



Appeal Decision

Site visit made on 5 January 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/H1705/W/23/3324647

Oakley Farm, Penwood Road, Wash Water, Newbury RG20 0LR

- 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 Sam Hall against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/01015/PIP.
 - The development proposed is the erection of a minimum of 1 no. and a maximum of 2 no. residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or principle in permission stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The PPG also sets out that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Notwithstanding some discrepancies in the Council's evidence, I am satisfied from the evidence that the Council considered the scheme as it has been proposed. The Council has also confirmed through the appeal process that the site is located outside of an Area of Outstanding Natural Beauty. No indicative drawings, including a block plan, have been submitted with the appeal. I have considered the appeal on this basis.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. The parties have been invited to make comments on the revisions to the Framework insofar as they are relevant to the appeal. I have taken the comments received into account in my consideration of the appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

6. The Council has commenced preparation of a Local Plan Update (LPU). The draft LPU was published for consultation on 22 January 2024 and has therefore reached Regulation 18 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage. As I will set out later in this decision, reaching this stage of plan preparation has implications for my consideration of the appeal.

Background and Main Issue

7. In its consideration of the planning application, the Council considered the proposal to be contrary to the spatial strategy as set out in Policies SS1 and SS6 of the Basingstoke and Deane Local Plan (2011-2029) (adopted May 2016) (LP). However, the Council did not rely on this conflict in its reasons for refusal due to the absence of an up-to-date five-year housing land supply for the Borough, and the associated provisions of paragraph 11(d) of the Framework. However, the Council's position on this matter has shifted since the publication of the revised Framework and the draft LPU. Consequently, it is now the Council's position that paragraph 11(d) of the Framework no longer applies for decision making purposes.
8. The Council's Officer's Report does not object to the amount of development proposed. From the evidence, and my own observations, I have no reason to take a different view.
9. Therefore, the main issue is whether the site is suitable for residential development, having regard to its location and the proposed land use, with particular consideration to (a) the spatial strategy set out in the development plan, and (b) the effect of the development on the character and appearance of the area.

Reasons

Spatial strategy

10. The appeal site lies adjacent to Penwood Road, close to its junction with Andover Road. The land between the appeal site and Andover Road is occupied by dwellings. Therefore, the site is not physically or geographically isolated. However, it is located outside of a defined settlement boundary, where development is generally restricted by Policy SS1 of the LP. Whilst some small-scale residential development in the countryside is supported by Policy SS6 of the LP, this is only in certain criteria which, based on the evidence, are not met by the proposed development. Consequently, the proposal would conflict with the spatial strategy set out in Policies SS1 and SS6 of the LP.
11. The nearest services and facilities to the site, including schools, are located in Wash Common which, from the evidence, is within walking distance from the appeal site. However, from my observations, future occupants of the dwelling(s) would need to travel further into Newbury to access a full range of services and facilities, including shops. There is a footpath along Andover Road. However, large parts of the route are unlit and, consequently, it is unlikely that future occupants would choose to travel into Newbury by foot or bike on a regular basis, particularly during hours of darkness or in poor weather. There are also some bus services into Newbury from Penwood Road. However, given the infrequency of bus services and the distance to Newbury town centre, it is reasonably likely that future occupants would be reliant on the private car.

12. The Framework recognises that opportunities to maximise sustainable transport solutions vary between urban and rural areas and, therefore, some car travel would be inevitable where housing is delivered in the countryside. However, Policies SS1 and SS6 of the LP do not refer to the accessibility of sites to services and facilities. Therefore, that future occupants of the dwelling(s) would have some options to travel by sustainable modes, does not resolve the in-principle conflict with the spatial strategy for the area.
13. I conclude that the site would not be suitable for residential development, having regard to its location and the proposed land use, with particular consideration to the spatial strategy set out in the development plan. There would be conflict with Policies SS1 and SS6 of the LP which, taken together, seek to resist housing growth outside of settlement boundaries, other than in specific criteria which do not apply to the proposed development.

Character and appearance

14. The residential area between the site and Andover Road is formed in an irregular shape. However, there is a clear boundary between the existing built form and the farmland beyond, marked by an access track serving Oaklea and other dwellings. The appeal site lies on the other side of the access track, and forms part of a large, undeveloped field. Whilst field boundaries change over time, and notwithstanding the presence of some buildings, the landscape setting is distinctively rural in character, comprising fields of various shapes and sizes interspersed with trees, hedgerows, and pockets of woodland. Views across the wider landscape are available from the appeal site, due to the topography of the land, which slopes gently upwards towards the site from Andover Road, before falling away in the direction of Oakley Farmhouse.
15. The detailed design of the development has not yet been determined and there are many ways in which 1-2 dwellings could be delivered on the site. However, in any potential iteration of the development, the proposed dwelling(s) would add substantial bulk and mass to a field that is currently devoid of buildings. Moreover, whilst it may be possible to change the physical relationship between the site and existing properties through alteration to field boundaries and landscaping, the proposed dwelling(s) would be visually and spatially separate, due to their proposed siting beyond the track and the established building line of the existing dwellings. Consequently, the development would lead to the encroachment of built form into the countryside and would cause harm to the open and rural character of the appeal site and surroundings.
16. The existing hedgerows, which could be enhanced as part of the proposal, would provide partial screening for the proposed development. However, given the topography of the area, the proposed dwelling(s), even at single-storey height, would be unduly prominent in views when approaching the site from either direction on Penwood Road. There are other developments near to the appeal site, including amongst others, Oakley Farmhouse, a caravan park, and a storage compound. However, from my observations, they are not unduly prominent in views from this part of Penwood Road and do not detract from the rural character of the surrounding area. Moreover, that existing dwellings and other buildings are visible within the landscape does not justify the further encroachment of built form into the open countryside.
17. Taking all of the above into account, I conclude that the site would not be a suitable location for residential development, having regard to its location and

the proposed land use, with particular consideration to the effect of the development on the character and appearance of the area. It would therefore conflict with Policy EM1 of the LP and Section 12 the Framework which, taken together and amongst other things, expect development to be sympathetic to local character and to respect, enhance and not be detrimental to the character and visual quality of the area concerned.

18. Further conflict would arise with Policy EM10 of the LP insofar as it expects development proposals to positively contribute to local distinctiveness. The development would also fail to align with Section 15 of the Framework which, amongst other things, recognises the intrinsic character and beauty of the countryside.

Other Matters

19. The evidence indicates that there has been limited local objection to the proposal, and that it has some support. However, whilst I have had full regard to the comments received, the absence of third-party concerns does not obviate the need to secure development that respects the character and appearance of the area, which is a clear requirement of national and local planning policy.
20. My attention has been drawn to other dwellings in the local area that have been constructed on agricultural fields. I do not have sufficient information before me to establish the full details that led to those dwellings being accepted. However, the evidence indicates that they relate to land in a neighbouring Council area. As the dwellings would have been assessed with regard to a different local planning policy context, they are not directly comparable to the appeal scheme.
21. I have also been referred to two other appeal decisions in support of the appellant's case. Each appeal is necessarily considered on its own merits. However, the appeal decision at Woolton Hill Sports Club refers to the site being between existing development and well-related to the village of Woolton Hill. Similarly, the appeal decision at Land to the north west of Hollington Lane refers to the development as being a relatively small expansion of the built environment of the village into the countryside. I do not find these appeal schemes to be directly comparable to the proposal which would encroach onto an agricultural field that is not well-related to a defined settlement boundary.

Planning Balance

22. The proposal conflicts with the aforementioned policies of the LP, which is sufficient to bring the proposal into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
23. Given the publication of the draft LPU, the Council has an emerging local plan that meets the requirements of paragraph 226 of the Framework. Therefore, the Council is required to demonstrate a four-year supply of deliverable housing sites rather than the minimum of five years as set out in paragraph 77 of the Framework. Although I do not have definitive information to conclude on the precise housing land supply position as part of this appeal, the evidence before me indicates that the current housing land supply is above the minimum four-year requirement.

24. However, the appellant has drawn my attention to a recent appeal decision at Land at Watermill Bridge (APP/H1705/W/23/3326191), in which the Inspector concluded that Policies SS1 and SS6 of the LP, which are two of the most important policies for determining this appeal, were deemed to be out-of-date. The Council has not provided me with sufficient evidence to persuade me that I should take a different approach than that set out in the Land at Watermill Bridge appeal decision. Therefore, I shall proceed on the basis that paragraph 11(d) of the Framework, which is broadly reflected in Policy SD1 of the LP, is engaged.
25. The site does not fall within the definition of areas or assets that are of particular importance as identified in footnote 7 of the Framework and, therefore, these designations do not provide a clear reason for dismissing the appeal under the provisions of paragraph 11(d)(i). Consequently, the appeal falls to be considered against paragraph 11(d)(ii).
26. Given that Policies SS1 and SS6 of the LP are deemed to be out-of-date, I reduce the weight attached to the conflict with these policies to moderate. However, the Framework expects planning decisions to contribute to or enhance the intrinsic character and beauty of the countryside. It also expects development to be sympathetic to local character which includes, amongst other things, the landscape setting. Consequently, I do not reduce the weight I attach to the conflict with Policies EM1 and EM10 of the LP.
27. The development would lead to some social and economic benefits, including through the delivery of housing on a small-scale site that could be built out quickly. Moreover, increased spending within the local area would support the vitality of rural communities in local villages. Future residents could also develop ties within the area and facilitate community involvement. These benefits carry weight in support of the proposal.
28. However, whilst I attach significant weight to the principle of housing delivery, the benefits that would arise from a scheme of 1-2 dwellings would be modest. Consequently, the cumulative weight of the benefits in this case is moderate and would not be sufficient to outweigh the harms I have identified. Therefore, in the specific circumstances of this case, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole.

Conclusion

29. The proposed development would conflict with the development plan when read as a whole. The material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Catchside
INSPECTOR