
Appeal Decision

Site visit made on 2 January 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/H1705/W/23/3321916

**Land at Blae Grove House, Blaegrove Lane, Up Nately, Hampshire
RG27 9PD**

- 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 Ms C Hopcroft against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/02710/PIP, dated 3 October 2022, was refused by notice dated 23 March 2023.
 - The development proposed is a residential development of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for Permission in Principle (PiP) and represents the first of a 2-stage process. Planning Practice Guidance advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. It has 2 stages, and a planning permission is only created once both stages have been completed. The first stage, PiP, establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
3. The scope of the considerations for a PiP are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted. I have determined the appeal accordingly, with regard that conditions cannot be applied to a PiP decision.
4. The National Planning Policy Framework (the Framework) was updated in December 2023 and the main parties have been given an opportunity to comment. The revised version has, therefore, been referred to in this decision.
5. Due to the nature of a PiP application the site layout shown on plan 220509-02 is considered indicative only. Within the evidence there are also several spellings for the road and house the appeal site is related to. This is also the case for a nearby listed building which, amongst other versions, is referred to as Kilkinnon and Kolkinnon House. For clarity, I have used Blae Grove House and Blaegrove Lane as shown on the application form, and Kilkinnon as used in its listed building description.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

6. The main issues, with specific regard to location, the proposed land use, and the amount of development, are:
- whether the appeal site is a suitable location for the proposed development having regard to relevant local policies relating to development in the countryside;
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would preserve or enhance the character or appearance of the Up Nately Conservation Area; and
 - whether the proposed development would preserve the setting of 2 Grade II listed buildings, Blae Grove House and Kilkinnon.

Reasons

Suitability of the location

7. Up Nately is a small residential settlement surrounded by fields and woodlands. It has few amenities beyond a church on Greywell Road, and broadly constitutes a collection of dwellings along Heather Lane and Blae Grove Lane. Both of which extend in opposite directions from the church. The main parties agree that the village does not have a designated settlement boundary so all development within it is considered development in the countryside.
8. Policy SS6 of the Basingstoke and Deane Local Plan (LP) sets out the criteria whereby new housing in the countryside could be permissible. This is to direct development towards areas within settlement boundaries, with the aim to maintain the open nature of the countryside whilst still providing opportunity for some housing that would enhance or maintain the vitality of rural communities².
9. The appeal site is described as undeveloped by the appellant³, which accords with my observations on site, and is not specifically allocated within the development plan for residential development. There are no reusable buildings on the site, nor any evidence that the proposal would replace an existing dwelling. It has not been demonstrated that the new dwelling would provide affordable housing or housing related to an existing and viable rural business.
10. It is, therefore, necessary to assess the proposal against criteria e) of LP Policy SS6. This allows for small scale residential developments which meet a local need, are well related to an existing settlement, and would respect the character, appearance, and qualities of its surroundings. I will turn to the effect of the proposal on the character and appearance below but notwithstanding my conclusions in that regard, there is nothing before me to evidence that it would meet a local need.
11. Consequently, the lack of a justified local need would mean the appeal site's location would fail to comply with LP Policy SS6, and LP Policies SD1 and SS1 insofar as they require compliance with the spatial strategy of the development plan.

² Paragraph 4.70 – 4.71 of the support text within the LP

³ Paragraph 2.2 of the Planning Statement, project number 220506 and dated 3 October 2022

12. The main parties conflicting positions in relation to the accessibility of the site is noted, as is their agreement that under the Framework the proposal is unlikely to constitute an isolated dwelling in the countryside. Nevertheless, these do not alter my findings in relation to the relevant local policies relating to development in the countryside.

Character and appearance

13. The appeal site is a rectilinear semi-enclosed paddock situated at the junction of Blaegrove Lane and a public right of way (PROW). There are some mature trees scattered within the site, but it is otherwise left to grass and separated from the PROW by a fence and some hedging. To the rear of the site is a denser hedge separating it from the arable fields beyond. To the side of the site is Blae Grove House (BGH) which has substantial grounds including a tennis court and pool that abut the site but are screened from it by a hedge.
14. On the opposite side of the PROW is a dense hedgerow and beyond that another residential dwelling facing onto the lane. Behind that dwelling and stretching back along the PROW is a wooded area which screens Kilkinnon, a further substantial residential property beyond.
15. Blaegrove Lane is a narrow country lane which peters out into a private access track. There are several residential properties scattered along it which vary in size, age, and form but in general are spread out providing visual and physical links with the countryside beyond.
16. The appeal site's location is within one of the gaps between residential properties, and its open nature in combination with the PROW enforces the countryside setting of the properties on either side. Although design and layout are not for consideration at this stage, even a modest dwelling would require a significant proportion of the appeal site to be developed to accommodate access, parking, a house, and domestic garden. This would permanently alter the overall character of the site, removing the rural open aspect it creates and increasing the built form along this part of the lane.
17. Although the proposed quantity of development would not significantly increase the density of dwellings along Blaegrove Lane, the visual intrusion of the proposal within this existing open space would have an urbanising effect on the street scene.
18. Accordingly, the proposed location, land use and amount of development would cause harm to the general character and appearance of the area, contrary to LP Policies EM1 and EM10 in terms of providing a development of high quality which respects its local environment and the wider landscape.

Up Nately Conservation Area (CA)

19. The significance of the CA is set out in the Up Nately Conservation Area Appraisal (CAA). The CAA refers to the historical pattern of residential properties (some originally farms) along Blaegrove Lane and around the church, including BGH and Kilkinnon. Accordingly, the CA is characterised by groupings of buildings interspersed with areas of open space providing views in and through the area.
20. The appeal site contributes to one of the key open spaces in the CA and provides contextual views of BGH and the countryside beyond. It also forms

part of the spaciousness between individual properties which characterises Blaegrove Lane. As set out in the previous main issue, the proposal would remove the open aspect of the appeal site thereby reducing the separation between properties on this part of the lane, remove views out and across the CA, and prejudice views of BGH from the road.

21. Therefore, in relation to location, land use and amount of development, I find the proposal would fail to preserve the character of the CA contrary to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and LP Policy EM11 insofar as it requires all development to conserve or enhance the quality of the borough's heritage assets. It would also fail to align with the relevant principles within the Council's Heritage Supplementary Planning Document (SPD).

Blae Grove House (BGH) and Kilkinnon

22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I have special regard to the desirability of preserving the setting of a listed building, as a heritage asset. To one side beyond a mature hedge are the gardens of BGH, and on the other side of the PROW is Kilkinnon, both Grade II listed properties.
23. BGH is a substantial residential property dating from the late 18th Century and is visible from Blaegrove Lane. Its origins as a farmhouse are reflected by the range of outbuildings close by, and it being surrounded by a series of paddocks, with larger fields beyond. Therefore, its significance appears to me to lie in its age, architectural detailing, and association with its rural surroundings.
24. It is acknowledged that the appellant does not consider the appeal site to be functionally or historically linked to BGH, and that it is visually separated from it by the existing hedge. Nevertheless, the appeal site is one of the paddocks which surround BGH, and the house can be seen above the hedge from across the site. Consequently, by forming part of the open space which allows appreciation of BGH, the appeal site contributes to its significance.
25. The proposal would introduce built form into an area where there is currently none. This would reduce the openness around BGH which is integral to its significance and reduce the ability to appreciate it within its countryside setting. Accordingly, it would fail to preserve the setting of Blae Grove House contrary to section 66(1), the LP Policy EM11 and the SPD.
26. As an extended 17th Century residential dwelling, Kilkinnon's significance is also linked to its age and architectural detailing. However, its setting is more constrained than that of BGH and is dominated by the surrounding woodland. Taking account of the defined and enclosing nature of this woodland, and that the appeal site is separated from is by the PROW, I find that with regard to location, land use, and amount of development, the proposal is unlikely to harm the setting of this heritage asset.

Other Matters

27. Interested parties have brought to my attention matters relating to the living conditions of occupants of adjacent properties, a lack of mains drainage, and a potential increase in traffic along Blaegrove Lane. I have taken account of

these matters and where they will not be dealt with under the TDC application, do not find they affect my findings.

Heritage and Planning Balance

28. I have found less than substantial harm in relation to the CA and the setting of BGH, and as required by Paragraph 205 of the Framework this harm must be given great weight. However, Paragraph 208 states that in the case of less than substantial harm this weight should be weighed against the public benefits of the proposal.
29. Taking account of the recent changes in the Framework in how housing land supply is to be measured in relation to emerging development plans, it is unclear whether the Council could achieve the newly defined 4-year housing land supply. Nevertheless, in relation to the information before me it is clear the Council cannot provide a 5-year housing land supply. Therefore, taking account that even a singular dwelling can contribute to housing supply, and that the Framework seeks to boost significantly the supply of housing whilst recognising the importance small sites have in meeting house requirements, this would be a benefit which attracts weight.
30. It is also acknowledged the proposal could provide social benefits in the form of new residents moving into a small rural village, as well as, through the TBC process, ecological and environmental benefits. However due to the small-scale nature of the proposal, I give all these benefits only moderate weight.
31. The lack of harm in relation to the heritage asset Kilkinnon, would be, by definition, neutral within the balance.
32. Therefore, taking all the above into consideration, I do not find that the public benefits of the proposal would outweigh the identified harm to the CA and the setting of a Grade II listed building.
33. Consequently, if I were to take the worst-case assumption that the Council cannot provide an adequate housing land supply, Paragraph 11d) of the Framework would be relevant. However, as I have found that the proposal fails to achieve the heritage balance as set out within Paragraph 208, in accordance with Paragraph 11d)i), the application of policies in the Framework has provided a clear reason for refusing the development proposed. Therefore, I have not gone on to consider the evidence in relation to the lack of housing supply and the weighting which should be given to individual development plan policies.

Conclusion

34. Therefore, for the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR