

Appeal Decision

Site visit made on 7 November 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/H1705/W/22/3294857

Land at junction of Frog Lane And Ash Lane (Grid Ref Easting: 463406 Northing: 160105)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr W Macklin against Basingstoke and Deane Borough Council.
 - The application Ref 21/01829/FUL, is dated 17 May 2021.
 - The development proposed is erection of two 3no bedroom and one 2no bedroom terraced dwellinghouses.
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Decision

1. The appeal is dismissed and planning permission for erection of two 3no bedroom and one 2no bedroom terraced dwellinghouses is refused.

Preliminary Matters

2. The above site address is taken from the application form. However, the appeal form expands this to show the site as being located at Little London, Silchester.
3. The Council did not determine the application. However, it has confirmed that had it been in a position to do so it would have refused planning permission on character and appearance grounds.

Main Issues

4. Based on my reading of the evidence, I consider the main issues to be:
 - a) whether the site is a suitable location for housing having regard to development plan policy for housing in the countryside;
 - b) the effect of the proposal on the character and appearance of the area; and
 - c) whether material considerations exist to outweigh any policy conflicts identified in respect of the above issues.

Reasons

Whether the site is a suitable location for housing

5. The site lies outside of any Settlement Policy Boundary (SPB) and is considered to be within the countryside for policy purposes. Policy SS1 of the Basingstoke and Deane Local Plan (2011-2029) (BDLP) directs new housing to locations within defined SPBs and sites that have been allocated within the development

plan. Policy SS6 of the BDLP sets out the circumstances where new housing would be permitted in the countryside.

6. The site is not allocated in a Neighbourhood Plan and the proposal does not relate to a rural worker dwelling, previously developed land or a rural exception scheme for affordable housing. There are no existing buildings or dwellings on the site to be replaced. The only possible criterion that could be relevant is Policy SS6 e) which relates to small scale residential proposals of a scale and type that meet a locally agreed need. However, I note that guidance issued by the Council requires applicants to demonstrate a particular local need for the scale, size and type of homes proposed within the Parish or that particular village or settlement. Although there is a Borough-wide need for housing, the appellant has not presented any evidence to suggest that there is a particular housing need at either parish or settlement level. I shall deal with the housing land supply position later in the decision, but am satisfied that the proposal cannot rely on BDLP Policies SS1 or SS6. There is conflict with these policies.

Character and appearance

7. The site lies at the junction of Ash Lane and Frog Lane and was formerly part of an arable field. It has been fenced off, together with another parcel of land which is the subject of a separate appeal, and is currently laid to grass. The site is on a slope and the topography makes it prominent in views through the entrance gateway. The land is also visible through the fencing on the boundary with Frog Lane and from Footpath 35 where it enters the western part of the original field. The field has an open and unspoilt character and this contributes positively to the rural landscape.
8. The proposal is for a terrace of 3 dwellings. The appellant contends that the impact on the character of the area would be localised. The main views of the development would be from the lane and the public footpath, both of which could be described as local vantage points. However, this ignores the magnitude of the landscape impact which would be significant. The present agricultural land use would be replaced by a large, two-storey terrace of dwellings, bin and cycle stores and hard surfacing with parked cars. The area around the dwellings would become garden and this would attract domestic paraphernalia. Cumulatively, the development would urbanise the site and extinguish its quiet rural ambiance.
9. Ash Lane has sporadic housing along its length, and this includes a number of dwellings in the vicinity of the appeal site, to the east of Ash Lane and south of Frog Lane. However, the predominant character is that of countryside and agricultural land is an important part of this. The site falls into the North Sherborne Landscape Character Area which is characterised by its patchwork of open farmland, grassland and small woodland blocks. The site is a contributor to this pattern of rural land uses and its development would harmfully erode the distinctive landscape character.
10. I have considered the extent to which the proposed planting would mitigate the adverse landscape impacts. Whilst hedge planting may filter public views of the dwellings, it would not screen the development entirely or compensate for the loss of openness or change in character arising from an urban form of development of the site.
11. Policy EM1 of the BDLP states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and

visual quality of the area. Development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected. There is a clear conflict with this policy.

12. The Council has also identified BDLP Policy EM10 as being relevant. This policy sets out criteria for achieving high quality development. It is a design-based policy, one of the overriding aims of which is to ensure that proposals respect the local environment and respond to local distinctiveness and sense of place. Insofar as the proposal would harm the rural character of the site and its surroundings, there would be conflict with Policy EM10 also.

Other material considerations

13. Paragraph 80 of the National Planning Policy Framework ('the Framework') states that decisions should avoid the development of isolated homes in the countryside. The Council does not consider the site to be isolated on the basis that there are dwellings nearby. These properties form part of a small hamlet known as Latchmere Green. Whilst the local planning authority does not pursue any arguments regarding accessibility to services and facilities, it has been raised by Silchester Parish Council and is a relevant material consideration when assessing the suitability of the location for new housing.
14. The closest settlements with any meaningful provision of services and facilities are Tadley, Silchester and Bramley but these are some distance away along narrow, unlit country lanes which are unattractive for walking. It would be possible to cycle but this would not be an option for everyone and consequently the occupants of the new homes would be reliant on the private car. Framework paragraph 105 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, the site has poor access to services and facilities and this weighs against the proposal. That the site is not isolated in terms of being physically separate from a settlement does not automatically make this a sustainable location for new housing.
15. It is contended that the proposal would provide homes at the more affordable end of the market. Since I have no information on the likely sales values relative to prevailing property prices and earnings, it is difficult to place any significant weight on this argument. I have seen no compelling evidence to demonstrate that the dwellings would be affordable as 'workers cottages'.
16. The appellant points out that there are no concerns from the Council in respect of biodiversity, heritage, archaeology, highway safety and neighbour amenity. However, the absence of harm is neutral in the overall planning balance.
17. The appellant states that dwellings have been approved and erected on three other sites in Ash Lane over the last few years. I do not know the full background to those cases, neither do I have any information regarding the site-specific landscape and visual impacts, but the case before me must be considered on its own merits.
18. I have been provided with a pair of appeal decisions for sites at Blackstocks Lane, Nately Scures¹. The Inspector in those cases found the landscape harm to be modest and localised and of limited weight in the planning balance. However, these conclusions relate to particular sites which are described as being heavily enclosed from the wider landscape by dwellings, boundary trees

¹ APP/H1705/W/21/3284682 & APP/H1705/W/21/3275067

and hedges and woodland. The appeal before me relates to a site with a more open character and thus it is difficult to draw parallels.

19. The appellant has also supplied an officer report and decision notice relating to Manor Farm Barns, Ashmansworth (Ref 20/00061/FUL). I am not bound by the Council's decisions for other sites, but the circumstances appear to be different in any event. The proposal was for the replacement of existing barns, not the development of open farmland. Furthermore, the site was served by public transport, albeit very infrequent. The case can therefore be differentiated from the current appeal.

Planning Balance and Conclusion

20. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. Paragraph 11 (d) of the Framework indicates that in such circumstances, 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.
21. The housing land supply position means that BDLP Policies SS1 and SS6 are deemed to be out-of-date. I have attached the conflict with these policies limited weight. There is clearly a need to release additional land for housing but such land needs to be in the right place and it must contribute to sustainable patterns of growth.
22. The proposal would increase the supply of housing and this is a material consideration of significant weight. However, the benefits of delivering three dwellings would be relatively modest and they would be tempered by the site's poor access to services and facilities. The scheme would provide employment during the construction phase and it would bring some limited benefits to the local economy through additional consumer spending.
23. Against the benefits I must balance the harms. The scheme would have a significant adverse impact on the character and appearance of the area. It would run contrary to the Council's aims, set out within paragraph 4.70 of the BDLP, of maintaining the existing open nature of the Borough's countryside and resisting the encroachment of development into rural areas. These aims are consistent with the Framework's objective of recognising the intrinsic character and beauty of the countryside and as such I have attached the conflict with BDLP Policies EM1 and EM10 substantial weight.
24. Overall, I consider that the adverse landscape impacts would significantly and demonstrably outweigh the benefits of the scheme. Consequently, the proposal would not constitute a sustainable form of development in terms of the Framework. As such, there are no material considerations to justify a decision otherwise than in accordance with the development plan.
25. For the reasons given above and having taken account of all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR