



Appeal Decision

Site visit made on 20 July 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/H1705/W/22/3312399

Land adjacent to A339, Headley, Hampshire RG19 8JY

- 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 Paul Wakelyn against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/01504/PIP, dated 26 May 2022, was refused by notice dated 11 November 2022.
 - The development proposed is Permission in principle for the erection of a minimum of 1 no. and maximum of 2no. residential dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a minimum of 1no. and maximum of 2no. residential dwellings at land adjacent to A339, Headley, RG19 8JY in accordance with the terms of the application, Ref 22/01504/PIP, dated 26 May 2022.

Preliminary Matters

2. The description of development in the banner heading above is taken from the Council's decision notice and appellant's appeal form as opposed to the original planning application form. The original description of development instead referred to permission in principle for between 1 and 4 residential dwellings. However, I have seen evidence that a revised description of development was agreed between the main parties during the original application period, to reflect that a maximum of two dwellings would instead be provided at the site. Accordingly, the appeal has been determined based on the revised description of development (i.e. consideration of a maximum of two dwellings).
3. As explained in the Planning Practice Guidance ('PPG'), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development.
4. A site plan showing the layout of two dwellings was submitted with this appeal. However, the plan is described as a 'Concept Plan', and I have had regard to it only insofar as it is indicative of a development for two dwellings.
5. In refusing the application, the Council's decision notice, amongst other matters, refers to the Ashford Hill with Headley Neighbourhood Plan, albeit no specific policies were cited. However, from the Council's appeal statement it is

clear that it considered there to be conflicts with Neighbourhood Plan Policies L1, H1 and HD3.

Main Issue

6. The main issue is whether the principle of the proposed development is acceptable with specific regard to its location and its effect on the character and appearance of the area.

Reasons

Location

7. The appeal site is a rectangular piece of open land that fronts on to the A339 and has an existing vehicular access from the highway. The appeal site is currently in use as part of a tree nursery, albeit mainly consists of an open area covered in loose chippings/grassland.
8. The development plan for the area is the Basingstoke and Deane Local Plan 2011 – 2029 (adopted 2016) (the Local Plan) along with the Ashford Hill with Headley Neighbourhood Plan (made 2022) (the Neighbourhood Plan).
9. Despite being located adjacent to a small cluster of built form, the appeal site is located outside any defined settlement boundary. It is therefore in open countryside for planning purposes.
10. Local Plan Policy SS6 identifies a limited set of exceptions whereby new housing development in the countryside would be supported. Of relevance to the appeal proposal is criterion (e), which permits small scale residential proposals of a scale and type to meet a locally agreed need. An accompanying footnote to the policy clarifies that 'small scale residential proposals' is defined as four dwellings or fewer. Accordingly, the appeal scheme may fall within this exception.
11. The appellants argue that given the Council cannot demonstrate a five-year housing land supply, there is a housing need for the purpose of Policy SS6(e). I will return to the matter of housing supply in my planning balance below, however, the exception under Policy SS6(e) is specific in that it relates to a locally agreed need for dwellings, as opposed to general housing needs across the authority area. The Council has also issued guidance to supplement Policy SS6(e), that sets out its expectations for demonstrating the local need for certain scale and type of homes within a particular parish, village, or settlement.
12. No robust evidence has been provided to demonstrate that the proposal would satisfy an identified local need. Accordingly, I find that the proposal would conflict with the locational requirements of Local Plan Policy SS6. The proposal would also not conform with Policy H1 of the Neighbourhood Plan, which reinforces that development outside settlement boundaries will be determined in line with Local Plan Policy SS6.
13. That said, Headley accommodates a small range of services, including a church, village hall, play park, post office and a community-run shop¹. The appeal site is physically separated from the main nucleus of built form in Headley, including its services, by intervening fields. However, there is

¹ I am aware that the shop is subject to limited opening hours due to it being community operated.

continuous pavement provision alongside the A339, as well as throughout the majority of Headley, that appropriately links the site to the relevant facilities. Additionally, on my site visit I observed that these were all in relatively comfortable walking (or cycling) distance of the site, whilst street lighting was also present for much of the routes.

14. It remains that the range of local services available in Headley would not sustain day to day living. Residents of the proposed development would therefore generally be dependent on journeys to larger centres to meet wider needs. In this respect, a bus stop is located nearby, opposite the site. I understand that the bus stop provides a regular hourly service from early morning to early evening (Monday – Saturday). The service provides access to Newbury, Kingsclere and Basingstoke, whereby a large range of facilities, services, places of employment, and access to other sustainable transport networks are available.
15. The appellant has also highlighted the increasing rise of residents working from home within the Parish, suggesting that the need for daily commuting has in many cases decreased. Be that as it may, this would not overcome the need to travel for a variety of other purposes.
16. Notwithstanding the proximity of the site to the bus stop, I consider that future residents of the proposal are likely to remain somewhat reliant on the use of private car given the semi-rural context of the site. However, the Framework recognises at Paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and, noting the proximity of public transport options to the site and the presence of some local services I have taken this into account.
17. Additionally, Paragraph 79 of the Framework promotes sustainable development in rural areas, setting out that housing should be located where it will enhance or maintain the vitality of rural communities. The proposed development would be capable of supporting the vitality of services and facilities nearby within Headley.
18. For reasons that I have set out, the proposal would conflict with Local Plan Policy SS6 as well as Neighbourhood Plan Policy H1. However, taking account the characteristics of the appeal site and its situation, there are material considerations that weigh in favour of the appeal proposal in regard to this main issue. I shall return to this matter as part of my final planning balance.

Character and Appearance

19. Immediately to the north of the appeal site lie two detached dwellings set in sizeable plots that front onto the A339. Beyond these dwellings, there are also several residential properties in a cul-de-sac arrangement on Knightsbridge Drive. Further residential properties are sporadically found either side of the highway, as it climbs towards Ashford Hill Road, including directly opposite the appeal site.
20. Indeed, despite being located in the countryside, outside any settlement boundary, the stretch of the A339 in which the proposal would sit has a semi-rural character. This is largely due to the busy nature of the A339, alongside clusters of housing that can be viewed alongside the highway which are intermixed with areas of open land, woodland, and mature vegetation.

21. I appreciate that the openness of the appeal site would be diminished by the proposed development. The visual impact on the wider countryside and rural setting however would be highly limited, with the impact being mainly focused on the site and its immediate surroundings. Housing could also be laid out in a manner consistent with adjoining development. Whilst this would result in a small expansion of linear built form, an area of open land to the south of the site would be maintained preventing the proposal from coalescing with the main built-up area of Headley. As such, the appeal scheme would be capable of maintaining the rather sporadic, semi-rural character of the area.
22. There is an established tree belt to the front of the site that I understand is protected by a Tree Preservation Order (TPO), whilst there are also mature trees along the rear boundary of the site. The trees, in particular those to the front of the site, significantly add to the verdant and rural character of the area. I note the recommendations of the Landscape, Biodiversity and Trees Supplementary Planning Document (adopted 2018) ('LBT SPD') that advises a 20m buffer should be established between residential land and tree belts. From the information before me and my observations on-site, I consider it conceivable that a scheme could emerge at TDC stage that does not adversely affect the health of the existing trees at the site.
23. I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. I recognise that much would therefore depend upon the precise scale and appearance of the dwelling(s) that may come forward at TDC stage. However, the concept plan suggests that the layout of adjoining development could be reflected in any future TDC. I therefore consider that there is a real prospect that the development of up to two dwellings on the appeal site would not be harmful to the character or appearance of the area. This is based on the site's specific characteristics and the relationship to existing built form.
24. As such, in principle, I find that the development of up to two dwellings at the appeal site would not be harmful to the semi-rural character and appearance of the area. It follows that the proposal would not conflict with Local Plan Policies EM1 or EM10 nor Policies L1 or HD3 of the Neighbourhood Plan. Collectively these policies, amongst other matters seeks to ensure that development proposals are of a high-quality design that contribute positively to local distinctiveness and a sense of place, including being sympathetic to the character and visual quality of the surrounding landscape.
25. Similarly, I have found no conflict with the design aims of the Council's Design and Sustainability Supplementary Planning Document (adopted 2018) or the LBT SPD. The proposal would also adhere to the aims of the Framework in respect of promoting development that is sympathetic to local character.

Other Matters

26. I note the various concerns that have been raised by the Parish Council and third parties, including the effect of the proposal on highways safety, surface water drainage, whether there is sufficient infrastructure capacity for the proposed development (e.g. services to the site, capacity of sewage system), and whether the proposal will incorporate biodiversity and sustainability measures (e.g. bird/bat boxes, electric vehicle charging points etc). However, these are not matters which would fall within the scope of consideration for the first stage of the Permission in Principle route. These issues will need to be

addressed as part of the technical details stage and there can be no guarantee that just because Permission in Principle has been granted, that approval of technical details will follow. It takes approval of both stages for a planning permission to be secured.

27. Similarly, there is no robust evidence to support views that the proposal will place undue pressure on local facilities/services or that future residents would not have suitable living conditions. I am also mindful that the Council did not refuse the application on this basis. Accordingly, my decision does not turn on these matters.
28. Within the vicinity of the appeal site there lies Grade II listed buildings. However, no concerns have been raised by the Council in respect of its effects on the significance of heritage assets. I am also satisfied that the proposal could be designed as to not affect the significance of these buildings.
29. Several appeal decisions have been cited by both main parties to support their respective views. However, for the most part, I have only limited details of those other schemes and their precise contexts². From the information before me, whilst the appeal schemes may be for similar development proposals, it appears that there are differences in their specific locational contexts. In any case, the appeal has been determined upon its own merits.

Planning Balance and Conclusion

30. Local Plan Policy SD1 establishes an approach for considering applications under a presumption in favour of sustainable development. The wording of the policy however is somewhat inconsistent with that of the Framework. As such, I find it sensible to instead apply the presumption in favour of sustainable development as set out by Paragraph 11 of the Framework.
31. Furthermore, it is common ground that the Council is currently unable to demonstrate a five-year housing land supply. I understand that the recent delivery of new homes within the Parish has been far more than anticipated over the development plan period, as set out in both the Local Plan and recently made Neighbourhood Plan. Nevertheless, the Council acknowledges that in the absence of a sufficient supply of housing land, development plan policies SS6 and H1 are deemed out of date.
32. This takes me to Paragraph 11d) of the Framework, which states, for this purpose and taking into account my earlier findings, that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
33. The proposed development conflicts with Policies SS6 and HD1 of the adopted development plan for the reasons I have previously set out. However, and in the above context, they would be deemed out of date. Furthermore, the purpose of these policies is to promote growth where it would not harm the rural character of the environment. As identified, I am satisfied that the proposal would not harm the character and appearance of the area given the existing context of the site. Accordingly, in this instance, I find the conflict with the policies to carry only modest weight.

² Except for Appeal Ref: APP/H1705/W/22/3294854, which is a decision of mine, but that site was set in a rather different context. XXX

34. The provision of between one and two dwellings would make a small but nonetheless positive contribution towards housing supply. In addition, the proposal would also provide associated social and economic benefits through their construction and future occupation. I have considered Paragraph 60 of the Framework which seeks to boost significantly the supply of housing. I have also considered Paragraph 69 of the Framework, which recognises the importance of small site's in meeting the housing requirement of the area. I give each of the benefits modest weight. The location and situation of the appeal site also draws some support from paragraphs 79 and 105 of the Framework, as I have explained.
35. With this in mind, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. There are therefore material considerations, specifically those relating to the appeal site's situation and circumstances and approach of the Framework, which indicate a decision other than in accordance with the development plan. The appeal is therefore allowed.
36. The PPG makes it clear that it is not possible for conditions to be attached to a grant of Permission in Principle, whose terms may only include the site location, type, and amount of development.

Lewis Condé

INSPECTOR