

Appeal Decision

Site visit made on 12 September 2024

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 07 October 2024

Appeal Ref: APP/H1705/W/24/3346295

**Slade Hill Cottage, Station Road, Slade Hill, Woolton Hill, Hampshire,
RG20 9TN**

- 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 Bearman against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/01422/FUL.
 - The development proposed is the erection of a detached dwelling and garage including a new vehicular access.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the appeal site is in a suitable location for housing having regard to policies for development in the countryside.

Reasons

3. It is not in dispute that the appeal site is beyond the Settlement Policy Boundary (SPB). Policy SS6 of the Basingstoke and Deane Local Plan (2011-2029) (LP) states that development of housing beyond SPBs will only be permitted according to the exceptions listed, none of which the parties agree apply in this case. The proposal is therefore inconsistent with Policy SS6 of the LP.
4. This conclusion also brings the proposal into conflict with Policy SS1 of the LP and Policy HO2 of the East Woodhay Neighbourhood Plan (2022-2029) (NP), which restrict housing to the SPBs unless the exception criteria are met.
5. The appellant has forwarded the argument that the SPB is a notional line for planning purposes and that there would not, in fact, be any harm to the countryside. While I accept that the degree of harm is a matter of judgement, conflict with policies that seek to achieve a particular distribution across a local plan area result in harm in principle.
6. Slade Hill Cottage is not immediately surrounded by other housing and sits in a substantial plot, largely surrounded by fields and trees. In this, the character of the immediate area is more akin to dwellings in the wider rural

area than the tighter grained, built-up area of the village. The appeal site itself provides a notable green gap between the rural and built-up areas. Loss of this gap and an increase in the intensity of development would cause some encroachment into the countryside, coalescence of buildings and a reduction in openness. This would be contrary to the stated aims of Policy SS6, and I conclude would be harmful.

7. My attention has been drawn to a 'permission in principle' for two houses in the field immediately north of the site that was granted on appeal in November 2023¹. If built, this would change the character of the area to one of more intensive development. In addition, the site is behind the signpost announcing the village and I note that it is possible to glimpse the built-up area of the village in the background. For these reasons, the extent of encroachment and loss of openness would be small, and the harm to the countryside modest.
8. The permission in principle for two houses to the immediate north has been proposed as a form of precedent. At the time of the decision the Council was unable to demonstrate a five-year housing land supply (HLS) and the Inspector concluded that the harm, including the conflict with Policies SS1 and SS6, did not provide a clear reason for refusal. The underlying conditions at the time of that decision were therefore different to those before me now. The same reason also explains why an earlier application for development at the site² was not refused for being beyond the SPB.
9. National policy has since been revised. Paragraph 226 of the National Planning Policy Framework (NPPF) (December 2023) now states that a four-year HLS is sufficient if the Council has undertaken a local plan consultation in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council published a draft update in January 2024, and it is not in dispute between the parties that this fulfilled the requirements of Regulation 18.
10. I have noted the debate regarding whether the HLS is 4.1 years or 4.6 years. However, it is sufficient that both parties agree that the HLS meets the four-year HLS for me to conclude that paragraph 11d) of the NPPF is not engaged.
11. This is not to say that there would not be a positive contribution to housing supply from the development or that the extent of the exceedance is not relevant. However, the proposal is for one dwelling, so the weight that this attracts in the planning balance is minor regardless of whether the current supply is 4.1 years or 4.6 years.
12. The development would conflict with Policies SS1 and SS6 of the LP, and Policy HO2 of NP, which together restrict development in the countryside. It would also be inconsistent with Policy SD1, which requires that planning applications accord with an up-to-date LP.

¹ APP/H1705/W/22/3313185

² 20/01401/FUL

Other matters

13. The site is in the North Wessex Downs National Landscape (formerly an Area of Outstanding Natural Beauty). Policy HO2 of the NP states that rural exception sites should only be permitted if they are consistent with the North Wessex Downs AONB Management Plan 2019 – 2024. As I have not found the proposal meets the exceptions for development at this location, I have not considered it necessary to compare the scheme with the Management Plan or to explore wider LP policies for protection of the landscape.
14. There would be a contribution to the local economy during construction and occupation. I note the proximity of the site to local facilities, services and wider transport links, which is consistent with the requirements of paragraph 83 of the NPPF. These are matters to which I attach minor beneficial weight, given the small scale of the development.
15. I have noted the discussion regarding whether the site would constitute Previously Developed Land (PDL) and had regard to Appeal Decision APP/H1705/W/19/3222118, in which the Inspector found that a residential garden outside a built-up area fell within the definition of PDL. The definition in the NPPF states that PDL is '*land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)*'. There is no suggestion that the land was occupied by a permanent structure, nor has an argument been forwarded to explain how the site fulfils the curtilage criterion. I therefore do not have sufficient information before me to conclude that the site is PDL.
16. Concerns have been raised over potential delays in processing the original application, which may have resulted in the proposal being assessed under the revised NPPF. Matters arising during the application are beyond the scope of the appeal and my decision must be made based on the extant policies.
17. It has been drawn to my attention that outbuildings could be constructed at the site using permitted development rights. This may be the case in principle but there is no evidence of any intention to do this, and I have therefore not attributed it weight as a fallback position.
18. I have also been invited to give weight to the Government's current consultation on revisions to the NPPF. Given that this is a consultation rather than emerging or adopted policy, I have not given any weight to this.

Planning balance and conclusion

19. The appeal site is beyond the SPB and there are no exceptional reasons for allowing housing at this location. The proposal is therefore not consistent with Policies SS1 and SS6 of the LP, or Policy HO2 of NP, which constrain development of housing to allocated areas, albeit I have found that the harm to the countryside would be modest.
20. There would be benefits from the development through contribution to the local housing supply in proximity to local facilities and transport links. However, given the small scale of the development, I do not consider that these benefits outweigh the harm identified.

21. For the reasons above the appeal should be dismissed.

B Davies

INSPECTOR