



Appeal Decision

Site visit made on 18 June 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal Ref: APP/H1705/W/23/3334504

Doe Farm, Newnham Lane, Old Basing, Hampshire RG24 7AT

- 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 Doe against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/00896/FUL.
 - The development proposed is the removal of the ménage and the erection of a single dwelling house with ancillary car parking and amenity space and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023 after the appellants submitted their statement of case (SoC). The SoC refers to wording of paragraphs 78 to 80 but the text quoted is found in paragraphs 82 to 84 of the revised Framework. I have had regard to this in my decision and I am satisfied that this has not prejudiced any party.
3. The Council issued a draft Local Plan Update in January 2024 meeting the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It also published an updated Housing Land Supply Position in March 2024. The appellants have made comments in respect of this information which I have taken into consideration in my determination of the appeal.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the site and surrounding landscape; and
 - whether the proposed dwelling would be in a suitable location having regard to development plan policies concerning new housing in the countryside.

Reasons

Character and appearance

5. The appeal site comprises a solid, unfenced, hard surfaced area which the evidence suggests was a ménage originally associated with an equestrian use.

The hard surfaced area is bound by mature trees and hedgerows and situated in a wider grassed area. There is a house under construction to the north of the site and a railway line runs to the south. There is a public footpath parallel to the railway. The wider area is characterised by open fields and belts of woodland. Notwithstanding the presence of occasional buildings and activities in the vicinity, the site is situated in a pleasant countryside location in surroundings that are intrinsically rural.

6. For the purposes of the Basingstoke and Deane Landscape Character Assessment 2021, the appeal site falls within the Loddon and Lye Valley Character Area (LLVCA) which is identified as having a diverse landscape of varying landcover and degrees of enclosure, ranging from mixed farmland and woodland on clay to arable chalklands. Due to its flat nature and the surrounding boundary hedges, the existing hard surface is relatively unassuming within the wider context and its former equestrian use is not uncommonly found within countryside locations. Therefore, the appeal site has an open, verdant quality that blends with the wider countryside surroundings consistent with the wider landscape character of the LLVCA.
7. The appeal scheme proposes to extend the existing access track and introduce a two-storey detached dwelling, associated parking and turning area, together with separate bin and cycle storage. Notwithstanding the removal of the existing hardstanding and its part replacement with soft landscaping, overall, the proposed development would introduce a residential use, building and activity that would undermine its fundamentally open, and rural character. Taken together, the proposed new dwelling, access track, parking area, and bin and cycle store would be an intrusion into the countryside and weaken the scenic qualities of its rural location and the wider landscape.
8. Even if new planting would screen the proposed development to some extent, and the design, materials and architectural detailing of the proposed house would not be harmful in itself, the roof of the proposed dwelling would stand out above the hedge lines and through gaps in them. Therefore, the uncharacteristic and urbanising impact of the proposed dwelling would be perceptible from the wider landscape and nearby public footpath.
9. Thus, the proposed use and scale of development would not be appropriate to the site's context and the proposal would harm the character and appearance of the site and surrounding landscape. There would therefore be conflict with Basingstoke and Deane Local Plan 2016 (BDLP) Policies EM1 and EM10, which seek to protect the character, visual amenity and scenic quality of the landscape and the rural location of the site. There would also be conflict with the Framework insofar as it requires development to be sympathetic to its landscape setting and recognises the intrinsic character and beauty of the countryside. While not part of the development plan, the proposed development would also fail to accord with the Countryside Design Summary within the Council's Landscape, Biodiversity and Trees Supplementary Planning Document 2018, which seeks to ensure new development in the LLVCA reflects the way existing settlements relate to the surrounding landscape.

Location

10. BDLP Policy SS1 outlines the local strategy for housing delivery, supporting development on appropriate brownfield sites and within Settlement Policy Boundaries (SPBs). The appeal site is not within a SPB and therefore is

considered to lie in the countryside. Policy OB&L3 of the Old Basing & Lychpit Neighbourhood Plan 2018 (OB&LNP) also seeks to focus new housing development within the SPBs, only supporting development outside of SPBs if it is in accordance with other Neighbourhood Plan and relevant development plan policies.

11. BDLP Policy SS6 concerns proposals for new housing outside of SPBs which will only be permitted where they are, of most relevance to this appeal, on 'previously developed land' (PDL) and subject to certain criteria. I observed the developed area to be of sufficiently permanent construction to constitute fixed surface infrastructure and close to a timber building immediately beyond its north western edge. From my site visit, there is no boundary demarcation or means of enclosure separating that building from the site or from other buildings beyond. Accordingly, I find the former ménage to be within the curtilage of developed land and thereby constitutes PDL for the purposes of the Framework and BDLP Policy SS6.
12. Criteria a) i-iii) of BDLP Policy SS6 states that proposals on PDL will only be permitted provided they do not result in an isolated form of development; and the site is not of high environmental value; and the proposed use and scale of development is appropriate to the site's context.
13. To the north of the appeal site, there is a house under construction with other structures adjacent to it, some of which are to be removed following completion of the house build. Notwithstanding the presence of other occasional buildings and farming activities in the wider area, the site is located further into the countryside than Wildwood Farm, where a residential development has been approved. Even noting that the appeal site is within 1km of the SBP of Old Basing and having regard to the definition of "isolated" in the BDLP, to my mind the appeal site is not well related to a settlement. Access to the village would be via an indirect route along a lengthy private drive to Newnham Lane and then along the unlit lane to the village. Alternatively, it would be across fields via an unlit rural footpath. It is not in a location that benefits from established public transport. The lack of a direct route accentuates the separation of the site from a settlement. In this instance, the site is physically separated from the village by a significant tract of countryside and would be remote from it. As a consequence, the proposal would look and feel isolated and therefore conflict with criterion a) i) of BDLP Policy SS6.
14. Whilst the explanatory text of the Policy does not provide a definition of 'high environmental value', I have not seen evidence to suggest that it has a statutory environmental or other designation. Even if the appeal site is not of high environmental value per se, as already set out in the first main issue, I have already found that the proposed use and scale of the development would not be appropriate to the site's context. Therefore, the proposed development also fails to comply with criterion iii) of Policy SS6.
15. While being on PDL, the proposed development does not satisfy provisions a) i) and iii), nor any other exceptions made for new housing outside of SPBs. Conflict therefore arises with Policy SS6 of the BDLP. Nor does the proposed development satisfy any of the provisions under Policy SS1 and therefore fails to accord with the overarching housing delivery strategy of the BDLP. The harm identified in respect of the first main issue and conflict with Policy SS6 indicates

there would also be conflict with Policy OB&L3 of the OB&LNP, insofar as it only supports development outside SPBs that is in accordance with other Neighbourhood Plan and relevant development plan policies.

16. Drawing all of the above together, the proposed development would not be in a suitable location having regard to development plan policies concerning new housing in the countryside. It would also conflict with the Framework insofar as it seeks to avoid the development of isolated homes in the countryside.

Planning balance

17. An appeal decision¹ has been brought to my attention in which the Inspector found that BDLP Policies SS1 and SS6 were out-of-date (Watermill Bridge decision). The draft Local Plan Update has also now reached Regulation 18 stage. In these circumstances, paragraph 226 of the Framework indicates that for decision-making purposes, the Council is only required to identify and update a minimum of 4 years' worth of housing. Working on the basis of the Council's Updated Housing Land Supply Position from March 2024, it can demonstrate a supply of 4.2 years. There has therefore been a material change in circumstance since the time of the Watermill Bridge decision was made.
18. Nevertheless, the appellants contend that, regardless of the housing land supply position, Policies SS1 and SS6 of the BDLP are out-of-date due to their control of the delivery of housing and that paragraph 11(d) of the Framework should be engaged. As the Council can demonstrate at least 4 years' worth of housing land, even if the BDLP is more than 5 years old and irrespective of the past under-delivery, the relevant policies are not necessarily out-of-date.
19. I have found that the proposed development would harm the character and appearance of the site and the surrounding landscape, and conflict with the settlement strategy of the development plan. Whether or not Policies SS6 and SS1 of the BDLP are 'out of date', in broad terms they seek to direct development towards settlements and restrict housing in the countryside. The Framework seeks to achieve sustainable development, recognises the intrinsic character and beauty of the countryside, and indicates that isolated homes in the countryside should be avoided. Therefore, there is a meaningful degree of consistency with Policies SS6 and SS1 and the Framework. As due weight should be given to existing policies according to their degree of consistency with the Framework, overall, I attribute significant weight to the conflict with Policies SS1, SS6 and EM1 of the BDLP and OB&L3 of the OB&LNP.
20. Although Footnote 8 of the Framework disappplies the balancing exercise under Paragraph 11 d) of the Framework, this paragraph means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In terms of benefits, the proposal would contribute a single dwelling to the market, which could be delivered quickly and would make a very limited albeit still beneficial contribution to boosting the supply, as well as the choice and mix of homes in the District. There would be economic benefits relative to the construction phase and as future residents contribute to the local economy. The removal of the hardstanding and new landscaping would give some opportunity for improved biodiversity, although

¹ APP/H1705/W/23/3326191

this would mainly be in mitigation. Cumulatively the benefits of one dwelling would be moderate.

21. In respect of the Framework, the harm identified in relation to the first main issue indicates that the proposal would fail to satisfy the environmental objective of sustainable development. Furthermore, the proposal would cause harm to the intrinsic character and beauty of the countryside including the surrounding landscape setting. Therefore, even if the relevant policies had been out-of-date and paragraph 11d) had been at play, the adverse impacts of granting planning permission would still significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

22. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR