



Appeal Decision

Site visit made on 17 September 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2024

Appeal Ref: APP/N1730/W/24/3338325

Land at Old Potbridge Road, Winchfield, Hook, Hampshire RG27 8BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms and Mr S & B Foreman & Corfield against the decision of Hart District Council.
 - The application Ref is 23/02540/OUT.
 - The development proposed is the erection of a dwelling and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with access to be considered in detail as part of the appeal and matters of appearance, landscaping, layout and scale reserved for future consideration. The application drawings include an indicative site plan which includes the possible positioning of a proposed dwelling. I have treated this as being indicative for the purposes of this appeal.
3. The appellant has submitted a unilateral undertaking seeking to address the Council's fifth reason for refusal relating to the effect on the Thames Basin Heaths Special Protection Area. I return to this matter in 'Other matters' below.

Main Issues

4. The main issue is whether the site is appropriate for a new dwelling having particular regard to:
 - i) The Council's development strategy;
 - ii) the effect on the character and appearance of the area, including the effect on existing trees;
 - iii) the effect on biodiversity and green infrastructure; and
 - iv) the accessibility of the site to services and facilities.

Reasons

Development strategy

5. The site is outside of the defined settlement boundaries identified in both the Winchfield Neighbourhood Plan 2022-2027 (January 2024) ('the

Neighbourhood Plan') and the Hart Local Plan (Strategy and Sites) 2032 adopted April 2020 ('the Local Plan').

6. Policy BE1 of the Neighbourhood Plan supports new housing within the settlement boundaries with development outside of such boundaries only supported if it is in accordance with national and local planning policies and the policies of the Neighbourhood Plan itself. Whilst housing is generally directed to locations within settlement boundaries, both Policies SS1 and NBE1 of the Local Plan provide scope for new development on previously developed land outside of the settlement boundaries subject to several other criteria.
7. Given the proximity to other existing dwellings, I am satisfied that the site is not isolated in the context of paragraph 84 of the National Planning Policy Framework ('the Framework').
8. The existing studio building appears to have been on site since approximately 2005. Notwithstanding the description used in the 2005 lawful development certificate, it appears as a reasonably sized single storey building that appears unlikely to be able to be easily moved from one place to another. It has now been on site for approaching 20 years and appears to be in a reasonable condition. It therefore appears from my observations and the evidence before me that it amounts to a permanent building and I have treated it as being so for the purposes of this appeal.
9. The interpretation of 'previously developed land' in Annex 2 of the National Planning Policy Framework ('the Framework') as land which is or was occupied by a permanent structure, excludes land in built-up areas such as residential gardens etc. In this case, however, given the site's countryside location away from any settlement boundary, the site cannot reasonably be considered to be in a built-up area and therefore this exclusion does not apply, irrespective of whether the land forms part of an existing residential garden. The boundaries of the site and its detachment from the existing dwelling are clear and, taking account of the recent planning history, I am satisfied that the 'previously developed land' that would be applicable in this case relates to the entirety of the appeal site in the context of the Framework's interpretation, notwithstanding the caveat that it should not be assumed that the whole of the curtilage should be developed.
10. Local Plan policy NBE1 provides support for development outside settlement policy boundaries where it is located on suitable previously developed land appropriate to the proposed use. I go on to consider the other relevant considerations below.

Character and appearance

11. The site is located at the edge of an area of woodland, adjacent to an existing cluster of recently built housing on Winchfield Crescent. Further limited residential development is located nearby on Old Potbridge Road. Further afield, areas of housing are located in nearby settlements such as Winchfield, along with other ad-hoc housing.
12. Notwithstanding the proximity to other development and the nearby M3 motorway, the site and its surroundings possess a prevailing rural character with the surrounding areas of farmland and woodland making a positive

contribution to this. The particular importance of the areas of woodland is reflected in the Winchfield Landscape Character Assessment.

13. The existing studio building along with an existing smaller shed are unobtrusive. Overall, the natural wooded character of the site and the general absence of built development upon it, makes a positive contribution to the general rural character of the area. It also provides a natural buffer between existing residential development contributing to the rural setting of the existing housing on Winchfield Close. Although the site is not a designated landscape, this does not remove the need to consider the effect of any proposed development on character and appearance.
14. Whilst most of the matters of detail are reserved at this stage, the proposal would lead to a new dwelling on the site. This would be likely to be accompanied by a driveway, hard standings along with general domestic paraphernalia such as play equipment and domestic structures that would reasonably be expected. It is therefore likely to lead to the site taking on a significantly more urbanised character and from, reducing the existing separation between residential development and having an adverse effect on the character and appearance of the area.
15. Furthermore, whilst the indicative site plan and arboricultural information provided seeks to show that the effect on trees would be limited, from my observations on site, I consider that any siting of a new dwelling would lead to a strong likelihood of future occupants wishing to remove some trees to increase levels of day and sun light to their house and amenity areas. Indeed, the indicative site plan (Ref. MLP/03) does not appear to accurately show the correct location of all the trees and is inconsistent with the separate tree constraints plan. This creates considerable uncertainty as to what the full effect upon existing trees and consequently the character and appearance would be. Given the importance of existing trees to the area, this is not a matter that can reasonably be left for future approval given the central importance of this issue in determining the acceptability in principle of the proposed development.
16. Whilst views of the site from public viewpoints are limited, the site and proposed development upon would be collectively apparent from several residential properties and, noting that the Framework seeks to recognise the intrinsic character and beauty of the countryside, the lack of prominence in wider public views does not justify the overall harm to the rural character and appearance of the area.
17. I therefore consider that, whilst recognising the opportunity that can be provided by previously developed land to provide for new homes, in this case the proposal would be likely to result in significant and unacceptable harm to the character and appearance of the area. This would be contrary to the relevant landscape and local character protection aims of Policies NBE2 and Policy NBE9 of the Local Plan, saved Policy GEN1 of the Hart Local Plan (Replacement), Policy BE1 of the Neighbourhood Plan and the Framework. I am content that Policy NBE9 applies in this case given the wide range of matters that are considered under 'design' including the need to respect local landscape character.

Ecology and green infrastructure

18. The Preliminary Ecological Assessment concludes that the site has potential for bats, reptiles and amphibians and sets out the need for further surveys. These would be required to assess the impact and any potential mitigation requirements. Given the findings of this Ecological Assessment, I consider that the site has a reasonable degree of ecological sensitivity that needs careful consideration.
19. It is appropriate that planning conditions should not usually be used to require ecological surveys because the full impact of a proposal on a protected species needs to be considered before planning permission can be granted. Whilst the application is in outline, matters regarding the potential effect on any protected species is a matter that needs to be resolved to establish whether the principle of development is acceptable. Further updated surveys can be subsequently provided but this does not negate the need for provision of appropriate survey information before considering whether planning permission can be granted. There are no exceptional circumstances in this case to justify the conditioning of further survey work. The applicant indicates that eleven trees could be removed to accommodate the development. Whilst these are Category C trees it would still represent a material loss of the existing biodiversity baseline for the site.
20. Consequently, in the absence of the full survey details it is not possible to properly assess the effect of the proposal on the ecological interest of the site or any mitigation that might be required. This would be contrary to the aims to conserve and enhance biodiversity of Policy NBE4 of the Local Plan and Policy NE6 of the Neighbourhood Plan.
21. The site is located within the designated Green Infrastructure Network ('the Network'). Taking account of the above concerns, the lack of appropriate mitigation and the site's links to other areas of the Network, there is potential that the proposed development, including the construction of a new dwelling and development associated with it, would not protect the Network. This would be contrary to the relevant aims of Policy INF2 of the Local Plan which seeks to provide for the protection of the Green Infrastructure Network.

Accessibility

22. The site is located reasonably close to Winchfield railway station and the public house adjacent to it. Given its proximity and lit pedestrian footway along the B3016, the railway station would offer a reasonable opportunity for sustainable travel to a variety of destinations including Fleet, Basingstoke and London. The lack of lighting on the road from the appeal site to the B3016 would limit the accessibility to the railway station by foot and bicycle during the winter months pedestrians and some occupiers would still be likely to travel the short distance by car in order to use the car park. However, the proximity to the railway station is a positive in terms of sustainable access. The other nearby villages, including Hartley Wintney, are not so close to the site to allow for pedestrian access, though it would be feasible to cycle to them for those able and willing to do so.
23. Paragraph 109 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural sites. I consider that there is some conflict with the aims of promoting sustainable

transport due to lack of convenient day to day facilities within convenient and comfortable walking distance of the site. Weighing this against the proximity of the site to the railway station and given that only one dwelling is proposed with consequently limited overall movements, I conclude on balance that the site has some limited merit in terms of sustainability of access.

24. Therefore, solely in terms of accessibility to services and facilities, the site can be deemed to be a reasonably sustainable location in the context of Local Plan Policy SS1.

Other matters

25. The applicant has referred to examples of recent residential approvals in the vicinity of the site. I do not have full details of the circumstances of each approval before me which makes it difficult to reach firm conclusions on the relevance of them to this current appeal. Based on the evidence provided by the Council, the development at the Barn, Old Potbridge Road followed the removal of the existing dwelling so is not directly comparable to this proposal. The other developments also appear to have differing policy contexts. I have taken these examples into account but do not consider that they make any material difference to the conclusions I have reached on the main issues of this appeal.
26. As noted above, the appellant has submitted a Unilateral Undertaking (UU) seeking to ensure that suitable mitigation is in place to prevent adverse effects upon the integrity of the TBHSPA. Given my findings on the main issues leading to the conclusion below that the appeal should not be successful, it has not been necessary to consider the adequacy of the UU and the effect upon the TBHSPA in any further detail as part of this appeal.
27. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and the Secretary of State made a written ministerial statement 'Building the homes we need'. As the proposed reforms are subject to consultation, they carry only limited weight at this time and, in the context of this appeal, I have not considered it necessary to consult the main parties on them.

Planning balance

28. Nevertheless, in this case I have found that the development would lead to the likelihood of significant harm to the character and appearance of the area and it has not been satisfactorily demonstrated that the ecological interest of the site and the Green Infrastructure Network has been appropriately protected. The harm arising means that the development cannot be considered as being 'located on suitable previously developed land appropriate for the proposed use'. Criteria (j) of Local Plan policy NBE1 would not therefore provide support for the proposal. Overall, the harm arising leads to the conclusion that the proposal would be contrary to the development plan when considered as a whole.
29. Noting that the concept of 'isolated' dwellings in the countryside was established in earlier versions of the Framework prior to the adoption of the Local Plan and Neighbourhood Plan, the relevant development plan policies provide for some flexibility in relation to development in the countryside. This is broadly consistent with the Framework and there is nothing of substance to

suggest the policies referred to in my considerations above, that are most important for determining the application, are out of date for the purposes of this appeal.

30. The provision of a new dwelling would make a modest social and economic contribution helping to boost the supply of housing and would, to a modest degree, support local services in nearby settlements. However, this does not outweigh the harm that would arise and the conflict with the development plan.
31. Whilst the proposal would not result in an isolated dwelling in the countryside, for the reasons set out above it would not amount to sustainable development as sought by the Framework. It would also conflict with the general sustainable development requirements of Policy SD1 of the Local Plan and Policy BE1 of the Neighbourhood Plan.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR