



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/22/3299815

Land at OS 463360 161447, Bramley Road, Silchester, Hampshire

- 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 Mr and Mrs A Eagle against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03407/FUL, dated 3 November 2021, was refused by notice dated 23 March 2022.
 - The development proposed is erection of 1no dwelling to replace existing stables.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above description of development is taken from the application form. However, I note that the decision notice uses different wording to include the erection of replacement stables and formation of a riding arena. These elements are part and parcel of the proposed development, although they are not the focus for the Council's objections.

Main Issue

3. The main issue is whether the site is a suitable location for housing, having regard to the development plan and other material considerations.

Reasons

4. The appeal site fronts onto Bramley Road and comprises a timber stable building, an area of yard surrounding it and part of a neighbouring paddock. The land 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) (LP) directs new housing to locations within defined SPBs and sites that have been allocated within the development plan.
5. Policy SS6 of the LP sets out the circumstances where new housing would be permitted in the countryside. Criterion a) of the policy is most relevant to the appellants' case. This permits schemes 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.

6. The proposed dwelling would occupy a similar footprint to the existing stable building and the new residential curtilage, including parking and turning area, would align with the boundaries of the old stable yard. In a previous appeal decision the Inspector¹ found that the site constituted previously developed land and I concur. Compliance with LP Policy SS6 a) turns on whether the proposal can meet the requirements of the sub-criteria. There is no suggestion that the site is of high environmental value, or that the proposal for a dwelling of comparable scale, form and materials to the stable block would be out of keeping with its surroundings. The key question for me to consider is whether the scheme would result in an isolated form of development.
7. According to the Court of Appeal in *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 "...the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling is, or is not, "isolated" in this sense will be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand" (paragraph 31)².
8. It was evident from my visit that the site is located in the open countryside. The nearest dwellings are Dickers Farm and Woodman's Cottage which lie roughly 200 m to the north-west and south-east respectively. These properties are separated from the site by fields and paddocks; they are not immediately obvious and are somewhat distant neighbours. Those dwellings stand apart from other development and do not form part of any distinguishable settlement or hamlet. The landscape vistas available from the site convey a sense of remoteness and rurality, and there are no settlements in view.
9. Three Ashes lies roughly ½ km to the south, but the closest settlement of any size is Silchester, approximately 1 km away. This is limited in terms of the services and facilities it can offer³. It does not have a SPB which suggests that it is not considered to be a sustainable location for new development under LP Policy SS1. The route to Silchester, and to the nearest bus stops, is along a narrow lane without pavements and street lighting. This is not conducive to walking. Cycling would be an option but this is not attractive for everyone. Occupants of the proposed development, particularly the elderly and families with children, would be heavily reliant upon the private car for access to basic services and facilities.
10. Overall, I share the previous Inspector's view that the proposal would comprise an isolated home in the countryside due to its standalone nature and physical separation from a settlement. Consequently, there would be conflict with criterion i) of LP Policy SS6 a) and with the requirement of paragraph 80 of the National Planning Policy Framework (the Framework) that decisions should avoid the development of isolated homes in the countryside. I therefore conclude that this site is not an appropriate location for housing.

¹ APP/H1705/W/20/3258292

² The CoA's finding on this matter was endorsed in *City and Country Bramshill Ltd v SSHLG and others* [2021] EWCA Civ 320

³ There is a pub, village hall and village green with a playground in the centre of the village, together with a primary school and church at the northern end.

Other Material Considerations

11. The appellants provide information regarding several permissions, including for a site in Bramley Road, where it is contended the Council has taken a more flexible view on whether the proposed development would be isolated. My attention is also drawn to a pair of appeal decisions for sites at Blackstocks Lane, Nately Scures. These cases serve to illustrate the point that the term 'isolated' is open to different interpretations. However, it is an established principle that applications should be determined on their merits based on the particular circumstances of the site. In the case before me, there has been a previous appeal decision for the same site in which it was judged that the location is isolated. There has been no substantive alteration to policy or caselaw since that decision, and no change in the physical circumstances, and for this reason I have attached the last Inspector's conclusions significant weight.
12. I have also been provided with an appeal decision in respect of a site in Bramley⁴ whereby a scheme of 12 dwellings was approved. That site is much closer to bus stops relative to the current appeal site and the journey to the bus stops, and to services and facilities in the village, can be made safely using footways. The Inspector noted that this is not an isolated site and that it is physically part of Bramley which is one of the largest tier two villages in the Borough. Consequently, the schemes can be differentiated from one another.
13. The appellants have confirmed that they did not submit the application on the basis that there is an essential need to live on the site. There is no evidence of an existing and viable business, which would be needed to comply with LP Policy SS6 f), but it is argued that there would be security and animal welfare benefits. I have factored those benefits into the planning balance but they attract very limited weight. Most private stable buildings on this modest scale do not require a permanent on-site presence.
14. I have not been given sight of the plans submitted for the last appeal, but am led to believe that the proposal was for a 4-bed dwelling on a different part of the site. The plans before me show a single-storey, 2-bed dwelling on the footprint of the existing stables. This development would sit comfortably in its countryside setting. It is possible that the number of comings and goings for a smaller dwelling would be lower, but that in itself does not provide a reason to develop a new home in this location. Likewise, the fact that the proposal would obviate the need for daily trips to the site for equine care does not offset the harm arising from the poor access to services and facilities.

Planning Balance and Conclusion

15. It is common ground that 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.
16. The housing land supply position means that LP Policies SS1 and SS6 are deemed to be out-of-date. I have attached the conflict with these policies limited weight. The Council's Annual Monitoring Report puts the latest supply figure at 4.3 years, which is lower than when the last appeal was determined.

⁴ APP/H1705/W/20/3256041 - Land south of Silchester Road and west of Vyne Road, Bramley Hampshire

There is clearly a need to release additional land for housing and this will be a priority for the local plan review. Nevertheless, it is important that development happens in the right places and the Framework explains that isolated dwellings in the countryside should be avoided. I consider that the proposal would create an isolated form of development and this is consistent with the findings of the last Inspector. The proposal does not fall within any of the exceptions set out within Framework paragraph 80 for permitting isolated dwellings in the countryside and as such it conflicts with national planning policy.

17. The proposal would make a positive contribution to the supply of housing, albeit the benefits of a single dwelling would be very modest. It would also bring some limited economic benefits to the construction industry and thereafter through additional consumer spending in the local economy. There would be some benefits to the appellants in terms of security and animal welfare but the small number of horses means that I have given very limited weight to this factor.
18. Against these benefits I need to balance the adverse impacts. The need to deliver sustainable patterns of growth is an important consideration and one which is embedded in the Framework. The harm arising from the poor access to services and facilities would run contrary to the social and environmental objectives of sustainable development. This adverse impact would significantly and demonstrably outweigh the benefits and as such the proposal would not benefit from the presumption in favour of sustainable development set out within Framework paragraph 11.
19. The proposal conflicts with the development plan taken as a whole and there are no material considerations to justify a decision otherwise than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Robert Parker

INSPECTOR