



Appeal Decision

Site visit made on 6 March 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/H1705/W/23/3327297

Land South-West of The Whitehouse, Bishopswood Lane, Baughurst RG26 5LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Williams and Page against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 21/01372/FUL.
 - The development is erection of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a new dwelling at Land South-West of The White House, Bishopswood Lane, Baughurst RG26 5LT in accordance with the terms of the application, Ref 21/01372/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the appeal a revised version of The National Planning Policy Framework (the Framework) was published. As a result, the Council provided comments on the implications it considered for the appeal with regard to the supply of deliverable housing sites. The Council state that following publication of a Regulation 18 Local Plan it can demonstrate a 4.6-year supply in accordance with paragraph 226 of the Framework. As a result, it states that in addition to the two reasons for refusal on the Notice of Decision, the proposed development also fails to demonstrate that the proposal constitutes an exception to the general policy of restraint for housing in the countryside with no justification for departing from development plan policies.
3. The appellant has provided comments in response disputing the Council's position stating that it is still necessary to undertake a balancing exercise. Third parties were also given an opportunity to comment further in relation to this matter.
4. In light of the above, and despite not forming a reason for refusal on the Notice of Decision, given the difference in position between the main parties, I will add a main issue below in relation to whether the site is an appropriate location for the appeal proposal.
5. I have therefore taken the comments received from all parties in relation to this matter into account and consequently, no party would be prejudiced by my consideration of the further information in my determination of the appeal.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area,
- whether the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to the relationship of outdoor space with trees, and
- whether the site is an appropriate location for the appeal proposal, with particular regard to the local development strategy.

Reasons

Character and appearance

7. The appeal site is located at the end of a vehicular access serving a handful of residential properties positioned on generally long and relatively narrow plots either side of the access. The access is also a public right of way that narrows adjacent to the site such that it becomes no longer accessible by car. The rear of properties on The Hawthorns adjoin the western site boundary giving a residential context to the appeal site.
8. The appeal site forms a visual termination to the built form at the end of the access road currently comprising a polytunnel, greenhouse and covered storage area. There are trees beyond the site to the south and open fields to the west on the opposite side of the public right of way beyond further planting.
9. The buildings off the access lane all differ in design and plot size and shape and differ again from the dwellings on The Hawthorns. However, the existing and consented buildings off the access generally utilise a palette of materials including red brick, render or boarding under tiled roofs. In light of the use of these materials to the buildings in the immediate area, and given the mix of building designs, the proposal would integrate into the existing site context.
10. Furthermore, given that the appeal site would continue an existing run of plots running lengthways alongside the access and comprises some existing built form at the termination of the vehicular access, residential development of the appeal site would not be out of character with the adjoining and nearby existing development or street scene. Moreover, the appeal site would follow and read as part of the existing pattern of development off this access appearing distinctly separate from the open countryside and strategic gap to the east and more heavily planted land to the south.
11. By reason of the proposed dwelling being located to the northern part of the site on a limited footprint with a sizable garden, it would add to the existing sense of place off the access. It would be viewed in association with the existing dwellings off the access and on The Hawthorns that comprise individual residential plots in a variety of plots sizes and shapes. Given the existing access to the site, structures on the site and associated activity, I find no reason why one extra residential dwelling, adjoining other dwellings, would harm the tranquillity or enjoyment of this part of the public right of way.
12. Furthermore, for the reasons given above, the proposal would read as part of the adjacent settlement adjoining existing built development and would not

harmfully encroach into the more rural character of the area to the east of the site.

13. It follows that I conclude that the proposal would not harm the character and appearance of the area. As such, the proposal would comply with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan (2011-2029) (May 2016) (LP) which, amongst other things, seeks to ensure that proposals are sympathetic to the character and visual quality of the area concerned, are of a high quality and positively contribute to local distinctiveness, the sense of place and the existing street scene. Furthermore, the proposal would not conflict with the Framework, Design and Sustainability Supplementary Planning Document July 2018 (Design SPD) or Landscape, Biodiversity and Trees Supplementary Planning Document December 2018 (Landscape SPD) that seek to create a high quality environment and protect and enhance the borough's landscape.

Living conditions and trees

14. At the time of my site visit some trees around the site had undergone routine maintenance and I have been advised that since the submission of the planning application, some other trees have been damaged or fallen due to high winds/storm events.
15. There are however still a number of significant and very tall trees overhanging the site, particularly to the eastern and western boundaries beyond the existing polytunnel. Due to their scale and positioning close to and overhanging the site and public right of way, the trees provide an attractive verdant setting to the southern part of the site and wider area. The trees would also provide a verdant setting to the proposed dwelling and its rear garden. I note that the Council's Tree Officer found the proposal to be acceptable with regard to any impact upon the trees following the submission of a tree survey. I have no reason to disagree given the distance of the dwelling from the trees and their canopies.
16. Although a number of the canopies to the trees would overhang the site, the garden length and outdoor space would exceed the minimums expressed on page 127 of the Design SPD. The resulting area not covered by canopy spread would be considerable, usable and enable adequate light to reach the dwelling. Although there would be a need to prune the trees in the future, this need not go beyond regular maintenance given the extent of garden not falling under the canopy spread and given the proposed size of the garden and relatively high nature of the canopies. Moreover, if the Council were to be concerned about the potential for the trees to be felled in the future, it could impose a Tree Preservation Order.
17. To conclude on this matter, the living conditions of future occupiers of the proposed development would be acceptable, with particular regard to the relationship of outdoor space with trees. As such, the proposal would not conflict with Policies EM1 and EM10 of the LP that, amongst other things, seek to ensure that proposals are sympathetic to the character and visual quality of the area, pay particular attention to trees and ensure that the development would successfully integrate with the landscape and surroundings, and are of a high quality design. Furthermore, the proposal would not conflict with the Framework, Design SPD or Landscape SPD that seek to create a high quality environment and protect and enhance the borough's landscape.

Whether appropriate location

18. Policy SS1 of the LP sets out the spatial strategy to meet the housing need of the area over the Plan period. The strategy includes permitting development within the defined Settlement Policy Boundaries. There is no dispute between the main parties that the appeal site lies outside any defined Settlement Policy Boundaries, so is in the countryside, where Policy SS6 applies. Paragraph 4.70 of the LP states that, 'The aim of the Local Plan is to direct development to within the identified Settlement Policy Boundaries and specific site allocations.' It further states that 'Within the countryside, it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements, and resist the encroachment of development into rural areas.' These policies therefore seek to direct new housing to locations served by a range of services and facilities and to protect the countryside.
19. Policy SS6 of the LP consequently only permits new housing outside Settlement Policy Boundaries in specified circumstances. One such circumstance is where residential development is of a small scale and of a scale and type that meets a locally agreed need. The policy states that this is provided that it is well related to the existing development and would not result in an isolated form of development and respects the qualities of the local landscape and visual quality. There is no dispute between the parties that the proposal is of a small scale and is not isolated. I have no reason to disagree and have found above that the proposal would not harm the character and appearance of the area. Furthermore, I saw that services and facilities, including work, would be accessible via a variety of transport modes such as bus or bicycle as well as the car.
20. As a result, full compliance with Policy SS6 of the LP is dependent on whether the proposal is of a scale and type that meets a locally agreed need. The appellant's evidence states that local agreed need is inherent in the Council being unable to demonstrate the required supply of deliverable housing sites. However, paragraph 4.77 of the LP states that the proposal should meet a local need as agreed in consultation with the parish/town council. As the appeal is accompanied by little evidence in this regard, it has not been adequately demonstrated that the proposal is of a scale and type that meets a locally agreed need for the two-bed detached house proposed.
21. In light of the lack of detailed evidence that the proposal would meet a locally agreed need, the site is not an appropriate location for the appeal proposal, with particular regard to the local development strategy. As such, the proposal is contrary to Policies SS1 and SS6 e) of the LP. However, as the proposal complies with the local development strategy with regard to directing new housing to locations served by a range of services and facilities and that protect the countryside, the level of harm caused would be low.

Other Matters

22. I have had regard to concerns raised by third parties in relation to the suitability of the access to serve the development and provide emergency access, potential conflict with the public right of way/bridleway, from noise, vibration, parking and turning, flood risk, contamination, power cables and inaccurate plans. However, I have little detailed evidence before me that the proposal would be harmful in these regards, and it is noteworthy that the

Council came to similar conclusions and raised no concerns in relation to these matters.

23. With regard to any effect on wildlife and bat boxes, conditions could be imposed should I be minded to allow the appeal to implement the wildlife mitigation and enhancement measures proposed by the appellant, and to control hours of construction and associated delivery times to ensure no harm to protected species. It is again noteworthy that the Council came to similar conclusions in these regards.
24. Although the proposed dwelling would change the outlook from the rear of properties on The Hawthorns, the rear of these properties are a considerable distance from the site with some intervening planting. With a blank side elevation to the proposed dwelling facing the properties on The Hawthorns, there would be no harmful levels of overlooking.
25. I have taken into account that previous planning applications on the site have been refused, but this was some time ago, I have limited information in relation to these proposals and I must consider the current proposal on its merits and against current planning policies and guidance.

Planning Balance and Conclusion

26. I have found above that the proposal would be contrary to the spatial strategy policies drawing it into conflict with the development plan as a whole.
27. The proposal would result in an additional dwelling contributing to the Government's aim to significantly boost the supply of housing land. There would also be associated economic benefits from construction and spending. Moreover, the proposal gains support from Paragraph 83 of the Framework where it states that housing should be located where it will enhance or maintain the vitality of rural communities and that development in one village may support services in a village nearby. I give these considerations significant weight.
28. In light of the above, given the specific characteristics of the appeal site regarding its relationship to existing residential properties and services and facilities, I am satisfied that the other considerations in this case clearly outweigh the conflict with the development plan.

Conditions

29. I have had regard to the tests in the Framework in relation to conditions, and the planning conditions suggested by the Council. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
30. A pre-commencement condition is necessary to ensure that a construction method statement is submitted before works commence in the interests of highway safety during construction. Alongside this, conditions are required to control the hours of construction and deliveries in the interest of protecting the living conditions of nearby occupiers.
31. Conditions are required to ensure the submission and approval of facing and surface materials in the interests of protecting the character and appearance of the area.

32. Conditions are necessary to ensure the provision of suitable car and cycle parking, in the interest of highway safety and to discourage the use of the car. A further condition is required to ensure the provision of electric vehicle charging points in the interests of carbon reduction.
33. Conditions are required to ensure the provision of suitable boundary treatment and the submission and provision of a landscaping scheme in the interests of protecting the character and appearance of the area.
34. A condition is necessary to ensure the provision of suitable water efficiency measures in the interests of delivering a sustainable use of water resources.
35. A condition is necessary to ensure that no additional openings are provided in the western elevation of the building to protect the living conditions of nearby occupiers.
36. A condition is necessary to prevent the construction of extensions to the building in the interests of the character and appearance of the area and to protect trees and biodiversity.
37. A condition is required to ensure the provision of suitable on-site storage of refuse and recycling containers in the interests of encouraging recycling and highway safety.
38. Conditions are necessary to ensure that the ecological enhancement and tree protection measures proposed are carried out in the interests of enhancing biodiversity and to protect trees and the character and appearance of the area.
39. I have slightly amended the wording of some of the conditions and removed any 'tailpieces' in the interests of brevity, certainty and clarity.
40. A further condition has been recommended by a third party to provide speed ramps along the access. However, by reason of the narrow nature of the access it will serve to limit vehicle speeds and as a result the condition is not necessary. It is noteworthy that the Council have not recommended a similar condition.

Conclusion

41. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

*****SCHEDULE OF CONDITIONS*****

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 3031-01 Location Plan at 1:1250, drawing number 3031-02A Rev A – Proposed, and drawing number 3031-02A Rev A – Proposed Block Plan.

- 3) No development shall take place, (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall include scaled drawings illustrating the provision for –
 - 1) The parking of site operatives and visitors vehicles.
 - 2) Loading and unloading of plant and materials.
 - 3) Management of construction traffic and access routes.
 - 4) Storage of plant and materials used in constructing the development.The development shall thereafter be carried out in accordance with the approved Statement.
- 4) No development above damp-proof course shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted and retained (including replacement trees where appropriate). The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
- 5) No development above damp-proof course shall commence until a schedule of materials and finishes, including samples, to be used for the external walls and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 6) No development above damp-proof course shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls and/or fences to be erected. The approved screen walls and/or fences shall be erected before the dwelling hereby approved is first occupied and shall subsequently be maintained.
- 7) Prior to the provision of any hard and paved surfacing on site, details of the materials to be used for the surfacing shall have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the dwelling is first occupied and thereafter retained.
- 8) The development hereby permitted shall not be occupied or the use commenced, whichever is the sooner, until 2 vehicle parking spaces have been constructed and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.
- 9) The dwelling hereby permitted shall not be occupied or the use commenced, whichever is the sooner, until details of the secure cycle parking facilities for 2 long and 1 short stay places, have been submitted to and approved in writing by the Local Planning Authority, such drawings

to show the position, design, materials and finishes thereof. The approved secure cycle storage shall be constructed and fully implemented before occupation or the approved use commences, whichever is the sooner, and the areas of land so provided shall thereafter be retained and maintained in accordance with the approved details and shall not be used for any other purposes.

- 10) Prior to the occupation of the dwelling hereby approved, details of electric vehicle charging provision shall be submitted and approved in writing by the Local Planning Authority. Such details shall include the specification, appearance and siting of any charging points. Where charging points are not proposed, details of parking areas which can be conveniently retrofitted at a later date shall be provided. This includes details demonstrating that that electrical connections within the site are suitable for future use for electric vehicle charging. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 11) All wildlife protection, mitigation and enhancement measures shall be undertaken in adherence with the recommendations contained in Sections 15 & 16 of the revised Extended Phase 1 Ecological Assessment submitted by Phillips Ecology dated July 2022. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details.
- 12) No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 13) No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
- 14) The dwelling hereby approved shall not be occupied until a Construction Statement detailing how the new home shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority or through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
- 15) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings shall be inserted in the west facing elevation of the building without the prior permission of the Local Planning Authority on an application made for the purpose.
- 16) The development hereby permitted shall not be occupied until the property has provision within its curtilage for refuse and recycling storage (prior to disposal), the surface materials from the carriageway to the waste container collection point shall be smooth and shall not hinder the

movement of waste containers to the collection vehicle, have been provided for 1 number 240ltr refuse Wheelie bin, 1 number 240ltr recycling Wheelie bin and 1 number glass recycling box, and the areas of land so provided shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling and shall be thereafter retained and maintained.

- 17) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, AA and E of Part 2 of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.
- 18) Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural assessment & method statement dated 9th December 2021; as submitted by Barrell Tree Consultancy. Tree protection fencing and ground protection shall be erected prior to any site activity starting and maintained throughout the development. The development shall be carried out in complete accordance with the approved Method Statement.

*****END OF SCHEDULE*****