



Appeal Decision

Site visit made on 20 July 2023

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/H1705/W/22/3313185

**Land to the north of Station Road, Woolton Hill, Newbury, Hampshire
RG20 9TL**

- 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 D. H. Bance against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/02091/PIP, dated 27 July 2022, was refused by notice dated 14 October 2022.
 - The development proposed is 'Application for permission in principle for the residential development of up to 2 no. dwellings (Use Class C3)'.
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Decision

1. The appeal is allowed and permission in principle is granted for the residential development of up to 2 no. dwellings (Use Class C3) at land to the north of Station Road, Woolton Hill, Newbury, RG20 9TL in accordance with the terms of the application, Ref 22/02091/PIP, dated 27 July 2022.

Preliminary Matters

2. The site address in the banner heading above is taken directly from the original planning application form.
3. The appellant has submitted an updated location plan (drawing no. 220316-01A) as part of the appeal process. The updated drawing has not altered the application site, but instead includes references to a nearby road name for identification purposes. The Council has had an opportunity to comment on this as part of the appeal, whilst given the change in drawing does not affect the site area or merits of the case, no party is prejudiced by my acceptance of the updated drawing. I have therefore proceeded to determine the appeal on this basis.
4. 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.
5. A site plan showing the layout of two dwellings was submitted with this appeal. However, the plan is marked as illustrative, and I have had regard to it only insofar as it is indicative of a development for two dwellings.

6. Since the determination of the application, the East Woodhay Neighbourhood Plan was Made in February 2023 (the Neighbourhood Plan). It has therefore become part of the Development Plan. Both main parties have commented on relevant policies of the Neighbourhood Plan.
7. The original case officer's report highlighted that the proposal conflicts with policies contained within the Basingstoke and Deane Local Plan 2011 – 2019 (adopted 2016) (the Local Plan) that set out the Council's spatial strategy for development. Nevertheless, planning permission was not refused on this basis, as reduced weight was applied to the relevant Local Plan policies in light of the Council's housing land supply position. However, since the Neighbourhood Plan has been made, the Council argues that its development plan position has been brought up-to-date and that greater weight should also be afforded to related policies of its Local Plan. I have therefore also dealt with this as a main issue in the appeal.

Main Issues

8. In light of the above, the main issues are, having regard to location, the proposed land use and the amount of development:
 - The effect of the proposal on the character and appearance of the area, including the North Wessex Downs Area of Outstanding Natural Beauty (AONB); and
 - Whether the proposal would accord with the spatial strategy of the development plan.

Reasons

Character and Appearance

9. The appeal site is a broadly rectangular parcel of land that lies at the edge of the village of Woolton Hill. It forms part of a larger parcel of open land that is used for the grazing of horses. The site is located off Station Road, near to a junction that provides access to the wider village to the south.
10. There are several residential properties that share a close relationship to the appeal site, including immediately to its west as well as to the south on the opposite side of Station Road. The nearby dwellings are spacious in their layouts and contain significant levels of mature vegetation, whilst the surrounding area has a verdant, pleasant, and rather tranquil quality. This contributes to the area in which the appeal site sits having a semi-rural character.
11. The appeal site, along with the village of Woolton Hill and much of the surrounding area, is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Since the appeal site is within the AONB, I have had regard to the duty under section 85(1) of the Countryside and Rights of Way Act 2000. This requires that decisions have regard to the purpose of conserving and enhancing the special qualities, distinctive character, and key features of the AONB.
12. The site forms part of a larger mosaic of paddocks and agricultural fields at the rural edge to Woolton Hill. However, the appeal site is relatively small and, as indicated, is already viewed in the context of existing residential built form.

Additionally, despite its location within the AONB, the appeal site appears to have few special qualities other than being a pleasant undeveloped parcel of land that is well contained by trees and hedgerows.

13. I appreciate that the site lies in the countryside, and the openness of the appeal site would be diminished by the proposed development. The visual impact on the wider countryside and rural setting of Woolton Hill however would be limited, as the site is largely well contained by vegetation and the wider parcel of land to its north would remain undeveloped. The impact of the proposal would therefore mainly be focussed on the site and its immediate surroundings.
14. In this regard, the presence of a number of properties already form a nucleus near the junction on Station Road close to the site. Given the size of the plot and its relationship to housing and the settlement boundary, a development of up to two dwellings in this location would represent a small extension to the village.
15. Moreover, the illustrative plan suggests that the sparse pattern and spacious layout of nearby housing could be reflected in any future layout at technical details stage. The detailed design of the scheme and vegetation to be retained along with landscaping are not known at this stage. Nevertheless, I am satisfied that the character of the site and the immediate surrounding area is such that housing in this location could assimilate successfully into its surroundings, in keeping with the verdant village setting and without resulting in development appearing to encroach into the countryside. Thereby also not causing harming to the landscape or scenic beauty of the AONB.
16. Consequently, I find that in principle, the proposal would not harm the character or appearance of the area, whilst it would also conserve the landscape and scenic beauty of the AONB. The proposal is therefore not contrary to Policy EM1 or EM10 of the Basingstoke and Deane Local Plan (adopted 2016) (the Local Plan) or Policies NE1 or HO1 of the Neighbourhood Plan. Together these policies, amongst other matters, seek to ensure that new development is sympathetic to the character and visual quality of the local landscape and respects the local environment. Likewise, I do not consider the proposal to conflict with the aims of the National Planning Policy Framework (the Framework) in respect of achieving well designed development that reflects local character.
17. In refusing the application the Council also referred to its Design and Sustainability Supplementary Planning Document (adopted 2018) (the SPD), albeit did not highlight any specific element of the SPD. Still, I am satisfied that a form of development could emerge at the technical design stage that meets the SPD's aims of delivering high-quality, sustainable development that responds positively to its context.

Spatial Strategy

18. Although the site is well related to the existing settlement policy boundary (SPB) for Woolton Hill, and also well related to existing built form, it is still situated outside the defined SPB. It is therefore in open countryside for planning policy purposes.

19. 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.
20. 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 (up to four dwellings), of a scale and type to meet a locally agreed need.
21. Given the appeal scheme would deliver a maximum of two dwellings it would be a small-scale residential proposal. However, regardless of the Council's lack of a five-year housing land supply, no robust evidence has been provided to demonstrate that the proposal would satisfy an identified local need, as opposed to a general housing need across the authority area.
22. The proposal therefore conflicts with the Council's spatial strategy as set out in Local Plan Policies SS1 and SS6. It would also conflict with Policy HO2 of the Neighbourhood Plan. This policy reinforces that outside of the Woolton Hill SPB, development will only be permitted in certain circumstances, including that development proposals should be consistent with Local Plan Policy SS6.

Other Matters

23. The Council did not raise concerns in respect of the proposal's potential effects on biodiversity nor that local infrastructure (e.g. schools or medical facilities) lack capacity to accommodate the proposed development. No robust evidence has been presented for me to conclude otherwise.
24. Various concerns have been raised by third parties, for example in relation to the proposal's impacts on highway safety, trees and hedgerows, as well as whether suitable drainage infrastructure is available to accommodate the proposed development. 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.
25. Concerns have also been expressed regarding the potential for an increased level of development being pursued at the appeal site. However, under any related technical detail stage, a maximum of two dwellings would be permissible. Should a further planning application(s) come forward for alternative development arrangements at the site, it would be a matter for the Council to determine in line with the merits of the case. Likewise, any applications for development on nearby sites would also need to be determined on their own merits.
26. Various appeal decisions have been highlighted by both main parties as well as third parties to support their respective views. However, I have only limited details of those other proposed developments and their precise contexts. 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 or the precise nature of the proposals (e.g. full planning application providing more specific design details). In any case, the appeal has been determined upon its own merits.

Planning Balance and Conclusion

27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
28. Despite the recent delivery of new homes within the Parish exceeding its identified housing requirement, it remains that the Council cannot demonstrate a five-year housing land supply. The Council acknowledges that its policies relating to housing delivery are therefore out-of-date. As such, Paragraph 11d) of the Framework is engaged.
29. Although strictly not in accordance with Local Plan Policies SS1 and SS6 and Neighbourhood Plan Policy HO2, the purpose of the policies are to promote growth where it would protect the rural character of the environment. As indicated, due to the potential scale of development and the site's context, particularly its relationship to existing built form, I am satisfied that the proposal would not cause harm to the semi-rural character or appearance of the area. As such, I give limited weight to the conflict with the Council's policies relating to the delivery of housing development.
30. I have also found that the potential effects of the proposal on the AONB do not provide a clear reason for refusing the application in this instance. The appeal scheme would therefore benefit from the presumption in favour of sustainable development outlined at Paragraph 11 of the Framework.
31. The proposed development would make a small but positive contribution to housing supply, alongside socio-economic benefits associated with its delivery. It also draws support from Paragraph 69 of the Framework, which acknowledges the importance of small sites to housing delivery.
32. Furthermore, the site is well related to the existing village that contains a modest range of services and facilities, including schools, a church, village hall, shop/post office, public house, and a bus stop. On my site visit I observed that many of the facilities were within moderate walking/cycling distance of the site, along relatively quiet roads with gentle terrain. The Framework also provides support for sustainable development in rural areas, whilst the proposal has the potential to help sustain local services and facilities.
33. I appreciate that the Neighbourhood Plan has only recently been Made. Due to the Parish's housing requirements having already been exceeded by recent developments in the area, the Neighbourhood Plan does not contain any housing allocations. The main parties therefore dispute whether the protections outlined at Paragraph 14 of the Framework are applicable, given the requirements of criteria 14(b). In this instance, even if all the criteria were met and Paragraph 14 was to be engaged, I still find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

34. Consequently, there are material considerations, specifically those relating to the appeal site's context, and the approach of the Framework, which indicate a decision other than in accordance with the development plan. Accordingly, the appeal is allowed.
35. 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