



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: 03 November 2023

Appeal Ref: APP/H1705/W/22/3313029

Land adjacent to Earlstone House, Earlstone Common, Burghclere, Newbury, Hampshire RG20 9HN

- 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 Dr Sroka against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/00862/PIP, dated 18 March 2022, was refused by notice dated 8 July 2022.
 - The development proposed is 'permission in principle for erection of one dwelling'.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of one dwelling at land adjacent to Earlstone House, Burghclere, Newbury, Hampshire RG20 9HN in accordance with the terms of the application, Ref 22/00862/PIP, dated 18 March 2022.

Preliminary Matters

2. 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.
3. Although not stated on the Council's decision notice, it is apparent from the original officer's report and the Council's appeal statement that the development also conflict with its development plan in terms of its spatial strategy for housing, whilst this matter has also been raised by several third parties. Accordingly, I have also considered this matter as part of the appeal.
4. During the course of the appeal, the modified Burghclere Neighbourhood Plan was 'Made'. Main parties and third parties have referred to the modified Plan in their statements/representations, as such, I do not consider any party to be prejudiced by my consideration of the modified Neighbourhood Plan.

Main Issues

5. In light of the above, the main issues are, having regard to location, the proposed land use and the amount of development:
 - whether the proposal would accord with the spatial strategy of the development plan; and

- the effect of the proposal on the character and appearance of the area.

Reasons

Spatial Strategy

6. The appeal site lies outside of the settlement policy boundary (SPB) for Burghclere and is therefore in open countryside for planning purposes.
7. The development plan for the area is the Basingstoke and Deane Local Plan 2011 – 2029 (adopted 2016) (the Local Plan) along with the modified Burghclere Neighbourhood Plan (made 2023) (the Neighbourhood Plan).
8. Local Plan Policy SS1 establishes the Council's overall spatial strategy for development and generally directs new housing to locations within existing SPBs. The policy does allow for residential developments to be permitted outside of SPBs, but only where it would comply with exception criteria established elsewhere in the Local Plan.
9. 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 proposals¹ of a scale and type to meet a locally agreed need.
10. The appeal proposal is for a single dwelling and therefore would be a small scale residential proposal. The appellant also contends that given the Council is unable to demonstrate a five-year housing land supply, there is a local 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.
11. No robust evidence has been provided to demonstrate that the appeal scheme would satisfy an identified local need. Consequently, the proposal would conflict with the Council's spatial strategy as set out in Local Plan Policies SS1 and SS6. The proposal would also conflict with Policy B1 of the Neighbourhood Plan. This policy reinforces that outside of the Burghclere SPB, development will be considered to be in the countryside, whereby there is a presumption against the development of new homes apart from where exceptions are established under Policy SS6 of the Local Plan or national policy.

Character and Appearance

12. The appeal site is a parcel of open greenfield land to the south of Earlstone House. The site lies to the north of a country lane/public right of way and would be accessed from an existing gated, private drive, off of the lane that already serves Earlstone House. Whilst having the appearance of residential garden due to its boundary arrangements and relationship with Earlstone House, I understand that the site is not in residential use.
13. The surrounding area is inherently rural in character but contains pockets of residential development. Although not prominent, due to the presence of mature trees and vegetation alongside many of its boundaries, the appeal site still reads as an open and verdant piece of land in a rural setting. The

¹ Small scale residential proposals are defined by the policy as being four dwellings or fewer.

undeveloped nature of the site does provide a pleasant contribution to the rural character of the area.

14. Nonetheless, the appeal site's immediate context is largely defined by several sizeable, detached dwellings, set within substantial plots. Indeed, an access drive, serving the dwelling to the north, delineates the site's eastern boundary. Additional large dwellings lie immediately to the north-east of the site, whilst the development of a sizeable-detached dwelling is currently taking place on land adjacent to the site's western boundary. Further residential properties are also found nearby to the south of the site. Therefore, although any future residential development of the site may not constitute infilling, it would still form part of a small cluster of existing built form.
15. Furthermore, views of the site within the wider landscape are highly limited, in part due to the local topography and presence of significant levels of mature vegetation. As such, the impact of the proposed development is likely to be highly localised, with the most prominent public views of the proposal likely to be from the lane/public right of way immediately to the south of the site. Such views would mainly be transient in nature, while the proposed development would be seen alongside existing sizeable dwellings in the area.
16. I appreciate that I do not have specific details of the design of the proposed dwelling, including its layout or scale. Despite this, I consider that there is a realistic prospect that development could come forward that could suitably relate to the surrounding residential form and not appear to be encroaching into the wider open countryside. Invariably, there would be some domestication of the site. However, given its existing context, I consider that development could take place that does not have a significant suburbanising effect, nor detract from the predominantly rural identity of the area. Particularly, given that the proposal's impacts could to some extent be mitigated through an appropriate landscaping scheme.
17. Accordingly, I find that in principle the proposal would not unacceptably harm the character and appearance of the area. I therefore find the proposal to accords with Local Plan Policy EM1 and Policy B8 of the Neighbourhood Plan. Together these policies seek to ensure that new development is sympathetic to the character and visual quality of the local landscape.
18. Similarly, the proposal would also accord with the aims of the Landscape, Biodiversity and Trees Supplementary Planning Document (adopted 2018). Amongst other matters the guidance seeks to ensure that development responds positively to the local landscape and the site's context.
19. The Council's decision notice also referred to conflict with Local Plan Policy EM10. However, this policy sets out criteria to ensure that proposals are of a high-quality, based on a robust design-led approach. Given that no detail of the design of the proposed development is before me, I do not consider this policy to be relevant to this permission in principle appeal.

Other Matters

20. Both main parties, as well as third parties have provided various appeal decisions to support their respective arguments. Some of the matters that have been raised through the citing of previous appeals are issues of personal opinion (e.g. the weight an Inspector may wish to afford to specific aspects of a

scheme). Additionally, although I have considered the various appeal decisions put forward, I have only limited details of the specific context and circumstances of those other decisions. I am therefore not able to draw suitably robust and clear comparisons with the scheme before me. As such, my decision does not turn on these matters.

21. I recognise that the appeal site has a different context to the adjoining site that has previously secured permission for residential development² (e.g. differences in land use, site characteristics, and policy context). However, the circumstances of those previous permission(s) have not altered my view in respect of the main issues of the appeal.

Planning Balance and Conclusion

22. Local Plan Policy SD1 establishes an approach for considering applications under a presumption in favour of sustainable development. The precise wording of the policy is slightly inconsistent with that of the Framework. Therefore, I find it sensible to instead apply the presumption in favour of sustainable development as set out by Paragraph 11 of the Framework.
23. I appreciate that the Neighbourhood Plan includes a housing allocation that exceeds the housing requirement for the Parish that was established within the Local Plan. Additionally, it seems that the housing delivery within the Parish is on-course to potentially exceed its requirements over the plan period. It remains, however, that the Council cannot currently demonstrate a five-year supply of deliverable housing sites, Paragraph 11d) of the Framework is therefore engaged.
24. As indicated, the proposed development conflicts with Policies SS1 and SS6 of the Local Plan and Policy B1 of the Neighbourhood Plan, for reasons that I have previously identified. However, the purpose of these policies is to promote growth where it would not harm the rural character of the environment. As indicated, I am generally satisfied that the proposal would not harm the character and appearance of the area given the quantum of development and existing context of built form that it would be seen against. Accordingly, I have prescribed only modest weight to the conflict with these policies.
25. The proposed development would provide socio-economic benefits associated with the delivery of a new dwelling, both through its initial construction and its future occupation. Given the scale of the proposal, such benefits would be somewhat limited and therefore also attract only modest weight.
26. Paragraph 14 of the Framework makes clear that where the presumption at Paragraph 11 is engaged, then the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is provided that the criteria of Framework Paragraph 14 are all satisfied. Of these, it is disputed whether 14(a) is met, specifically whether the neighbourhood plan became part of the development plan two or years less before the date on which the decision is made.
27. The Neighbourhood Plan was originally 'Made' in May 2021 and covers the period 2011 – 2029. As identified the modified Burghclere Neighbourhood Plan was subsequently Made in May 2023. I appreciate that independent

² Land Adjacent to Laurel House, Earlstone Common, permission references: 17/02389/OUT and 18/01314/RES.

examination of the modifications to the Neighbourhood Plan, found that they did not change the nature of the previous Made plan and that a referendum was not required. However, the amendments remained material modifications as outlined within the PPG³. Furthermore, the PPG also informs that the protection provided at Paragraph 14(a) of the Framework, includes circumstances in which the neighbourhood plan is updated by way of making a material modification to the plan⁴. As such, I find that Paragraph 14 of the Framework is engaged.

28. Be that as it may, the conflict I have found with the Neighbourhood Plan remains modest. Additionally, although the modifications to the Neighbourhood Plan results in Paragraph 14 being applicable, the policies that are of relevance to the appeal proposal have been subject to limited amendments and do not fundamentally alter the principle matters for consideration in this appeal. For example, the modification to Policy B1, that development should have regard to the Burghclere Design Code, is not applicable at this permission in principle stage. Additionally, there is no reason to believe that proposals at a Technical Design Stage could not adhere to the Design Code, or indeed, the Neighbourhood Plan's updated expectations in relation to biodiversity net gain or net zero ambitions.
29. Drawing all the above together, 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, including the provisions at Paragraph 14.
30. For the reasons set out above I conclude that the appeal should succeed, with the amount of development specified as a maximum of one dwelling. As stated in the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

Lewis Condé

INSPECTOR

³See Planning Practice Guidance: Paragraph: 106 (Reference ID: 41-106-20190509)

⁴ See Planning Practice Guidance: Paragraph 099 (Reference ID: 41-099-20190509)