



Appeal Decision

Site visit made on 26 September 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2023

Appeal Ref: APP/H1705/W/22/3313282

The Stables, Reading Road, Church End, Sherfield on Loddon RG27 0JB

- 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 Russell against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/00738/FUL, dated 26 February 2021, was refused by notice dated 4 July 2022.
 - The development proposed is described as the erection of 1no. new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing dwelling, which lies adjacent to the appeal site, is identified as 'Ashwood Ridge' on the submitted drawings. However, I note that supporting evidence from both the appellant and the Council refer to this dwelling as 'Ashwood Pines'.
3. Throughout my decision I have taken the description from the drawings and therefore will refer to it as 'Ashwood Ridge'. I do not consider that any party would be unfairly disadvantaged by this approach.
4. Following the refusal of planning permission, the appellant submitted further information relating to highway safety and flood risk. The further information provides more details in this regard and to my mind does not fundamentally change the development.
5. The additional information included visibility splay plans, swept path analysis and clarification of the appeal site size. The Council has concluded that the additional information is acceptable, subject to planning condition. The Council therefore no longer contests reasons for refusal 2 and 5.
6. I have considered the associated concerns raised by interested parties. However, there are no reasons to reach a different conclusion to the Council, my observations made at the site visit, and all other relevant considerations.

Main Issues

7. The main issues therefore are:
 - Whether the location of the proposed housing is appropriate having regard to it being outside the settlement boundary as defined in the development plan;

- The effect of the proposed development on the character and appearance of the area; and
- Whether the proposed development can provide net gains for biodiversity.

Reasons

Location

8. The appeal site lies outside any settlement area and would therefore be located within the countryside. The development plan for the area seeks to direct development towards the most appropriate locations balancing the need for development with the need to protect the countryside.
9. Policy SS6 of the Basingstoke and Deane Local Plan 2011-2029, (2016) ("the Local Plan") deals with housing in the countryside. The policy explains that development proposals for new housing outside of settlement policy boundaries will only be permitted where they, amongst other things, are small scale residential proposals of a scale and type that meet a locally agreed need and do not result in an isolated form of development.
10. While the proposed development would be small scale, no evidence has been submitted to suggest it meets a locally agreed need. On this basis the proposed development would not comply with part (e) of Policy SS6 of the Local Plan. Even if I am wrong on this point, I would then be required to test if the proposed development would be well related to the existing settlement and would not result in an isolated form of development.
11. Paragraph 80 of the National Planning Policy Framework ("the Framework") states that planning decisions should avoid the development of isolated homes in the countryside except in certain circumstances. There is no reason to suggest any of the exceptions apply here.
12. The Local Plan also includes a definition of isolated. However, the main parties rely on the more recent *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610* Court of Appeal judgement ("the Judgement") in determining whether the proposed development should be considered isolated in the countryside. Given the Judgment is more recent, I have considered the matter on this basis.
13. The judgement states that an isolated home in the countryside means a dwelling that would be 'physically separate or remote from a settlement'. The judgment sets out that 'whether a proposed new dwelling would or would not be 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'.
14. The appeal site is located adjacent to one other residential dwelling, 'Ashwood Ridge', a stable and field shelter also exist nearby. It is therefore not physically separated from other built development.
15. However, the important question in this case is whether this appeal site and its immediate surroundings constitute a settlement. The judgement states that: 'What constitutes a settlement for these purposes is also left undefined in the NPPF [the Framework]'. 'Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision maker'.

16. The existing development located adjacent to the appeal site is limited to a stable, field shelter and one dwelling and is surrounded by broadly open land. The appeal site is also separated from any larger areas of development by a considerable distance and this part of the A33 Reading Road ("the A33") does not benefit from street lighting. All these factors in combination give the small cluster of development a clear sense of remoteness.
17. The appellant states there is public transport within 400 metres of the appeal site. However as indicated above the highway does not benefit from street lighting which would deter people from using public transport after dark.
18. For the reasons above, I find the small cluster of development adjacent to the appeal site is not a settlement. As a result, it would be physically separated and remote from any existing settlement and therefore a new isolated home in the countryside.
19. It is suggested that a previous planning application found this site was not isolated, however, no details of this decision have been provided. It is therefore very difficult to make any comparisons between the current appeal proposal and this historical application. This therefore has limited bearing on my overall decision.
20. I therefore conclude that the proposed development would not be appropriately located having regard to it being outside the settlement boundary as defined in the development plan.
21. However, before determining the appeal it is necessary to consider what if any other harm would be caused by the proposed development and whether there are any material considerations that may outweigh the conflict with the development plan.

Character and Appearance

22. The appeal site is currently open and undeveloped. It sits to one side of a public right of way ("PROW") with a stable block and field shelter nearby also on this side of the PROW. To the other side of the PROW there is an existing residential property, 'Ashwood Ridge'.
23. Whilst there is some existing built development as set out above, the immediate area has a largely positive visual quality defined by the open landscape and mature vegetation, including trees. The local area therefore has a broadly pleasant rural identity, and this makes an important contribution to the local distinctiveness of the area.
24. The proposed development would be for the erection of a detached 'L' shaped single storey dwelling. The dwelling would have a garden area, parking for 3 vehicles, accessed from the PROW and the proposed plans show a gravel turning area.
25. The physical presence of the proposed development would replace the open and undeveloped nature of the appeal site. In addition, there would also be domestic paraphernalia associated with the site which could include garden furniture, drying clothes and parked cars amongst other things. For all these reasons, the proposed development would have a significant urbanising effect in this rural location.

26. There are some existing small-scale buildings nearby and a larger dwelling to the other side of the PROW. However, the existing appeal site as open land, makes a positive contribution to the character of the area, particularly given the more rural appearance to this side of the PROW. The urbanisation of this site would be harmful in this regard.
27. The appeal site is separated from the A33 and mature trees run parallel to this road. This separation and screening would limit the impact of the development from the A33. However, the site would be visible through the existing vegetation when viewed both from the PROW and other land adjoining the appeal site. Additionally clear views of the development would be possible through the access.
28. I have considered if additional landscaping would mitigate the impact of the development proposal, however, it has not been shown that such landscaping would completely screen the development when viewed from adjoining land.
29. Even if it did, there is no evidence before me showing how the screen would be retained in perpetuity or safeguarded from unexpected impacts such as disease or death. Any additional planting would also take time to establish, and the development would be visible during this period of establishment.
30. As a result of all of the factors above, I find that the proposed development would unacceptably create an urbanising effect harming the area's open and rural distinctiveness. This would be to the detriment of the character and appearance of the local area.
31. The proposed development would therefore be contrary to the relevant provisions of Policies EM1 and EM10 of the Local Plan, Policies D1 and D2 of the Sherfield on Loddon Neighbourhood Development Plan (2018) ("the Neighbourhood Plan"), the Council's Design and Sustainability Supplementary Planning Document (2018) and the Framework. All of which, amongst other things, require development proposals to conserve and enhance the character and appearance of the wider landscape.

Biodiversity

32. Policy EM4 of the Local Plan and G1 of the Neighbourhood Plan seek to secure opportunities for proportionate biodiversity improvement and where possible to provide a net gain.
33. While I note the use of 'where possible' in the policy, the more recent Framework at paragraph 174(d) states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
34. Additionally, Principle B7 of the Council's Landscape, Biodiversity and Trees Supplementary Planning Document 2018 ("the Biodiversity SPD") states that all proposals are expected to enhance the biodiversity of the receiving environment and provide a measurable net gain in proportion to the nature of the development proposed.
35. On this basis it is necessary to provide a biodiversity net gain. However, and notwithstanding the disputed appeal site size, how this gain is measured and how much it should achieve is more uncertain.

36. Paragraph 5.76 of the Biodiversity SPD indicates that the Council will develop a Biodiversity Compensation Framework that will seek to achieve a more reliable measured net gain for biodiversity across developments. It is not clear if the Biodiversity Compensation Framework has been adopted and even if it has, it is not before me, and the Council make no reference to it in evidence.
37. In this case, four new trees and new hedging would be provided as part of the development. Additionally, the appellant suggests a prior to commencement condition could be imposed to agree the biodiversity net gain plan for the site.
38. Accordingly, and subject to condition, I am satisfied the proposed development can provide net gains for biodiversity. As such, I find no conflict with the relevant provisions of Policy EM4 of the Local Plan, G1 of the Neighbourhood Plan, the Biodiversity SPD or the Framework. These, amongst other things, seek to conserve and enhance biodiversity.

Other Matters

39. The Council is unable to demonstrate a five-year supply of deliverable housing sites. I am required to grant planning permission 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.
40. The proposal would be an efficient use of land and would add one dwelling to housing stock. There would be economic benefits both from the construction phase and the future occupiers. There would also be some social benefits and biodiversity and environmental gains would also be incorporated.
41. It is a key aim of the Framework to boost the supply of housing. Given the Council's housing land supply shortfall, all the benefits set out above as a cumulative total carry significant weight.
42. I have found unacceptable harm arises from the proposed development's location and its impact upon the character and appearance of the area. The harms would be significant and long lasting. I therefore attach more than substantial weight to the proposal's conflict with the development plan and the Framework when read as a whole.
43. Matters regarding highway safety and flooding have also been resolved. However, the absence of harm is neutral and neither weighs for nor against the development proposal.
44. With the above in mind, it is sufficiently clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not, therefore, benefit from the presumption in favour of sustainable development.
45. The appellant draws my attention to two other decisions¹. Although the schemes may have similarities with the appeal proposal, they do not share the same location, relationship with the landscape or layout.
46. Whilst consistency is important each case must be considered in the light of the specific circumstances and context of each case. These other schemes were considered on their own merits as has the current appeal.

¹ Appendix 1 and 2 of the appellant's appeal statement

47. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues.

Conclusion

48. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR