



Appeal Decision

Site visit made on 16 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/H1705/W/24/3344656

Land to the south of Hillside, Andover Road (A343), Hollington Cross, Highclere, Hampshire RG20 9SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs M Snoeck against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/00379/PIP.
 - The development proposed is permission in principle for the residential development of 1 no. dwelling (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second 'technical details consent' (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. Layout and elevation plans have been submitted, which are clearly marked as indicative. I have therefore considered these as such.
4. The appeal site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Prior to the Council issuing its decision, on 22 November 2023 all designated AONBs became "National Landscapes", although they are still referred to as AONBs in legislation and policy. On 26 December 2023 section 245 of the Levelling-Up and Regeneration Act amended the duty in respect of AONBs, strengthening the statutory purpose of conserving and enhancing the natural beauty of the AONB. I am satisfied that there is sufficient information before me to make my determination in respect of this matter.
5. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before the final document is published. The consultation closes on 24 September 2024. I have sought comments from the parties as to

whether these proposed reforms have any relevance to the appeal, and I have taken the comments received into account in my consideration of the appeal.

6. My attention has been drawn to a legal challenge to the Watermill Bridge appeal decision¹ cited in the evidence. This challenge was recently dismissed in the High Court² and relates to the Basingstoke and Deane Local Plan 2016 (BDLP). The parties have therefore been given the opportunity to comment on this, for my consideration in this appeal.

Main Issue

7. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. The appeal site comprises part of a field alongside Andover Road (A343) and opposite a detached dwelling known as Clearview. The site is accessed off the A343 via an unnamed narrow laneway and is well-screened from the roadside and surrounding land by trees and hedges. The site has a gravelled vehicular access off the laneway, which runs southwards along the wider field to a barn also in the ownership of the appellants. This building has planning permission³ for conversion to a dwelling but, during my site visit, I could clearly see that it had not been converted yet.
9. I have also been referred to a further planning permission⁴ granted for removal of this barn and the provision of a dwelling. However, given that this relates to the replacement of an existing building that benefits from lawful residential use through conversion, it would be a materially different form of development to the appeal proposal, which would involve an entirely new dwelling on undeveloped land.
10. Policy SS1 of the BDLP sets out the local strategy for housing delivery and refers to permitting development within the Settlement Policy Boundaries (SPBs). The appeal site is not within a SPB and is therefore in the countryside. The appeal proposal is also not a form of development that complies with Policy SS1, as this policy only supports residential countryside development that forms an exception site, which does not apply to this scheme.
11. BDLP Policy SS6 relates to proposals for new housing outside of SPBs, which it says will only be permitted where they are, of most relevance to the proposed location and land use, small scale residential proposals of a scale and type that meet a locally agreed need, and provided that they are well related to the existing settlement, and would not result in an isolated form of development. In this context, the parties do not dispute that the provision of one dwelling in this location would be small scale, and no locally agreed need has been put forward. It is also common ground that the site is not isolated in terms of being physically separate from other development, and having regard to case law⁵.

¹ APP/H1705/W/23/3326191 (Land at Watermill Bridge, Andover Road, Wash Water)

² *Basingstoke and Deane Borough Council v Secretary of State for Levelling Up, Housing and Communities & Anor* [2024] EWHC 1916 (Admin)

³ LPA ref: 22/03110/FUL

⁴ LPA ref: 24/00644/FUL

⁵ *Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610

12. During my site visit, I noted some verge space along the A343, in the vicinity of the site towards Highclere village, but no footway. This area is subject to the national speed limit (60mph), despite the road containing some slight bends and more significant undulations. This section of road is also unlit and under significant tree canopy cover, so constitutes an unattractive environment to walk along, and one which may deter many more cautious or inexperienced cyclists.
13. A footway is not provided until the priority junction with Highclere Street, which is at considerable distance away from the appeal site. This section of A243 has a speed limit of 40mph, and it reduces again shortly after the above junction to 30mph, where it continues as such along the main nucleus of Highclere village.
14. I noted that Highclere contains facilities including a village hall, church, public house, and a small premises adjacent to it that advertised a mixture of deli, bakery, fruit and vegetables, and coffee shop services. The village is served by a bus service which the Parish Council described as very limited, although the specific timings and frequency of this service is not before me. There are bus stops nearer to the site, some 100m away to the north and south, but there is no footway to these from the site.
15. The Framework states that in rural areas, planning decisions should be responsive to local circumstances. It also acknowledges that sites to meet community needs may have to be found beyond existing settlements, in locations that are not well served by public transport, and that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. No explicit community need for the appeal proposal is put forward and, based on the above, the scheme would introduce a residential development in the undeveloped countryside which would likely be heavily reliant on use of a private car to meet day-to-day needs.
16. I have no doubt that car journeys can occur, and already do occur, in connection with nearby dwellings, including future occupiers of the barn redevelopment. However, this does not justify a further unsustainable type of development in the countryside.
17. Planning permission⁶ has also been granted for a new dwelling a short distance north of the appeal site. I viewed this site from the A343 and, at the time of my visit, the permission did not appear to have been implemented. While the full details of the scheme are not before me, that site is between two existing dwellings situated relatively close together, which differs to the character of the appeal site. As such, this would not provide justification for the appeal proposal, which I must consider on its own planning merits and the evidence put before me.
18. The land level of the appeal site inclines towards the A343 and there is intervening mature shrubbery. Its other boundaries to the north and west are also well-screened by existing landscaping, and I have no reason to doubt that there would be opportunities for further new landscaping provision. The southern boundary comprises open land extending at some distance towards the existing barn, although this could be replaced by a dwelling.

⁶ LPA ref: 22/01690/FUL

19. While there may be intervisibility between this redevelopment site and the appeal dwelling, to my mind it is possible for one dwelling to be constructed in this location in a manner that would not be widely visible from nearby roads and other land. The surrounding area has a semi-rural and verdant appearance and feel, but is not devoid of dwellings and associated domestic uses and paraphernalia. In my judgement, the contribution made by the appeal site to the natural beauty of the AONB is therefore limited.
20. The appeal site is northwest of a Grade II Listed Building⁷, on the opposite side of the A343. The PPG indicates that other statutory requirements may apply at the TDC stage such as the duty in Section 66(1) of the Listed Buildings and Conservation Areas Act 1990, as a reference to permission in principle was introduced by the Housing and Planning Act 2016. The distance between the appeal site and this Listed Building, along with the existing land levels and the intervening shrubbery, restricts intervisibility between the sites, including when viewed from the A343. It would therefore be possible to provide one dwelling in this location in a manner that would not harm the special character and preserve the contribution that its setting makes to its significance.
21. During my site visit, I observed vehicles travelling west along the lane north of the appeal site off the A343. Whilst this was a mere snapshot in time, I consider it unlikely that the provision of one extra dwelling at this location would increase the level of traffic and associated disturbance to such a significant level to harm the character of the area.
22. I am therefore satisfied that at this permission in principle stage, the proposed amount of development could be physically accommodated on the site without harm to the semi-rural character and appearance of the area, and without harm to the natural beauty of the AONB in which the appeal site lies within. A well-designed scheme could therefore be achieved in this site at the subsequent TDC stage. In this context, I have found no conflict with Policies EM1 and EM10 of the BDLP, or Sections 12 and 15 of the Framework.
23. Nevertheless, for the reasons set out above, I conclude that the appeal site is not well related to an existing settlement and is therefore not suitable for residential development with regard to its location and the proposed land use. In this regard, the proposal would conflict with Policies SS1 and SS6 of the BDLP and Section 2 of the Framework.
24. The decision notice also cites conflict with Section 5 of the Framework. However, the proposal is for a new dwelling in a location that is not "isolated" in the context of the Framework. It would also be possible to deliver one dwelling in this location without harm to the character and appearance of the area. I have therefore found no conflict with this section of the Framework.
25. In terms of highway capacity and safety aspects, the current permission in principle stage purely seeks to determine whether the location, land use and amount of development is acceptable in principle. Whilst I accept that there is limited information provided regarding specific access points and parking, charge point and refuse arrangements, these matters would be subject to detailed assessment as part of a TDC application. The above highway matters are therefore more appropriately determined as part of the TDC stage.

⁷ This Listed Building is named "Messengers Cottage" in the Historic England Official List Entry (Ref: 1092492), but is annotated as "Messenger Cottage" in the location plan provided with this appeal.

Planning Balance

26. Policy SD1 states that where relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise, taking into account specific matters that broadly reflect those set out in Paragraph 11 d) of the Framework.
27. However, Paragraph 225 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework i.e. the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.
28. In determining the Watermill Bridge decision, the Inspector found that BDLP Policies SS1 and SS6 were out-of-date. The parties have also provided several other appeal decisions, some of which are subsequent to the Watermill Bridge appeal, whereby Inspectors supported its conclusion⁸, whilst another Inspector found the policies to be still up-to-date⁹. The Council has also provided appeal decisions¹⁰ whereby Inspectors have found harm to Policies SS1 and SS6. The appellants maintain that regardless of the housing land supply position, Policies SS1 and SS6 are out-of-date and that paragraph 11 d) of the Framework should be engaged.
29. The parties do not dispute that the current housing supply is not less than four years. However, paragraph 15 of the Watermill Bridge Judgment advises that it was common ground between all parties that the spatial distribution policies for housing and the settlement boundaries in the development plan were out-of-date. This stemmed from an identified and agreed shortfall of 769 dwellings below the development plan requirement for the period from 2011 up to March 2022.
30. The Council considers that circumstances have materially changed from when the Watermill Bridge appeal was determined, and that the subsequent Judgment is not reflective of its latest housing supply position, published in March 2024. However, whilst this document provides an updated four-year housing land supply position, it does not provide a further update on delivery across the wider plan period. I have therefore not been provided with sufficient evidence to depart from the Watermill Bridge Inspector's conclusion that BDLP Policies SS1 and SS6 remain out of date in this respect.
31. Notwithstanding this point, Policies SS6 and SS1 seek to direct development towards settlements and restrict many (but not all) housing types in the countryside. The Framework seeks to achieve sustainable patterns of development. Policies SS6 and SS1 are therefore generally consistent with the Framework in this regard. While due weight should be given to existing policies according to their degree of consistency with the Framework, I am mindful that these policies are unlikely to deliver the required housing for the Borough across the plan period, so I am only able to give no greater than moderate weight to the conflict with these policies.

⁸ APP/H1705/W/23/3324647 (Oakley Farm, Wash Water); APP/H1705/W/23/3314252 (Inhurst Cottages, Baughurst); APP/H1705/W/23/3324596 (Land Adjacent to Harrow Drive, Headley)

⁹ APP/H1705/W/23/3327082 (Land at Cranesfield, Sherborne St John)

¹⁰ APP/H1705/W/23/3321532 (Land at Woods Lane, Cliddesden); APP/H1705/W/23/3321916 (Land at Blae Grove House, Up Nately); APP/H1705/W/23/3334504 (Doe Farm, Old Basing)

32. The development, whilst only providing one new dwelling, would nonetheless use a small site to make a material contribution towards the local housing supply through, and from future occupants giving support to the local services and facilities, which would form economic and social benefits. There would be other economic benefits arising from the construction period, albeit short-term. Mindful of the locational shortcomings of the site leading to a likelihood that access to local services and facilities would be made by private car, moderate weight is afforded to these benefits. Although the Government's draft reforms may increase the required supply of housing, they are at the early stages of consultation, and therefore also afforded only limited weight.
33. The location of the residential development would be situated within Flood Zone 1 (low probability of flooding) and accords with the risk-based approach to the location of development in Section 14 of the Framework. The site is also not within an area identified as of local wildlife-rich habitats and wider ecological networks, where development would be likely to result in the loss of land of biodiversity and geological value as per Section 15 of the Framework. I have also found no harm to the AONB, the semi-rural character of the surrounding area, and the nearby Listed Building
34. However, the lack of harms in respect of the above matters are all neutral considerations that weigh neither in favour nor against allowing the appeal. Therefore, I have found no environmental benefits in this regard. Overall, there are no other considerations before me that outweigh the significant conflict with the development plan in which I have identified.
35. In the specific circumstances of the appeal proposal, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

36. For the reasons given above, the proposal conflicts with the development plan when read as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Cahalane

INSPECTOR