



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/22/3313774

Ratts End House, Ecchinswell, Hampshire RG20 4TX

- 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 Mr and Mrs B Clarke against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/02700/PIP, dated 7 October 2022, was refused by notice dated 17 November 2022.
 - The development proposed is described as 'Permission in principle for a minimum and maximum of 1 dwelling within the residential curtilage of Ratts End House, Ecchinswell RG20 4TX.'
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum and maximum of one dwelling within the residential curtilage at Ratts End House, Ecchinswell, Hampshire RG20 4TX, in accordance with the terms of the application, Ref 22/02700/PIP, dated 7 October 2022.

Procedural Matters

2. The proposal is for permission in principle which 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 stage) establishes whether a site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of 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. Drawings have been submitted in this appeal showing details of site layout and the design of a dwelling. However, in light of the above, I have considered these as indicative only in this appeal.
4. The Ecchinswell, Sydmonton and Bishops Green Neighbourhood Plan (Neighbourhood Plan) has been 'made' since the Council's decision. The main parties are aware of this, and their submissions on this matter have been considered in this formal decision.
5. I have made minor amendments to the description of development for the purposes of this formal decision to avoid duplication of the site address.

Main Issue

6. The main issue is whether the site would be a suitable location for residential development, having regard to the effect of the proposal on the character or appearance of the Ecchinswell Conservation Area.

Reasons

7. The appeal site is a generous plot of land which is currently part of the garden at Ratts End House. The plot is principally a lawned area, with a driveway and wooden structure at the front of the plot. The site is bounded by a low bar fence at the side and rear boundary.
8. Ratts End House is the end of a terrace that is collectively referred to as Ratt's Cottages. This terrace is surrounded by gently undulating open land bounded by hedges and small areas of woodland. This terrace is at the northern periphery of the settlement and, in this respect, is a prominent feature when approaching the settlement.
9. The short terrace of properties has a traditional cottage aesthetic and is identified as a notable building with historic interest that positively contributes to the significance of this part of Ecchinswell Conservation Area (CA). The CA boundary is tightly drawn around this terrace and its gardens, and, extending to the south, includes the ribbon of development north of the core of the small village. Development is limited in this northern part of the CA and the simple linear pattern of the terraces is a distinct feature that positively characterises this area. This pattern of development also contributes to the general rural quality of the area which is derived from the limited and well-spaced arrangement of buildings, the fields that divide these few properties, established hedgerows and mature trees.
10. The open land and countryside which surrounds the built form contributes greatly to this rural character. Also, the pastureland and wooded Copse which punctuate the northern area of the settlement provide key views of the CA and the interesting features that contributes to its significance.
11. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. When determining applications, the National Planning Policy Framework (the Framework), at Paragraph 197, sets out matters which should be taken into account, including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
12. The submitted drawings show a substantial dwelling with a footprint that, along with the proposed parking area, would substantially fill the width of the plot. However, these are indicative only. The design of the dwelling is a matter outside the scope of this appeal. Moreover, the plot is sizeable, such that it could accommodate a single dwelling that is well-spaced from the existing terrace and the countryside setting at its respective side boundaries. The plot would also be of sufficient size to accommodate hedging and soft landscape features reflective of existing positive features in the wider surrounding area.

13. Also, there would be space in the site such that the development could retain the simple linear pattern of development characteristic of the existing built form in the area. With the above factors and subject to a design being agreed that is sensitive to the modest traditional rural architectural aesthetic of the existing terrace, the site could absorb an additional dwelling without visually dominating the notable building. Achieving a sympathetic design would also ensure that the historic interest that the existing terrace contributes to the significance of this part of the CA would continue to be appreciated from identified viewpoints in the lane, facing the building.
14. Viewed from the two nearby Public Right of Ways, the addition would be seen contained in an existing garden. Given the amount of development proposed, from these vantage points which include the identified key view from the edge of the Copse, the dwelling would appear as part of a small group of built forms and would not appear out of keeping with the existing limited and linear pattern of development characteristic in this area. Moreover, contained in the garden, the development would not harmfully encroach into the valued open land that provides the setting of this site and the wider terrace in this prominent location. Thus, the undeveloped quality of the wider area would be largely retained.
15. Furthermore, with space around the proposed dwelling, the development would also be sympathetic to the existing well-spaced built form which characterises the wider area to the south of the appeal site, and, in this regard, the proposal would not harmfully disrupt rural vistas along the lane.
16. Therefore, subject to suitable design details and layout, the proposal, in principle, would preserve the positive attributes that contribute to the significance of this part of the CA and the wider rural character of the area.
17. My attention is drawn to the recently approved garage scheme, in the rear garden of Ratts End House. It is asserted that this was approved on the basis that the old wooden garage to the front of the appeal site would be removed. Removal of that building and the landscaping approved under the garage scheme are matters between the main parties. This aside, while I saw that the approved garage is a substantial size, the Ratts End House still has a good size rear garden, and this would be the case even with the subdivision of the plot resulting from this proposal. Moreover, the proposed dwelling would also benefit from a good size rear garden such that the site would not appear over-developed. This matter has not altered my findings on this issue for this reason.
18. For the reasons outlined I find that the site would be a suitable location for residential development, having regard to the effect of the proposal on the character or appearance of the Ecchinswell Conservation Area. In this regard the proposal would be consistent with Policy EM11 of the Basingstoke and Deane Local Plan (Local Plan) and Policy ESBG6 of the Neighbourhood Plan. These policies collectively required that all development must conserve or enhance the quality of the borough's heritage assets in a manner appropriate to their significance.
19. The proposal would also accord with guidance set out in the Heritage Supplementary Planning Document and provisions of the Framework which seek well-design places and to conserve the historic environment.

Other Matters

20. The Council cannot demonstrate a 5 year housing land supply. Therefore, the provisions set out in Paragraph 11 of the Framework are relevant in this case. This is a presumption in favour of sustainable development where the policies which are most important for determining the application are out of date, permission should be granted unless, amongst other matters, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole.
21. Also, the submitted information shows that the criteria set out in Paragraph 14 of the Framework is satisfied in this case. Therefore, in this appeal the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits.
22. The Council has drawn attention to the Frog Lane Appeal decision with regards the weight afforded to the supply of new homes. That proposal was for three dwellings which is significantly more dwellings than proposed in this case. This aside, a single dwelling would not contribute greatly to the supply of housing. However, in the current circumstances where there is an undersupply of houses, the additional dwelling would be valuable to the borough. Moreover, as a small site it could be built out relatively quickly. Although the site is a residential garden, the land contains structures and is not in a built-up area and therefore is considered previously developed land (PDL). The proposal would be an efficient use of this PDL. There would also be a small economic benefit through the construction phase. These matters have support in the Framework and these small benefits weigh in favour of the proposal.
23. The evidence states that the appeal site is outside the village settlement boundary and the Council has identified conflict with Local Plan Policies that seek to manage such proposals. Policy SS1 of the Local Plan sets the scale and distribution of new housing in the borough, and states that sites outside of defined Settlement Policy Boundaries will be considered to lie in the countryside. As such, Policy SS6 of the Local Plan is relevant in this case, as this Policy guides proposals for new housing in the countryside. Policy ESBG1 of the Neighbourhood Plan is also relevant as it states that apart from the special circumstances set out in Paragraph 80 of the Framework and Policy SS6 of the Local Plan, there is a presumption against housing development outside the Settlement Boundaries.
24. The appeal site is a garden and close to terraced dwellings, the proposal would not result in the development of an isolated home for this reason. As such the circumstances set out in Paragraph 80 would not apply in this case.
25. Policy SS6 of the Local Plan provides criteria for development proposals for new housing outside of Settlement Policy Boundaries which, amongst other matters, include on PDL, subject to the proposal satisfying certain requirements. As already stated, the proposal would not result in an isolated form of development. Also, the Council has not identified the appeal site as being of high environmental value and I find nothing to dispute this.
26. In respect to the remaining relevant requirement for housing on PDL outlined in Policy SS6, the Council considers that the proposed use and scale of development would not be appropriate to the site's context. However, as

stated above, I have found that the proposal would not result in harm to the character of the designated heritage asset or the open countryside setting, subject to a design, sensitive to the existing rural character and the notable, neighbouring terrace, being approved at the technical details consent stage.

27. In light of the above, I find that the principle of the proposal would satisfy a criterium and requirements for development outside the settlement boundary set out in Policy SS6 of the Local Plan; subject to acceptable design details the proposal would not conflict with this Policy. In turn, the principle of the proposal would satisfy the special circumstances for development outside settlement boundaries stated in Policy ESBG1 and would accord with this Neighbourhood Plan Policy in this regard.
28. The appeal site is only a few miles from larger settlements. However, there are limited services in Ecchinswell, and while noting the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, future occupants of the dwelling would likely be dependent on a car.
29. However, although Policies SS1 and SS6 of the Local Plan and the housing supply Policies of the Neighbourhood Plan constrain the level of housing development in rural areas, the relevant policies in this case do not preclude such development. Moreover, this proposal would result in limited development consistent with the strategy and vision of the Local Plan and Neighbourhood Plan which collectively seek to protect the valued rural character of the small parish while providing a limited number of homes and modest growth in rural areas. In this regard I find these policies to be generally consistent with the provisions in the Framework relating to rural housing which amongst other matters, require being responsive to local circumstances, and states that to promote sustainable development in rural areas housing should be located where it will maintain the vitality of rural communities.
30. For the reasons outlined above, I find that, subject to the approval of a sympathetic design at the technical details consent stage, the proposal would not result in adverse impacts that would significantly and demonstrably outweigh the benefits identified, when assessed against the policies in the Framework taken as a whole. The presumption in favour of development applies in this case.
31. Concerns have been raised about drainage pipes in the vicinity of the appeal site. This is outside the scope of matters that can be considered at this stage and this matter has not altered my findings for this reason.
32. Conflict has been identified with Policy ESBG2 of the Neighbourhood Plan. However, this Policy for housing to meet local needs, states that the Plan provides for a minimum of approximately 25 dwellings on allocated sites and windfall sites in settlement boundaries. Moreover, the reference to development adjacent to settlement boundaries is in the context of first home exception sites. The evidence indicates that these circumstances do not apply in this case. Also, the housing type requirement stated in this Policy is a matter outside the scope of considerations for permission in principle. Therefore, the Policy is not relevant to this appeal.
33. Conflict is also identified with Policy ESBG13 of the Neighbourhood Plan which states that developments that would have an unacceptable detrimental impact

on the character and visual amenity of the landscape in the neighbourhood area will not be supported. However, I have found that the proposal, subject to detailed design, would not have a harmful impact on the character of the area. Moreover, Policies ESG5 and ESG7 of the Neighbourhood Plan relate to design quality and community engagement in design, which are detailed matters that are not relevant at this stage of the proposal.

34. Attention is drawn to Historic England's guidance, however, as already outlined I have found no harm in respect of heritage in this case. Reference is also made to other policies of the Local Plan and local supplementary planning documents which deal with matters outside the scope of this appeal. This aside, for the reasons given above, in respect of location, land use and amount of development, I find that the principle of this proposal would be consistent with the development plan when read as a whole.

Conclusion

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

A J Sutton

INSPECTOR