



Appeal Decision

Site visit made on 21 February 2024

by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/P1750/W/23/3328505

St Wilfred's Cottage, 9 Church Path, Farnborough, Hampshire GU14 6DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Kendrick against the decision of Rushmoor Borough Council.
 - The application Ref 23/00385/FULPP, dated 17 May 2023, was refused by notice dated 12 July 2023.
 - The development proposed is new one bedroom detached bungalow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 December 2023 the Government published a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Background and Main Issues

3. The Council refused planning permission for the proposed development for four reasons. The second of these related to whether the Government's nationally described space standard for internal accommodation would be met. Since the Council's decision was issued, the main parties have agreed that the bedroom floor area would be less than the size required in the standards for a double bedroom. They therefore agree that the floor space proposed complies with the required standard for a one-bedroom, single occupancy dwelling. From the evidence before me, I see no reason to disagree with the main parties. Therefore, I do not need to consider this matter further.
4. Consequently, the main issues are: the effect of the proposed development on highway safety; whether the proposal makes adequate provision for any additional need for infrastructure arising from the development, with particular regard to public open space; and the effect of the proposed development on the integrity of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Highway safety

5. The appeal site is accessed along Church Path, which is not wide enough to provide vehicular access. The existing dwelling and its neighbours do not have car parking provision on site.
6. Policy IN2 of the Rushmoor Local Plan 2014-2032 (adopted 2019) (LP) requires parking provision in accordance with the Council's Car and Cycle Parking Standards Supplementary Planning Document 2017 (SPD). The LP is relatively recently adopted and will have been found sound and consistent with the Framework requirements for parking, which require any parking standards to be based on evidence including local car ownership levels. Based on the SPD standards, the proposed new dwelling would generate a need for one car parking space.
7. The site is well located for local facilities, services and public transport, so future residents would not need to rely on a private car to meet their day-to-day needs. Provision could also be made on site for cycle parking to encourage non-car modes of travel. However, there is no guarantee that future residents would not own a car, and no mechanism before me to prevent car ownership.
8. The SPD advises that there is high car ownership in even the most sustainably located developments in the authority area. While it states that in town centres lower provision may be acceptable in certain circumstances, the SPD requires at least one off-street space per dwelling for new build dwellings, unless exceptional circumstances are met. These include where suitable off-street or on-street parking is available within 200m and where the development is supported by a Travel Plan to encourage use of sustainable transport and actively discourage car ownership.
9. Due to the access restrictions, parking cannot be provided on the appeal site and no alternative parking provision is proposed. There is no substantive evidence before me, such as a suitable parking survey, to demonstrate that there is on-street parking available within 200m of the site. Although options for alternative off-street arrangements were discussed with the Council, there is no evidence before me that such parking has been secured. Nor is the appeal scheme accompanied by a Travel Plan to support the national and local desire to facilitate reduction in the need to travel by private car. Therefore, the proposal does not meet any of the exceptional circumstances in the SPD where a reduced provision of parking spaces could be considered.
10. Consequently, it is likely that the proposed dwelling would lead to additional parking demand in the local area. The evidence before me, which was supported by my observations on site, is that the local area suffers from parking stress, with parking restrictions on many roads and other unrestricted areas heavily parked. The appellant has also provided evidence that local residents have opted to provide parking on their site frontages, even where those are too small to accommodate a standard car parking space. This supports the evidence that on-street parking is a significant issue in this area.
11. There is no substantive evidence before me that there is sufficient parking capacity in the area to accommodate the parking demand likely to be

generated by the appeal proposal. Therefore, the proposal is likely to worsen the existing situation. This is likely to increase parking in the unrestricted roads locally, reducing the ability for vehicles to pass and increasing the likelihood traffic obstructions and poor or obstructive parking.

12. The proposal would therefore result in harm to highway safety. While the harm would be localised due to the nature of the location, where other transport options are available, the proposal would nevertheless conflict with LP Policy IN2. This permits development which provides appropriate parking provision in accordance with the SPD.
13. Permission has previously been granted for an extension to the existing dwelling. There is however no requirement in the SPD for additional parking when changing from 2 to 3 bedrooms. There is also no substantive evidence before me that the number of occupants for a 3 bedroom dwelling would be the same as across two separate households in a 1 bedroom and a 2 bedroom dwelling. Therefore, it has not been demonstrated that the previously permitted scheme would generate the same parking requirement as the appeal proposal, and the previous consent to extend the existing dwelling does not justify the harm identified.
14. I recognise that other properties along Church Path do not have parking, including some which are larger than the appeal property and others which have been extended. However, I do not have details of how the other examples referenced came to be approved, or what evidence they may have provided to support their case. New development does not need to provide for existing shortfalls, but does need to address the additional demand it creates. Therefore, the absence of parking elsewhere does not justify a new dwelling without parking provision, given the parking stress that exists in the area.

Infrastructure

15. An additional dwelling is likely to increase the local population and, consequently, demand for infrastructure including use of local public open space (POS). The LP identifies that there are deficiencies in POS provision in some areas and requires financial contributions to be made for enhancement of existing POS off-site to mitigate the impact of smaller developments.
16. While I appreciate that the appellant is willing to make a financial contribution towards POS, this would need to be secured as a planning obligation through a legal agreement before planning permission was granted. The appellant has sought to contact the Council on this matter. While I understand that the Council did not wish the appellant to incur wasted expense, it would have been evident at appeal stage that it would be necessary for the appellant to enter into a legal agreement to secure the contribution. It is unclear whether the appellant has benefitted from professional advice on this matter to enable them to make their own choice as to whether to incur the expense of entering into such an agreement. Nonetheless, there is no such legal agreement before me.
17. No on-site POS provision is possible on the appeal site, and there is no mechanism before me to secure a financial contribution towards off-site provision. Therefore, the proposal does not make adequate provision for the additional need for infrastructure arising from the development, with particular regard to POS. Accordingly, the proposal conflicts with LP Policies DE6 and DE7 insofar as they require appropriate provision for additional POS.

Thames Basin Heaths SPA

18. The appeal site is within 5km but beyond 400m from the Thames Basin Heaths SPA, which is designated for its lowland heathland bird populations, including ground nesting birds. The SPA heathland is prone to nitrogen deposition and the bird populations and nests are very prone to recreational disturbance, particularly from dogs and cats. Additional residential properties within the catchment have the potential to add to both types of pressure, contributing to the existing unfavourable condition of the SPA and further preventing the site from achieving its conservation objectives.
19. The proposal would result in a net gain of one dwelling within 5km of the SPA. The evidence before me is that this would not lead to a likely significant effect on the SPA in terms of nitrogen deposition as it would not have a significant impact on net traffic. However, it would increase the number of residents within the catchment area of the SPA, which is likely to result in increased visitor numbers to the SPA. Therefore, the proposal, both alone and in combination with other development in the area, is likely to have a significant effect on the integrity of the SPA due to increased disturbance through recreational activity.
20. The Thames Basin Heaths SPA Avoidance and Mitigation Strategy (April 2023) (AMS) has been drawn up with advice from Natural England and adopted by the Council. The AMS sets out a mitigation strategy consisting of Suitable Alternative Natural Greenspace (SANG) to divert recreational pressure away from the SPA, and Strategic Access Management and Monitoring (SAMM) measures to minimise the impact of visitors on the SPA. Policy NRM6 of the retained South East Plan – Regional Spatial Strategy for the South East and LP Policy NE1 require that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SPA as a result of new residential development.
21. The AMS sets out ways by which SANG and SAMMs can be secured to mitigate the impact of development. It allows for small developments, such as the appeal proposal, to secure provision off-site for SANG. This requires capacity for SANG to be found on another site and appropriately secured. Several locations which may be able to provide SANG capacity are set out in the AMS, including sites under the Council's control, large sites being developed by others, and sites in the neighbouring Hart district. The Council will only allocate SANG capacity on its own sites or request allocation of capacity for those in Hart where a proposal is considered acceptable through pre-application discussions. On other sites, it would need to be demonstrated that SANG capacity has been secured through a legal agreement or other appropriate mechanism. Financial contributions towards SANG and SAMMs are also set out in the AMS.
22. There is no suggestion that there is no SANG capacity available to offset the impact of one dwelling. There are therefore projects that could address the effects associated with the proposed development and relieve pressure on the SPA. However, there is no substantive evidence before me to demonstrate that any of the available SANG capacity has been secured for this proposal. While the appellant has indicated their willingness to enter into a legal agreement to secure the financial contributions necessary, there is no such agreement before me. Therefore, in the absence of mitigation the proposal would result in a

significant adverse effect on the integrity of the SPA. Accordingly, it would conflict with South East Plan Policy NRM6 and LP Policy NE1.

23. In this matter I have some sympathy with the appellant who, it appears, has come somewhat unstuck with the complex procedure to be followed to secure SANG capacity. I acknowledge that the Council did not allocate SANG capacity for the appeal proposal because it considered that the scheme did not comply with the development plan. I also appreciate that such capacity is limited. However, it is unclear how capacity might be secured in the situation whereby an Inspector might find a proposal policy compliant or otherwise acceptable, and capacity would be required in order for an appeal to succeed.
24. Furthermore, as with the infrastructure contribution, it is unclear whether the appellant has had the benefit of advice that a legal agreement would be necessary for the SPA mitigation measures, or that SANG capacity could be secured by other means than through the Council. Nevertheless, there is no mechanism before me to secure mitigation and this cannot be put in place after the fact. Therefore, the parties conduct on this matter does not affect my conclusion on this main issue.

Planning Balance and Conclusion

25. For the reasons above, the proposal would result in harm to highway safety and fail to mitigate the demand that additional residents would make on both POS infrastructure and the likely significant effect on the integrity of the SPA. I afford great weight to this harm and the resulting conflict with development plan policies.
26. The scheme would deliver an additional dwelling on a site with capacity for additional housing and in a sustainable location. It would therefore make a small but valuable contribution to boosting housing supply. There is however no substantive evidence before me of a shortfall in housing supply in the borough, or that a one-bedroom dwelling would meet an identified housing need. Therefore, I give this benefit limited weight.
27. While there was a previous permission for an extension on a larger footprint than the proposal, I am advised that this has lapsed. Furthermore, it has not been demonstrated that the extension would have resulted in additional occupants or parking demand. Therefore, it has not been shown that it would have had the same effect on infrastructure and the SPA as the appeal scheme. Consequently, I give this alternative development very limited weight.
28. The proposal would conflict with the development plan when read as a whole, and there are no material considerations, including the benefits of the scheme, which outweigh the harm I have identified. Therefore, the appeal is dismissed.

L McKay

INSPECTOR