



Appeal Decision

Site visit made on 29 August 2023

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/H1705/W/22/3312833

Land to the South of Ashley, Ball Hill, Newbury, Hampshire RG20 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Greatworth Property Managers Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/02019/PIP, dated 20 July 2022, was refused by notice dated 25 August 2022.
 - The development proposed is described as 'Application for permission in principle for residential development of 1 no. dwelling (Use Class C3).'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. This is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle) establishes whether a site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed.¹ This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. A drawing showing a proposed site layout has been submitted, but in light of the scope identified above, this has been considered as indicative only in this appeal.
4. East Woodhay Neighbourhood Plan has been 'made' following the Council's original decision. The main parties are aware of this, and in addition to having regard to the Neighbourhood Plan, I have considered the main parties' comments on this matter in this formal decision.

Main Issues

5. The main issues are:
 - Whether the appeal site would be a suitable location for the proposal, having regard to the locational strategy of the development plan; and
 - The effect of the proposal on the character and appearance of the area.

¹ Ref: Planning Practice Guidance

Reasons

Suitable Location

6. Policy SS1 of the Basingstoke and Deane Local Plan (Local Plan) identifies the scale and distribution of new housing in the borough. The Policy states that sites outside of defined Settlement Policy Boundaries will be considered to lie in the countryside.
7. The main parties agree that the appeal site is outside of a settlement boundary, and I find nothing to dispute this. Therefore, regardless of the site's proximity to existing development, Policy SS6 of the Local Plan is relevant in this case, as this Policy guides proposals for new housing in the countryside in the borough.
8. The evidence submitted indicates that the proposal would not satisfy any of the qualifying requirements set out in Policy SS6 for housing outside of settlement boundaries. As such the proposal would conflict with this Local Plan Policy. It is not necessary therefore to assess the proposal against the criteria of each of these requirements listed in the Policy.
9. Consequently, I find that the appeal site would not be a suitable location for the proposal, having regard to the locational strategy of the development plan. In respect of this matter the proposal would conflict with Policies SS1 and SS6 of the Local Plan.

Character and Appearance

10. The appeal site is described as part residential, but this is only a narrow strip of the garden and boundary fence; most of the developable part of the appeal site is a section of a relatively undeveloped paddock. The paddock is bounded at the sides by existing dwellings on Heath End Road. Although the paddock is largely screened from this lane by mature vegetation, its undeveloped quality is clearly perceptible from the lane and from surrounding properties. While there is some linear development on this lane, it is broken by significant pockets of undeveloped paddocks and fields, including that at the appeal site. With these parcels of land and limited development along the lane, the lane has a distinct semi-rural character.
11. The fragmented ribbon of development on this lane appears as part of a wider settlement, scattered on a series of lanes connected to Ball Hill Road. I saw that there is undeveloped land in between and surrounding this wider scattered development so that the semi-rural character, in evidence at the appeal site, is relatively consistent in the wider area. Moreover, this distinct character positively contributes to the landscape and scenic beauty of this part of the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Therefore, while not particularly prominent or within identified key views², the undeveloped quality of the appeal site as part of the wider paddock is not only in keeping with the prevailing character but is also a positive landscape feature in this part of the AONB.
12. The proposal would result in one dwelling. However, the appeal site amounts to approximately a third of the undeveloped land which fronts the lane and as such is a significant proportion of this existing paddock. While part of the

² Ref: East Woodhay Neighbourhood Plan

paddock would be unaffected by the proposal, the retained paddock would be substantially reduced in size such that it would appear as an uncommonly narrow parcel of land. Therefore, although there would be a gap between the proposed dwelling and the existing dwelling to the south, the space would be noticeably smaller than currently, and this would significantly erode the undeveloped appearance of the appeal site and its immediate setting.

13. Also, matters of design are not in the scope of this appeal, but it is reasonable to assume that, in addition to the dwelling, the proposal would result in other residential paraphernalia at the site. In addition to the garden and access, this is likely to include parked cars, hardstanding areas and outbuildings. In turn, this would significantly extend the built frontage along the lane, and this would diminish the existing intermittent pattern of development in the area. Such a significant encroachment into this undeveloped land would be at odds with the existing prevailing quality of the area and would significantly erode the semi-rural character of this part of the AONB.
14. This proposal would be a smaller development than was proposed previously at this location under a proposal refused permission in principle and dismissed on appeal³. Be this as it may, as outlined above, this amended scheme would harmfully alter the appearance of the area and would diminish the appeal site's current contribution to the local landscape. Additional soft landscaping, which could be secured by condition, would soften the appearance of the new structure, but this would not sufficiently counter the impact of a significant reduction of the existing gap and the significant encroachment of development into this area that currently contributes to the semi-rural quality of the area. In this regard the proposal would fail to conserve the landscape and scenic beauty of the AONB.
15. The harm to the character of the area and the quality of the landscape would be localised. However, the Framework at paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to this issue. Consequently, regardless of whether the appeal site is prominent or that the harm identified to the AONB would be localised, this matter weighs greatly against this proposal.
16. My attention is drawn to the planning history at the appeal site dating back to 1984. That proposal was decided in a different development plan context than is relevant today. In any event that proposal and the 2015 proposal were refused permission, and in respect of the 2015 proposal, the reasons included the impact on the valued landscape in this area.
17. Attention has also been drawn to other proposals in the surrounding area. The proposal at Furzelea was found to be in conflict with Policy SS6, but located in a garden and, unlike this case, no harm was found in respect of the AONB. The development at Glenrosa is set behind existing commercial premises on Woolton Hill Road and an existing dwelling on Ball Hill Road. The development at Ball Hill Bakery is on previously developed land and the proposal satisfied the criteria set out in Policy SS6 in respect of this matter. These proposals are distinctly different from the proposal before me in these respects and are not directly comparable for the reasons stated.

³ Appeal Ref: APP/H1705/W/21/3267011

18. The similarities with the approved permission in principle on Gore End Road are noted. I also note that this permission is for significantly more dwellings than proposed in this case. Unlike this proposal, the Council found no harm in respect of impact on the AONB in that case. Even if I was to disagree with that judgement, development approved elsewhere does not justify harmful development at the appeal site. My findings on this issue are not altered by these examples for these reasons.
19. The proposal would have a significant harmful effect on the character and appearance of the area. In this regard the proposal would conflict with Policies EM1 and EM10 of the Local Plan. These policies collectively require, amongst other matters, that proposals in the AONB will be determined in accordance with national planning policy and the criteria set out in the North Wessex Downs AONB Management Plan.
20. The proposal in respect of this matter would also be inconsistent with guidance set out in the Design and Sustainability Supplementary Planning Document (SPD), Landscape, Biodiversity and Trees SPD, The Parish of East Woodhay Village Design Statement for Woolton Hill and the Hamlets, and the provisions of the Framework, which seek well-designed places and to conserve the natural environment.

Planning Balance and Other Matters

21. The proposal would make a valuable but small contribution to the supply of homes in this area. As a small site the dwelling could be developed quickly. There would also be small economic benefits through the construction phase. The dwelling could be energy efficient, albeit such measures would need to be secured at the technical details consent stage.
22. Also, there is a bus service to Newbury a reasonable walking distance from the appeal site. However, while noting that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, there are limited services in the immediate area such that future occupants of the dwelling would likely be dependent on a car. This said, these future occupants would likely support the local services and contribute to the vibrancy of this rural area. These matters are supported in the Framework, but these social, economic and environmental benefits would be limited given the scale of the proposal. These limited benefits are also countered by the unsympathetic impact that the proposal would have on the local character of the area.
23. While the dwelling would not be isolated from other properties, the proposal would not use previously developed land. Moreover, for the reasons outlined above, it would not be an efficient use of land as the proposal would fail to maintain the area's prevailing character. No harm has been identified with regards ecology, public rights of way, heritage, flood risk or highways. However, this should be expected for all development, and these are therefore neutral factors. These matters do not weigh in favour of the proposal for these reasons.
24. The Updated Housing Land Supply Position 2022 shows that the Council is unable to demonstrate a five year housing land supply. Therefore Paragraph 11 of the Framework is engaged in this case. This applies a presumption in favour of sustainable development where the policies which are most important for

determining the application are out-of-date, granting planning permission, unless, amongst other matters, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Policy SD1 of the Local Plan is generally consistent with this provision of the Framework.

25. The Framework confirms that policies relating to AONBs provide clear reasons for refusing planning permission. While the identified visual harm would be localised, I attach great weight to this harm, and I find this provides a clear reason to refuse permission in this case. Even if this was not so, the adverse impacts identified to the character of the area in this case would significantly and demonstrably outweigh the limited benefits of this proposal, when assessed against the policies of the Framework taken as a whole.
26. The appellant highlights that the provision in Paragraph 14 of the Framework regarding the weight to attach to conflicts with the neighbourhood plan is not relevant in this case, as the Neighbourhood Plan does not include housing allocations. The appellant also questions the Parish Council's assertion that the proposal conflicts with Policy HO2 of the Neighbourhood Plan. However, even if I was to agree with the appellant's comments on these matters and the Inspector's finding in the Sherborne St John appeal decision⁴ regarding the degree of consistency of Policy SS6 with the Framework, this would not outweigh the great weight that I attach to the significant harm to the landscape and scenic beauty of the AONB that would occur from this proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
27. Policies of the Local Plan and Neighbourhood Plan that are not in dispute or that are not relevant to this stage of the proposal have been identified. However, for the reasons outlined above, in respect of location, the principle of this proposal would be inconsistent with the development plan when read as a whole.

Conclusion

28. Having regard to the development plan and other material considerations, including the Framework, the appeal should be dismissed.

A J Sutton

INSPECTOR

⁴ Appeal Ref: APP/H1705/W/19/3229057