



Appeal Decision

Site visit made on 4 April 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/H1705/W/22/3311486

Land at Hilltop, Chineham Lane, Sherborne St. John RG24 9LL

- 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 David Kitson against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03708/FUL, dated 8 December 2021, was refused by notice dated 18 October 2022.
 - The development proposed is the erection of 3 x bungalows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - whether the proposed development is a suitable location for housing having regard to the development plan and national policy; and
 - the effect of the development on the character and appearance of the area.

Reasons

Suitable location

3. The appeal site is located close to the existing urban edge of Basingstoke and is therefore within easy reach of a range of local services and facilities. However, when travelling along Chineham Lane, away from Basingstoke and towards the site, the surroundings quickly become increasingly rural with an open and spacious feel. While there are some houses nearby, the immediate area is largely characterised by narrow country roads, mature hedgerows and trees, agricultural fields, and in some places, far reaching views of the gently rolling landscape beyond. These elements combine to create a clear 'buffer' between the large urban area of Basingstoke and the small village of Sherborne St John which is a relatively short distance away.
4. This 'buffer' is recognised within Policy EM2 of the Basingstoke and Deane Local Plan 2011 to 2029, adopted May 2016 (the Local Plan), which identifies that the site forms part of a designated strategic gap, the purpose of which is to maintain the separate and distinct identities of the two settlements.
5. The site itself is a very large rear garden which is situated between the host dwelling, Hilltop, and a small group of houses immediately to the south. As a result, it cannot be concluded that the proposed development would lead to a

visual or physical reduction in the size of the strategic gap. However, given the substantial size of the garden, and its current undeveloped appearance, it adds greatly to the feeling of openness and spaciousness that exists, thereby making a significant contribution to the character of the immediate area. The feeling of openness and space is also integral to the function of the strategic gap by helping to provide a clear sense of leaving one urban area before entering another when travelling between the two settlements.

6. The appellant argues that the site would infill a gap between existing residential dwellings on such a limited scale that it would not undermine the integrity or strategic purpose of the strategic gap. Infilling is not a term defined in the Framework and I have not been pointed to any policy definition of infilling in relation to the development plan. It is therefore a matter of judgement, and in my experience, it means a gap in an otherwise built-up frontage. This is not the case here. Sherborne Road, in the vicinity of the site, is verdant with mature and dense hedgerows and the insertion of three bungalows would have a significant impact by introducing built form where there is currently none. The frontage to Hilltop is to Chineham Lane and not to Sherborne Road, and therefore the development cannot reasonably or realistically be argued to be infill development.
7. The proposed development, and the associated reduction in openness and space, would erode the clear contrast that currently exists between urban and rural environments, which is readily apparent when travelling between Basingstoke and Sherborne St John. Development here would cause harm to the integrity and functioning of the designated strategic gap eroding its purpose and undermining the policies which seek to protect such gaps.
8. Consequently, the proposed development would not be a suitable location for housing, and it would conflict with Policy EM2 of the Local Plan and Policy SSJ2 of the Sherborne St John Neighbourhood Plan 2011 – 2029, made in May 2017 (the Neighbourhood Plan). Taken together, the relevant aspects of these policies seek to prevent development that would fail to maintain the integrity of identified strategic gaps.

Character and appearance.

9. The proposed development is relatively modest in scale, given that it would comprise three bungalows of limited height, each of which would have a good size rear garden. Nevertheless, it would clearly introduce additional built form and hard standing into the immediate area. This would result in the area appearing to be less open, spacious, and green, particularly when viewed from Sherborne Road where the full extent of the development would be clearly visible. The reduction in greenery would be exacerbated by the partial removal of the mature hedgerow that currently forms the boundary of the site to the west. It is unlikely that this loss could be fully mitigated by the provision of additional planting proposed as part of the scheme. As a result of these factors, the proposed development would cause significant harm to the character and appearance of the area.
10. For these reasons the development would conflict with Policies EM1 and EM2 of the Local Plan as well as Policy SSJ2 of the Neighbourhood Plan. Taken together, the relevant aspects of these policies seek to prevent development that would fail to preserve the character and appearance of the area.

Other Matters

11. The appellant has stated that the appeal site should be categorised as previously developed land (PDL). The Framework definition¹ clearly indicates that PDL includes the curtilage of developed land which is occupied by a permanent structure. However, as I have concluded that the development would result in substantial harm to character and appearance, the status of the site, whether classed as PDL or not, would not alter my conclusions on the main issues.
12. The benefits of the proposal include the provision of 3 new homes that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Given the modest number of homes proposed, I have attributed limited weight to these benefits.
13. The appellant has raised concerns about the way in which the Council's committee meeting was held, including the decision reached and the input from third parties. However, this is an internal matter for the Council and not a matter for this appeal. In any event, the Council determined the application and produced a decision notice which articulates the reasons for refusal. While the Council's officer report recommended approval, it is perfectly legitimate for the elected members to take a different view provided that they express the reasons for doing so. It is the Council's decision which I must assess, and the officer's professional view does not prevent me from concluding that the proposal would lead to an unacceptable level of harm.
14. The appellant has set out that a fallback position was established through a previous Certificate of Lawfulness (CoL) which was issued by the Council in November 2021². This entailed the development of two large outbuildings on the appeal site, with associated hardstanding, and the partial removal of the existing hedgerow. Given the CoL, there is a greater than theoretical prospect of that development coming forward. However, this would be less harmful than the appeal scheme before me, given that it would result in less built form than the 3 proposed bungalows. While other outbuildings could also be built on the site using permitted development rights, they would be seen in the context of being ancillary to the existing dwelling, and as such would be likely to have less of an impact on the rural character of the area.

Conclusion

15. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. As a result, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the Framework require that 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 as a whole. I have concluded that there would be material harm to the strategic gap and harm to the character and appearance of the area as a result of the development, and the benefits outlined do not, either individually or in combination, outweigh the identified harm and associated development plan conflict.

¹ Glossary page 70 of the Framework

² LPA ref: 21/03049/LDPO

16. Consequently, for the reasons given, and having regard to all other matters raised, the appeal is dismissed.

C Butcher

INSPECTOR