal, to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
14. I have found conflict with the Development Plan, but that this conflict carries only moderate weight. Against that, I am mindful that the Council has granted planning permission¹ for the erection of a single dwelling at the site. I see no reason to doubt that this could be implemented and that it represents a realistic fallback. The current proposal would extend out further into the site on either side than the fallback and so would have a more harmful encroaching effect.
15. However, compared to its current appearance, the site is likely to experience some degree of built form and have a domestic appearance, regardless of the outcome of this appeal, limiting the extent of additional harm. The proposal would make a small but positive contribution to the supply of housing in the area, by the addition of a further dwelling to the one already approved. I give this benefit significant weight.
16. I am also mindful that the Framework seeks to promote sustainable development in rural areas. Construction of the proposal would provide economic benefits to the local area, as would its future occupants, socially and economically. I give modest weight to these benefits.

Other Matters

17. Local residents have raised concerns in respect of a number of matters. With regard to traffic, the proposal is relatively small scale and so would not generate significant numbers of vehicles on the highway. It would have adequate visibility splays, which can be secured by condition, and so I am satisfied that there would be no harm to highway safety. In respect of ecology, planning conditions can be used to secure mitigation measures including in respect of reptiles, to ensure that ecological interests are maintained.
18. The scale of development would not materially affect the sewer network and Thames Water has not objected to the proposal. I am satisfied that the pressure on local services such as the school would be small given the scale of development. I note also that the District Council did not object to the proposal for reasons other than the main issue. Having regard to my findings above, these matters do not alter my overall findings.

¹ LPA reference 22/00033/OUT

Conditions

19. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance (PPG). Conditions are required for the commencement of development and for the submission of reserved matters. A condition is also required to secure adherence to the approved plans, necessary for certainty.
20. In the interests of the character and appearance of the area, a condition is necessary to ensure that details and samples of the external materials, and that details of hard and soft landscaping and of tree protection are provided. In the interests of highway safety, details are also required of car and cycle parking spaces.
21. In the interests of the living conditions of the occupiers, and highway safety, details of refuse and recycling storage are necessary. To ensure sustainable water use, a condition is needed to secure a Construction Statement showing how water will be efficiently used. The Statement can be used to demonstrate whether the water efficiency standard can be achieved.
22. In order to safeguard protected species, details of reptile protection and mitigation are necessary. A pre-commencement condition is necessary because works to commence development could affect reptiles. For similar reasons, a condition is necessary to ensure that the measures proposed in the Ecological Appraisal and Reptile Survey report are carried out. To help compensate for habitat loss and to maintain the biodiversity of the area in the long term, a condition is necessary requiring details of a Biodiversity Enhancement and Management Plan.
23. In the interests of highway safety, conditions are required to secure the provision for surface water drainage, the means of vehicular access including suitable visibility splays and the gradient of the driveways. To protect the amenities of the occupiers of nearby properties, conditions are necessary limiting the hours of construction and the delivery of construction materials, plant and machinery, and spoil removal.

Planning Balance and Conclusion

24. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
25. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11(d) (ii) of the Framework. I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, despite the conflict with the development plan, read as a whole, material considerations indicate that planning permission should be granted. I therefore allow the appeal.

O Marigold

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.2115/PL/01 Rev A and Drawing No. 2115/PL/03 Rev F.
- 5) No development above ground floor slab level shall commence until details of the types and colours of external materials and finishes to be used, including colour of mortar, together with samples, have 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.
- 6) Applications for the approval of landscape reserved matters shall be accompanied by the following details as a minimum:
 - (i) Hard landscape details shall include the design, type, position and scale of boundary treatments, boundary treatment materials (including finishes) and hard surfacing materials.
 - (ii) Soft landscape details shall include full planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers /densities where appropriate. The landscaping scheme shall retain and enhance the existing boundary hedgerow.
 - (iii) An implementation programme.

The development shall be carried out and thereafter maintained in accordance with the details so approved. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.
- 7) Application for the approval of reserved matters shall include an Arboricultural Impact Assessment prepared in accordance with the BS5837:2012 "Trees in relation to design, demolition and construction" (or equivalent document if replaced). The assessment shall be based upon a comprehensive survey of all the trees on and adjacent to the site and shall demonstrate which trees can be retained and which trees are to be removed, and details of any tree protection necessary as a result of the survey. Development shall be carried out in accordance with the approved details.
- 8) No dwelling shall be occupied until vehicle parking spaces have been provided for that dwelling in accordance with detailed drawings to be

- submitted to and approved in writing by the Local Planning Authority. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
- 9) No dwelling shall be occupied until cycle parking facilities for that dwelling have been provided in accordance with detailed drawings that shall have been submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof. Development shall be carried out, and thereafter maintained, in accordance with the approved details.
 - 10) The dwellings hereby permitted shall not be occupied until refuse and recycling storage for that dwelling have been provided in accordance with detailed drawings that shall have been submitted to and approved in writing by the Local Planning Authority. The areas of land so provided shall not be used for any purposes other than the storage or the collection of refuse and recycling and shall be thereafter retained and maintained as such.
 - 11) No dwelling hereby approved shall be occupied until a Construction Statement detailing how water efficiency can be achieved. The development shall be carried out in accordance with the approved details.
 - 12) No development, including demolition works, soil moving, temporary access construction/widening, or storage of materials, shall commence until a reptile protection and mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any receptor site used to translocate any of the reptiles on site and how it shall ensure that there is no net loss in biodiversity following the loss of current reptile habitat. The development shall be carried out and thereafter maintained in accordance with the details so approved.
 - 13) All wildlife protection and mitigation measures shall be carried out in accordance with the recommendations given in Darwin Ecology's Preliminary Ecological Appraisal Report dated April 2021 and Reptile Survey Report dated August 2021. The development shall be carried out in accordance with the approved reports.
 - 14) Application for the approval of reserved matters shall include a Biodiversity Enhancement and Management Plan (BEMP). The Plan shall deliver and demonstrate a biodiversity habitat net gain of a minimum of 10%. This shall be calculated using a Biodiversity Metric and that can be delivered and implemented onsite. The plan shall also include the following:
 - a) Description and evaluation of features to be managed and enhanced
 - b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans to include species enhancement measures
 - c) Ecological trends and constraints on site that might influence management

- d) Aims and Objectives of management
- e) Appropriate management actions for achieving Aims and Objectives
- f) An annual work programme (to cover the initial 5-year period)
- g) Details of the ecological management body or organisation responsible for implementation of the BEMP.
- h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required actions for the next 12-month period

The BEMP shall include details of the mechanisms by which the long-term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the objectives of the originally approved Plan. The development shall be implemented in accordance with the approved BEMP.

- 15) The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.
- 16) Before each dwelling is brought into use, the means of vehicular access to that dwelling shall be constructed in accordance with the approved plan (Drawing No. 2115/PL/03 Rev. F) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
- 17) The gradient of the driveways shown on the submitted plan shall not exceed 1:12. The driveways shall thereafter be retained as such throughout the life of the development.
- 18) Work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall only take place between the hours of 0730 and 1800 Mondays to Fridays, and 0800 and 1300 on Saturdays. No work shall take place on Sundays or bank or public holidays.
- 19) Deliveries of construction materials or plant and machinery, and removal of any spoil from the site, shall only take place between the hours of 0730 and 1800 Mondays to Fridays, and 0800 and 1300 on Saturdays. They shall not take place on Sundays or bank or public holidays.

End of Conditions