



Appeal Decision

Site visit made on 26 November 2024

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2024

Appeal Ref: APP/M1710/W/24/3349806

Tudor Thatch Cottage, Oakhanger, Bordon, Hampshire, GU35 9JE

- 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 Paine against the decision of East Hampshire District Council.
 - The application Ref is 55869/002.
 - The development proposed is the subdivision of existing plot to construct a new dwelling utilising existing access; separate access, driveway and hardstanding area for Tudor Thatch Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was amended prior to its determination by deletion of a proposal for a replacement garage to the rear of the cottage. I have therefore used the description of development given on the Council's decision notice rather than that given on the application form as more accurately reflecting the proposal subject of this appeal.

Main Issues

3. The main issues are the effect of the development on:
 - the spatial strategy of the development plan and accessibility by means of sustainable transport
 - the landscape
 - the character and appearance of the area in relation to its design
 - protected species
 - the Wealden Heaths Special Protection Area Phase II
 - highway safety

Reasons

Spatial strategy and accessibility

4. Policies CP2 and CP10 set out the spatial strategy of the East Hampshire District Local Plan: Joint Core Strategy 2014 (the Core Strategy), which is to direct new residential development to defined settlements or allocated sites. Elsewhere, development will only be permitted where it meets a community

need, reinforces a settlement's function, cannot be accommodated in a built up area, or has been identified in a neighbourhood plan as set out in Policy CP10 of the Core Strategy, or requires a countryside location as set out in Policy CP19 of the Core Strategy or Policy H14 of the East Hampshire District Local Plan: Second Review 2006 (the Local Plan).

5. The appeal site does not fall within a defined settlement, is not allocated for development, the proposed dwelling does not fall within any of the categories of development listed above, nor does it require a countryside location. The proposed development would therefore be contrary to the spatial strategy of the Core Strategy and for that reason would conflict with Policies CP2, CP10 and CP19 of the Core Strategy and Policy H14 of the Local Plan.
6. Part of the rationale for directing new residential development to settlements or allocated sites is to enable easier access to services and facilities by sustainable modes of transport, and to minimise the need for travel by private car. The site lies in an isolated location some distance from the nearest settlement at Bordon and Whitehill. Access to these centres is by country lanes that are for the most part unlit and without footways. Occupants of a new dwelling on the site would not therefore have easy access to the services or facilities in Bordon and Whitehill by walking or cycling, there appears to be no bus service close to the site, and there is no nearby railway station. Almost all trips would therefore have to be by private car. This would be contrary to the rationale behind the spatial strategy and would conflict with Policy CP31 of the Core Strategy, which encourages the fullest possible use of sustainable modes of transport and reduced dependency on the private car.
7. The appellant refers to Policy H7 of the Local Plan. This permits the subdivision of existing dwellings outside settlement boundaries. It appears that the policy relates to the subdivision of existing buildings rather than the subdivision of plots. Irrespective of that, the policy is provisional on the site being close to a town or village or other community facilities by public transport, walking or cycling. That is not the case here, and so Policy H7 is not applicable in this appeal.
8. I acknowledge that the number of trips generated by one additional dwelling would be small and would be unlikely by themselves to lead to any appreciable additional congestion. However, if similar proposals were also allowed, they could cumulatively have an adverse effect on road congestion. Locating development in such a way as to encourage the use of sustainable modes of transport also has more benefits than just minimising additional road use, such as reducing vehicle emissions, and encouraging healthy lifestyles. Those benefits would not be achieved with the appeal proposal.

Landscape

9. The site lies within the Oakhanger to Bordon Farmland and Heath Mosaic landscape character area as defined by the East Hampshire Landscape Capacity Study 2018. The area is predominantly rural with mixed pasture and arable land bounded by hedgerows and field trees either side of Oakhanger Stream, with land rising to lowland heath and plantation woodland on higher ground. The boundary of the South Downs National Park lies immediately to the west and south of the appeal site.

10. Tudor Thatch Cottage forms part of a small cluster of houses at the southern end of Oakhanger, surrounded by pasture and arable fields. The cottage is an attractive example of a vernacular building of the area. Both the cottage and its setting are therefore characteristic of the landscape area.
11. The site of the proposed dwelling is currently the garaging and parking area for the cottage, screened by mature, high hedges from the road. The hedges would be removed as part of the development, making the dwelling prominent in surrounding views. The size of the plot would be smaller than other plots in the vicinity of the site. The proposed building would also be sited closer to the road than its neighbours, all of which are set back with some garden between them and the road. Although the hedges would be replanted, it would take time for them to establish, and given the size of the plot it is likely that they would have to be kept at a lower height than the existing hedges to avoid the dwelling and garden being overshadowed.
12. Taking these factors together, I consider that the proposed dwelling would appear cramped and at odds with the character of the immediate area. However, given that the plot would form part of a cluster of existing buildings, and because of the presence of trees and hedging in the immediate area, the building would not be readily seen in medium or longer distance views. Its impact on the landscape would therefore be limited to its local context and immediate views along Oakhanger Road. It would have no appreciable impact on the wider landscape setting, including land within the South Downs National Park.
13. I conclude that there would be some moderate harm to the character and appearance of the local landscape, and as a consequence there would be conflict with Policies CP20 and CP29 of the Core Strategy, which seek to conserve and enhance local distinctiveness and the District's landscape. However, I do not consider that the proposal would harm the setting or purposes of the South Downs National Park.

Design

14. The Council has criticised the design as being unsympathetic to the local area, being of a generic suburban appearance that makes no reference to surrounding buildings or local styles. I agree that there is nothing outstanding about the design, and that the use of vertical timber cladding is not a feature generally found in the local area. However, it is a relatively conventional built form, the lowered eaves line being adopted to reduce as far as possible its visual prominence on this corner location. The articulation of the building and use of different materials for ground and first floors would also provide a degree of visual interest.
15. Given the wide range of designs and materials found on buildings in Oakhanger, I do not consider those proposed on the building to be so contrary to local distinctiveness as to be harmful. Other materials which have not been specified, such as the brick and tile, could be controlled through the use of a condition. I conclude that the design of the proposed dwelling would not conflict with Policy CP29 of the Core Strategy, in so far as it relates to design.

Protected species

16. The Council's concern is predicated on the lack of information to demonstrate that no protected species, such as bats, are currently roosting in the garages on the site. However, I note that the appellant has investigated and states that there is no evidence of protected species residing within the buildings. From my own site visit I could see that they were both enclosed without any obvious gaps or openings that might allow protected animals to enter either of the buildings. In the absence of any evidence to the contrary, I consider that it is unlikely that any protected species would be harmed, and there is therefore no conflict with Policy CP21 of the Core Strategy, which seeks to protect and, where appropriate, strengthen populations of protected species.

Wealden Heaths Special Protection Area Phase II

17. The Wealden Heaths Special Protection Area Phase II is an internationally important area of ecological value, known for its breeding bird species. In cases where development may give rise to an impact on the Special Protection Area, either individually or in combination with other development, the Conservation of Habitats and Species Regulations 2017 requires me to carry out an appropriate assessment to determine what that impact might be, and whether it can be mitigated. In contrast to my reasoning on protected species above, the onus lies with the decision taker to be certain that harm would not be caused to the integrity of the Special Protection Area rather than for the Council to prove that harm would occur.
18. The site lies outside the 400m buffer zone around the Special Protection Area, in which Policy CP22 requires an assessment to be carried out, and therefore the appellant considers that one is not necessary. The Council says that there is an outer buffer between 400m – 5km around the Special Protection Area in which further assessment is required. However, there is no reference to this outer buffer in Policy CP22 nor has the Council provided any explanation of why that should be so.
19. Having regard to the precautionary principle adopted by the Habitats Regulations, I cannot be sure that no harm would be caused to the Special Protection Area because I lack the information that is necessary to carry out an appropriate assessment. The development could therefore lead to a conflict with those Regulations. It is possible that this could be resolved by the Council clarifying its position and/or the appellant submitting the necessary information. However, given my decision on the appeal for other reasons, I have not sought such information because it would be abortive work.

Highway safety

20. The proposal includes the formation of a new access onto Oakhanger Road. The new access would serve the existing cottage, the existing access being used to serve the new dwelling. The reason for refusal refers incorrectly to the access arrangements for the new dwelling, although it is clear to me from the Highway Authority response that it is the new access that is of concern to it. In that regard, the concern is with a lack of information on whether the new access would be safe.
21. I am satisfied that adequate sightlines could be obtained in both directions along Oakhanger Lane, even more so if the hedge enclosing the existing

parking area is removed as planned. A plan detailing the sightlines, the location of any gate if one were to be proposed, and ensuring that the sightlines be kept clear of obstructions would be necessary but that could be required to be submitted through a condition. I conclude that, subject to such a condition, the access would be safe and there would be no conflict with Policy CP31 of the Core Strategy, which requires highway design to meet the need for safety.

Other Matters

22. Tudor Thatch Cottage is not listed but is of interest as an example of a local vernacular dwelling. That justifies its status as a non-designated heritage asset. There are also neighbouring grade II listed buildings at Yew Tree Cottage to the south and Turnford Cottage to the north east. While noting the proximity of these assets to the appeal site, the Council does not consider there would be any harm to their significance or special interest. Notwithstanding the importance of those buildings in architectural and historic terms, I also do not consider there would be any harm to their significance.
23. The proposal has received the support of Selborne Parish Council and some neighbouring residents. While I note that support, it does not change the conclusions I have reached on the main issues.

Conclusion

24. I have found that there would be a conflict with the spatial strategy of the Core Strategy, that the site is poorly located in terms of accessibility to services and facilities by sustainable modes of transport, and that there would be some localised harm to the landscape because of the prominent and cramped nature of the scheme. Although I do not share the Council's concerns as regards the design of the proposed dwelling, or that there would be any harm to protected species or highway safety, I conclude that the proposal would conflict with the development plan when taken as a whole.
25. The Council says that it is unable to demonstrate an adequate housing land supply. In such circumstances paragraph 11 of the National Planning Policy Framework (the Framework) requires that planning permission be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
26. In this case the provision of an additional dwelling would provide a modest benefit to boosting housing supply in the district. However, the harms I have identified do in my view significantly and demonstrably outweigh this modest benefit.
27. I therefore conclude that the proposed development would conflict with the development plan, and that there are no material considerations, including the Framework, that point to my decision being other than in accordance with it. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR