

Appeal Decision

Site visit made on 20 August 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/H1705/W/24/3336735

Land adjacent to the west of Wildmoor Lane, Wildmoor Lane, Sherfield on Loddon

- 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 Mrs Susan Welch against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 22/03300/FUL.
 - The development proposed is erection of one dwelling and associated landscaping.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The decision notice cited one reason for refusal regarding the character, visual amenity and scenic quality of the local landscape. The Local Planning Authority's (LPA's) statement of case advises that following the publication of the updated National Planning Policy Framework (the Framework) in December 2023, the Borough can provide the required four-year supply of housing. The LPA therefore puts forward an additional reason for refusal in terms of the proposal failing to demonstrate an exception to the Development Plan policy restraint of housing in the countryside.
3. My attention is drawn to a legal challenge to the Watermill Bridge appeal decision¹ cited in the evidence. This challenge was dismissed in the High Court² on 25 July 2024 (the Watermill Bridge Judgment) and relates to the Basingstoke and Deane Local Plan 2016 (BDLP). The main parties were given the opportunity to comment on this for my consideration in this appeal.
4. In light of the above, the main issues are:
 - whether the proposed dwelling would be in a suitable location having regard to development plan policies concerning new housing in the countryside; and
 - the effect of the proposed development on the character and appearance of the site and surrounding landscape.

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)

Reasons

Location

5. The appeal site comprises part of a large field on the western side of Wildmoor Lane. There is shrubbery and trees along this lane and at the time of my site visit, there was an open gap enclosed by picket and wire fencing in the location of the proposed site access. There is some linear housing nearby along Wildmoor Lane, but the area retains a rural character and feel, and the site is at significant distance from the village of Sherfield on Loddon.
6. Policy SS1 of the BDLP sets out the local strategy for housing delivery and refers to permitting development within the Settlement Policy Boundaries (SPBs). Policy H1 of the Sherfield on Loddon Neighbourhood Development Plan 2018 (SLNDP) also states that proposals for new housing will in principle be supported within the village SPB. The appeal site is not within a SPB and is therefore in the countryside. The proposal also does not comply with Policy SS1, as it only supports residential countryside development that forms an exception site, which does not apply to this scheme.
7. Policy SS6 relates to proposals for new housing outside of SPBs, which will only be permitted where they are, of most relevance to this Main Issue, 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. Policy H2 of the SLNDP supports appropriate proposals for new housing within or adjacent to the village SPB, and subject to the BDLP policy requirements.
8. In this context, the main parties do not dispute that the provision of one dwelling in this location would be small scale, and that the site is not physically isolated from other development when having regard to case law³. The scheme would however be both outside of and detached from the village SPB and would not be well related to it.
9. SLNDP Policy H3 states that all proposals for new housing developments within the Parish must demonstrate how the types of homes provided will contribute to a balanced mix of housing in the Parish and meet the needs identified in the Action Hampshire Housing Needs Survey (AHHNS). The AHHNS responses indicated that the preferred accommodation size was 2-bedroomed market dwellings and that there was a general lack of smaller properties available.
10. It is disputed as to whether the proposal meets a locally agreed need. The appellant contends that the LPA's shortfall in housing provision, including two-bedroomed properties, in itself amounts to a local need. The supporting text to Policy SS6 advises that a local need could be agreed in consultation with the parish council (for example, in relation to dwelling size and type). Sherfield on Loddon Parish Council raised objection in consultation, although some letters of support were also received from other interested parties.
11. I am also mindful of the age of the SLNDP and its supporting AHHNS, as the appellant has not provided their own empirical evidence of local need that reflects the current circumstances of the Parish, including new dwelling provision within the Parish post-adoption of the SLNDP. It has therefore not

³ Braintree District Council v Secretary of State for Communities and Local Government, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

been demonstrated that the proposal would meet a locally agreed need as required by Policy SS6 e) of the BDLP and Policy H3 of the SLNDP.

12. The nearest village of Sherfield on Loddon has some limited facilities to support day-to-day needs. The appellant contends that the proposal would also be within a walk or cycle of Sherfield on Loddon Garden Centre which has a café, and that a couple of schools are a short cycle away.
13. The access routes to the village and other abovementioned facilities would include long sections of Wildmoor Lane. This highway is narrow and unlit with no footways, has significant tree canopy cover and contains blind bends and uneven surfaces. This is therefore a restrictive environment to walk along to the village and other facilities, and one which may deter many more cautious or inexperienced cyclists. Accessibility would improve at the junctions with the A33, but there are no public transport links within acceptable walking distance of the appeal site. The proposal would introduce a residential development in the undeveloped countryside which would likely to be heavily reliant on use of a private car to meet day-to-day needs.
14. The proposed dwelling would thus not be in a suitable location having regard to development plan policies concerning new housing in the countryside, contrary to BDLP Policies SS1 and SS6, SLDNP Policies H2 and H3.

Character and appearance

15. The site is not within a designated landscape such as a National Landscape but is within an attractive rural location. Most of the proposed development would not be within a defined Character Area as set out in the Character Assessment forming part of the SLNDP⁴. The proposed dwelling would however be visible from the "Area 6: Wildmoor" Character Area, which runs along Wildmoor Lane and includes its sporadic and linear layout of dwellings.
16. The site and its surrounds are broadly representative of this Character Area, as it reads as a rural area sparsely populated with houses clustered together in small groups. Open views are possible across the large field where the proposal would lie, although views to the golf course beyond are restricted by trees. This localised landscape forms one of the "strategic views and vistas valued by the public" identified in the SLDNP⁵.
17. The proposed dwelling would be single storey and set back from Wildmoor Lane but would be visible from southern approaches, as its ground level is noticeably higher than the highway. It would also have a significant footprint and whilst it would only result in partial loss of the existing field, it would nonetheless form an expansive domestic and urbanising development that would cause adverse visual harm to this locally valued rural setting.
18. There would be limited intervisibility between the proposed access and the outbuilding of Wildmoor Cottage, which forms a linear group of four dwellings and outbuildings further south along Wildmoor Lane. These nearby dwellings are visible, sizable and vary in age and style, but they mainly possess a rural and historic vernacular and layout tight along the lane.
19. Whilst these dwellings also benefit from detached garages and parking areas visible from vehicular entrances, none of these plots contain such an expanse of single storey built form or hardstanding as proposed. The

⁴ Annex C

⁵ As indicated in Figure 6-3

proposal would also not be read as forming part of this existing cluster of dwellings, as views would be restricted by intervening trees and shrubs along the bends of the lane. These nearby dwellings therefore do not justify the location, layout, scale and form of the appeal proposal.

20. The site is near to a Public Right of Way (PRoW) trail leading from Wildmoor Lane to woodland, although the appellant states that the formal PRoW route starts around 50m further north. Although trees were in leaf at the time of my visit, the proposed dwelling would be partially visible below the woodland canopy alongside the trail path. The proposal would preserve existing trees and hedges and would provide additional boundary planting and trees. This may over time filter views of the dwelling and associated domestic paraphernalia. Elevated views of the dwelling from its site entrance would still however be possible, and landscaping should not be relied upon to screen development that detracts from its surrounding setting.
21. The tranquillity of the PRoW would not be adversely impacted and the addition of one dwelling would not have a significant impact on the quiet location of the surrounding rural area. The proposed extensive use of horizontal timber cladding on the external walls would also be a sympathetic response to its rural location. These matters would however not sufficiently mitigate the significant and adverse visual harm that I have identified.
22. The proposal would therefore conflict with BDLP Policies EM1 and EM10 which require, amongst other things, development to not be detrimental to the character or visual amenity of the landscape likely to be affected, to respect the local environment and to contribute to local distinctiveness. The scheme would also conflict with SLNDP Policies D1 and D2, as it would fail to conserve or enhance the Wildmoor Character Area in terms of its scale, form and impact on a strategic view and vista valued by the public, and would fail to deliver good quality design that reflects the rural character and historic context of existing dwellings within the parish.

Other Matters

23. References have been made to a "precedent set" by a nearby planning permission, and a cluster of dwellings to the south east which have been "subject to new additional houses in recent years/months." However, the full details and policy context of these schemes are not before me. In any event, I have undertaken my own assessment of the appeal proposal based on the site-specific circumstances and the submitted evidence.

Planning balance

Harms

24. I have found that the location of the proposed development is not suitable having regard to development plan policies concerning new housing in the countryside, namely Policies SS1 and SS6 of the BDLP and Policies H1, H2 and H3 of SLNDP. I have also found harm to the character and appearance of the site and surrounding landscape, in conflict with Policies EM1 and EM10 of the BDLP and Policies D1 and D2 of the SLNDP. I therefore conclude that the proposed development is contrary to the development plan as a whole.
25. BDLP Policy SD1 says 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 matters that broadly

reflect those in Paragraph 11 d) of the Framework. However, Framework Paragraph 225 sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. 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.

26. The main parties do not dispute that the current housing supply is not less than four years. In determining the Watermill Bridge appeal, the Inspector found that BDLP Policies SS1 and SS6 were out-of-date. The LPA has provided a subsequent appeal decision⁶, whereby the Inspector for that appeal came to a different conclusion in that the Local Plan being more than 5 years old does not mean that its policies are automatically out-of-date. This more recent appeal decision was however made prior to the Watermill Bridge Judgment.
27. Paragraph 15 of the 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. There is no evidence before me to depart from the Watermill Bridge Inspector's conclusion that BDLP Policies SS1 and SS6 remain out of date in this respect. I also note that the SLDNP is more than 5 years old and is therefore not afforded the weighted support of Framework Paragraph 14.
28. These spatial policies however 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 and the spatial policies are therefore generally consistent with it in this regard. While due weight should be given to existing policies according to their degree of consistency with the Framework, it appears that these policies would unlikely deliver the required housing for the Borough across the plan period. Therefore, I only afford moderate weight to the conflict with these spatial policies.
29. The appeal site is not read as part of a wider expansive landscape, but the proposal would nonetheless be detrimental to the character and visual amenity of its immediate landscape, which would also adversely harm a strategic view and vista valued by the public as identified in the SLNDP. There would also be conflict with the Framework in this regard, as it requires development to be sympathetic to its landscape setting and to recognise the intrinsic character and beauty of the countryside. As this visual harm would be localised, I afford moderate weight to this harm and the associated conflict with BDLP Policies EM1 and EM10 and SLDNP Policies D1 and D2.
30. The Framework also states that in rural areas, planning decisions should be responsive to local circumstances and that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also states that sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision-taking. There is no cogent evidence before me to demonstrate that the vitality of existing services of Sherfield on Loddon village, or the wider local rural community, is dependent on

⁶ APP/H1705/W/23/3327082 (Land at Cranesfield, Sherborne St John)

additional dwellings in this area of Wildmoor Lane. It is likely that car journeys can and do occur in connection with nearby dwellings along Wildmoor Lane, but this does not justify a further unsustainable type of development in the countryside.

Benefits

31. The proposal, whilst only providing one new dwelling, would nonetheless use a small site to make a material contribution towards the local housing supply. Small sites such as this can cumulatively provide a significant contribution to the overall housing need. The scheme would also bring additional work to the local area, albeit short-term, through the provision of local construction jobs, local wage spending by construction workers and supplier sourcing. There would also be a long-term gain from additional consumer spending in the local economy by the new residents, who could also contribute to future community involvement.
32. When considering the locational shortcomings of the appeal site, I only afford moderate weight to the above economic and social benefits arising from the addition of one dwelling to the local housing supply. Although the Government's draft reforms may increase the required supply of housing and the extent of the Borough's current shortfall, they are yet to be enacted and could be further modified, and are therefore afforded only limited weight.
33. The scheme would provide a measurable net gain for biodiversity, including through additional planting, and would be built to current building regulations in terms of energy efficiency. It is also put to me that the development could include measures such as solar panels, air source heat pumps and grey water recycling, to further enhance sustainability in recognition of the Borough declaring a climate emergency. As I have found the location and proposal to be an unsustainable development type in the countryside, these environmental benefits are only afforded limited weight.
34. The decision notice cites conflict with guidance contained within the Landscape, Biodiversity and Trees Supplementary Planning Document (SPD) 2018 and the Design and Sustainability SPD 2018. However, the LPA has not articulated in its evidence the specific conflict with these SPDs. The overall size of the proposed garden space would exceed that recommended in the Design and Sustainability SPD but given the adverse visual harm I have identified, the proposed garden size is only afforded limited positive weight.

Fallback option

35. Since the refusal of the planning application, a prior approval⁷ application was submitted for the erection of an agricultural barn, encompassing part of the appeal site and some additional land to the south. The LPA determined that prior approval was not required for this development. If implemented, this barn would be significantly wider and taller than the proposed dwelling and would be sited closer to Wildmoor Lane. This alternative fallback option would also not provide any new planting. However, agricultural development is acceptable in the countryside in principle, and the barn in this location would be read as a typical form of agricultural development that would not diverge from the rural character of the site and surrounding landscape. This fallback option therefore does not justify allowing the appeal.

⁷ LPA Ref: 23/01970/AGPD

Other material considerations

36. The appellant cites an appeal decision allowing a net addition of one dwelling in the countryside at Headley⁸, where the Inspector afforded significant weight to the benefit from the supply of housing. However, the location of that proposal in relation to facilities and services was not in dispute, and it also already had planning permission for one dwelling. This example therefore does not form a useful comparison to the current proposal.
37. The appellant contends that the proposal meets other recommended requirements of the abovementioned SPDs, including car and cycle parking and bin store provision, and its location in relation to the existing woodland/tree belt. I have however found conflict with the development plan policies which these SPDs do not form part of. Even if the scheme could be said to comply with these SPDs, this would be a neutral factor that would weigh neither in favour nor against the proposal.
38. The proposal is supported by a Highway Technical Note and the County Highway Authority raised no objection in consultation. The lack of identified harm in highway safety or capacity terms is also a neutral factor that weighs neither in favour nor against the proposal.

Planning balance conclusion

39. In the specific circumstances of the 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

40. 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 the development plan. I therefore conclude that the appeal should be dismissed.

R Cahalane

INSPECTOR

⁸ APP/H1705/W/22/3301262