



Appeal Decision

Site visit made on 20 September 2024

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/H1705/W/24/3342827

Land Adjacent to Council Houses, North of Galley Lane, Headley, Hampshire, RG19 8LH

- 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 Colony Operations Limited against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/02523/PIP.
 - The development proposed is residential development for 4 no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The scope of 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 Technical Details Consent (TDF) application if permission in principle is granted.
3. The application was originally for 5 to 8 dwellings. Both parties agreed to amend this to 4 dwellings prior to the appeal. A permission in principle application should express a range of units according to the Planning Practice Guidance (PPG)¹. The Council has interpreted this to be both a minimum and maximum of four houses. No specific concerns have been raised by any party regarding the amount of development, so I have not considered this further.
4. The Council confirmed in its appeal statement that Policy NE1 of the Basingstoke and Deane Local Plan 2011 – 2029 (2016) (LP) was included in its second reason for refusal in error. I have therefore not taken this into consideration.
5. The Council published a draft local plan under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 on 22 January 2024. This plan contains housing allocations and a policy map. I consider the implications of this below.

Main issue

6. The main issue is whether the site is suitable for residential development having regard to its location.

¹ Paragraph: 052 Reference ID: 58-052-20180615 (Revision date: 15 06 2018)

7. It is also necessary to consider the benefits of the scheme, and how these and other material considerations should be weighed against one another. I do this as part of the planning balance.

Reasons

Landscape

8. I am mindful that this application is at the permission in principle stage, and I am proceeding on the basis that all options to mitigate harm to the landscape could be delivered. In these circumstances it only falls to me to conclude whether any harm to the landscape would be unavoidable and, if so, to what extent this should weigh against the proposal.
9. Policy EM1 of the LP and Policy L1 of the Ashford Hill with Headley Neighbourhood Plan 2022 – 2029 (October 2022) (AHHNP) state that proposals must respect, enhance and not be detrimental to the character of the landscape. Policy EM10 and Policy HD3 of the AHHNP, referred to in the reasons for refusal, cover matters of design. These are matters for evaluating at the TDF stage and I have therefore not considered them further.
10. The site falls within the Basingstoke and Deane Landscape Character Assessment LCA 2: Ecchinswell (2021). This describes a mosaic of mixed farmland and copses of woodland. Fields are bounded by a strong structure of hedgerows and trees. The landscape has an intimate, relatively secluded character. Numerous small villages and properties are scattered throughout the area accessed through a fairly dense network of narrow lanes, often enclosed within high hedgerows. It states that the Character Area has retained a rural character away from the A339 and fringes of Headley. Pressure from housing development encroaching into the Character Area is identified as a key issue.
11. The site comprises a slightly sloping agricultural field, bound by an access lane to the east, and otherwise surrounded by wooden fencing and hedgerows interspersed with occasional trees. Residential development lies adjacent to the western boundary, beyond which is the A339. Gardens associated with residential development abut the northern boundary. There are large, hedged fields to the east and south of the site. I conclude that the site does not display many of the characteristics described in the Character Assessment.
12. It is not in dispute that the effect on visual amenity from the public right of way running to the north of Old Camps and Plum Tree Cottage would be negligible. Having observed the site from this direction, I see no reason to come to a different conclusion.
13. When viewed from Newbury Road (the A339), I observed that the site is largely screened by a line of trees and would be mainly viewed in the context of existing development. It is marginally more prominent than this when viewed across the fields from Galley Lane. From this vantage point, the existing housing appears more scattered and semi-rural in character. The addition of four houses and an access road would intensify the appearance of built development in the area when viewed from this direction.
14. However, the site does not have a notably rural character because of its proximity to the A339 and the backdrop of existing housing from almost all

vantage points. For this reason, I conclude that the harm to the character of the landscape from the addition of 4 houses would be minor.

15. There would be harm from the loss of a field, which contributes to the mosaic of mixed farmland. However, the site does not contain woodland, is not fully hedged, nor does it display the characteristic intimate, secluded character. I conclude that the harm to the landscape from loss of the field would be minor.
16. If the development were to go ahead there would potentially be an access inserted from Galley Road. This would result in the loss of part of a hedgerow, which is a valuable landscape feature. However, it is likely that the loss would be small and could be softened to an extent through landscaping. It would, however, likely result in opening a view into the site making the houses and associated domestic activities visible. This would contribute to the suburbanisation of the character and appearance of the landscape. However, the position of the site on the edge of the village, enclosed on two sides, means that the harm from loss of part of the hedgerow on views and the character of the landscape would be minor.
17. The Ashford Hill with Headley Village Design Statement (2004) states that the open area of fields surrounding the main thrust of development in Headley is a key characteristic of built form and, for this reason, protection of these undeveloped fields is paramount to retaining the village's character. This document does not appear to have been adopted. Notwithstanding, the site's proximity to two roads, enclosure by residential development on two sides and limited visibility, leads me to conclude that the effect on openness would be minor.
18. The Council state that the site has been listed as a Valued Landscape on the basis of the Valued Landscape Assessment (2023), which was developed for the emerging plan. However, the provided extract from the draft policies map booklet shows that the site is close to but outside the proposed Valued Landscape. I have therefore not given this any weight.
19. Overall, there would be conflict with Policy EM1 of the LP and Policy L1 of the AHHNP, which state that proposals must respect, enhance and not be detrimental to the character of the landscape. However, for the reasons above, I consider the cumulative harms from this conflict to be small.

Location in the countryside

20. The site is located outside the Settlement Policy Boundary ('SPB') and is therefore in an area designated as 'countryside' by Policy SS1 of the LP. Policy SS6 of the LP does not permit new housing development in the countryside unless it meets one of the listed exceptions. Policy HD1 of the AHHNP states that housing development outside the SPB must be subject to Policy SS6 of the LP and national policies. The stated purpose of Policy SS6 is to maintain the existing open nature of the countryside, prevent coalescence of settlements and resist encroachment of development into rural areas.
21. Policy SS6(e), which states that housing outside boundaries will be permitted for '*small scale developments of a scale and type that meet a locally agreed need*' subject to considerations of isolation, landscape, character and the amenities of neighbours. The proposal is for 4 houses, and it is not in dispute that the development meets the policy definition of small scale.

22. The supporting text to Policy SS6 states that the local need for 4 or fewer dwellings would need to be agreed in consultation with the parish or town council. A guidance note was also published by the Council in 2019, suggesting in some detail how such evidence could be presented. Evidence of local consultation on need and the recommended information have not been provided.
23. The appellant instead relies on the emerging Local Plan, which contains a draft policy (SPS6) on Neighbourhood Planning indicating a requirement in Headley of 10 houses as of April 2023. This is still emerging and does therefore not attract full weight. Notwithstanding, I am not convinced that this information provides evidence of a specific local need in terms, for example, of a particular type and tenure that it appears to me that the policy requires.
24. This case is different to that at Woods Lane, Cliddesden² because, in that case, the Council had identified a local need for 10 dwellings under Policy SS5 of the LP, which was not secured as part of an adopted neighbourhood plan. In this case, the AHHNP states there was no requirement to allocate housing sites in the Parish on the basis that there had been a recent grant of permission for 35 houses, which met local requirements up to 2029. There is, therefore, no comparable local need identified in the LP or the AHHNP.
25. It is not in dispute that there is a general need for housing across the borough and the Settlement Study associated with the emerging plan has identified a pro rata number of houses per village, including at Headley. However, notwithstanding that this emerging evidence attracts limited weight, I am not satisfied that evidence of a specific local need for a particular type of housing has been demonstrated, as required by Policy SS6.
26. For this reason, I have not found it necessary to apply the sub-criteria of Policy SS6(e). However, I am mindful that the purpose of the policy is to maintain the existing open nature of the countryside, prevent coalescence of settlements and resist the encroachment of development into rural areas. In this case, the openness would be reduced by the introduction of built form and there would be encroachment into the countryside. However, given the scale and setting of the development, I consider the harm caused in these respects to be minor.
27. The appellant contends that these spatial policies are out-of-date. I consider this further in the planning balance.
28. I conclude that the location of the site is not suitable for residential development and would conflict with Policies SS1 and SS6 of the LP, and Policy HD1 of the AHHNP, which control development in the countryside.

Housing land supply and requirement

29. Publication of the draft Local Plan in January 2021 has resulted in a requirement for the Council to identify a 4-year supply of deliverable sites against the housing need calculated using the Standard Method, in accordance with paragraph 226 of the NPPF.
30. The latest Annual Monitoring Report (AMR) was published in December 2023. It was updated in February 2024 to incorporate the outcome of the 'Watermill

² APP/H1705/23/3321532 (February 2024)

Bridge' appeal³, reducing the number of deliverable houses. It was updated further in March 2024 to incorporate the new affordability calculations. The Council's statement of case reduced the housing supply further, based on the 'Cranesfield' appeal decision⁴.

31. It is preferable that the base date for calculation of need and deliverable sites should be consistent because comparison of ad hoc updates could lead to misleading results. This is not to say that the number of deliverable houses should not be updated if clear evidence is available that they are unlikely to be realised. Taking into account the two 2024 appeals referenced above that examined matters of housing delivery in detail, I am satisfied that the number of deliverable houses should be reduced from the 2023 5-year supply estimate of 3,817 by 340, resulting in a deliverable supply of 3,477 dwellings.
32. Based on the last comprehensive monitoring report the appropriate base date is 1 April 2023, at which point a need of 848 net new dwellings per annum was calculated. Having regard to the results of the housing delivery test and the advice in paragraph 77 of the NPPF, it is not necessary to add a buffer to this requirement. On this basis, the Council can demonstrate the equivalent of 4.1 years' worth of housing land supply.
33. Even if the Council's most up to date (2024) calculated housing need of 828 dwellings per annum was used, a comparison with the supply figure of 3,477 dwellings this would result in a figure of 4.2 years of housing land supply. This difference is small and not anyway one that would alter my decision.
34. The appellant has argued that the deliverable supply over the period from 2023 to 2028 should be 2,977 dwellings, rather than 3,477, which they have calculated equates to a 3.51-year supply. The difference arises from a difference in opinion regarding the ability of 4 sites to deliver the anticipated housing within the period, as discussed below.

Stocks Farm

35. Outline permission for 139 (net) dwellings was granted at Stocks Farm, a windfall consent, on appeal in March 2023. The AMR states that the developer anticipated 40 homes in 2025/6, 50 homes in 2026/7 and 49 in 2027/8. This specifically took account of the requirement to gain reserved matters permission and resolve the drainage matters identified. A reserved matters application for 140 dwellings⁵ was submitted in November 2023, which the Council states is likely to be determined this year. Pre-commencement conditions are currently being considered.
36. The appellant has identified objections from statutory consultees and concerns raised by the Stock Farm Inspector regarding delivery of provision of foul drainage. In addition, the appellant draws my attention to numerous pre-commencement conditions and the lack of application to discharge any of these.
37. The reserved matters application was submitted in a timely manner. The Inspector considered the complications and objections that may arise when allowing the appeal and concluded that they could be overcome, and these

³ APP/H1705/W/23/3326191 Land at Watermill Bridge, Andover Road, Wash Water (December 2023)

⁴ APP/H1705/W/23/3327082 Land at Cranefield, Sherborne St John (May 2024)

⁵ The discrepancy in numbers allows for demolition of an existing dwelling.

issues were acknowledged when assessing the likelihood of delivery in the AMR.

38. The appellant also relies on Lichfields research of house delivery timescales and suggests that the Council's predicted delivery figures should be reduced. These are average rates and I prefer the site-specific analysis provided by the Council and developer.
39. I am satisfied that there is clear evidence that housing completions are likely to begin at Stocks Farm according to the timetable in the AMR. The scheme meets the definition of 'deliverable' in the NPPF and no adjustment should be made to the Council's figure.

Camrose Ground

40. This development comprises two outline permissions, also granted on appeal in 2022/23, for a windfall brownfield site for development of 85 dwellings, and erection of a 70-bed care home and 6 dwellings.
41. It was recognised in the AMR that the site was unlikely to be sold until at least early 2024 and that it would then take time for a developer to prepare the application, gain permission and undertake the works, including obtaining reserved matters. On this basis, first completions were pushed back to 2026/7 and the care home being completed in 2027/8.
42. The Council reports that prior approval applications have since been considered, and Section 106 agreements associated with off-site upgrading works have been completed. The Council anticipates that reserved matters applications will be submitted this year.
43. The appellant has pointed out that the site is an 'asset of community value' and that the community will therefore have the opportunity to purchase the site. This could result in a delay of six months before the site could be put on sale to a national housebuilder. I consider that evidence of such an interest would likely be known to the Council, in which case this would have been accounted for in the AMR. On this basis, I conclude that a community group coming forward to buy the site is highly unlikely. It is also of relevance that alternative facilities are being provided through relocation of the Football Club, permission for which was granted in 2018; the AMR records that these works had started. Even if such a delay were to occur, I do not consider that it would necessarily significantly change the potential to deliver the dwellings over the period, the timescale of which has already been pushed back in the AMR to allow for complications.
44. The appellant also draws my attention to the fact that demolition works have not begun, the lack of published correspondence with a developer and that there is no identified housebuilder. However, this level of progress is still within the timescale allowed for in the AMR and I see no reason to doubt the Council's assertion that reserved matters applications will soon be submitted.
45. I am satisfied that there is clear evidence housing completions will begin on site in an appropriate timescale. No adjustment should be made to the Council's figure.

Upper Cufaude Farm

46. This is a strategic site allocation with outline permission for 350 houses (allocation of 390) houses, granted in April 2021. The AMR reports that a reserved matters application for the spine road and first phase (48 dwellings) was submitted in August 2023 and this has since been approved. The Council reports that the pre-commencement conditions for these units is currently being considered. The developer applied for Phase 2 in June 2024 (302 dwellings). The Council is therefore satisfied that this site is on track to deliver the houses in the plan period.
47. The AMR reports that an appeal for Stocks Farm in early 2023 tested the deliverability of the site and concluded that the phasing should be pushed back by a year, leaving 220 in the 5-year supply. The Inspectors in the more recent Watermill Bridge and Cranesfield decisions both agreed with this position.
48. The appellant revised its position during the appeal, from anticipated delivery of 48 dwellings to 162 dwellings over the period. The remaining difference with the Council is due to accounting for 'realism' of delivery rates for this developer based on its track record. Each development will be different, so I consider the exercise of comparing sites is of limited applicability and, in any case, the rate is not substantially different. I see no compelling reason not to accept the developer's assessment of their likely delivery rate on this site.
49. There is clear evidence that housing completions will begin on site within five years. No adjustment should be made to the Council's figure.

Manydown

50. This is a strategic site allocation (for 3,400 houses) with outline permission for 3,520 units granted in 2021 on land that is primarily in the control of the Council and Hampshire County Council. A further planning permission was approved in December 2019 for advanced planting and reinforcement of habitat. Site wide frameworks and temporary access points were granted in April 2023.
51. The AMR reports that investment has been secured, in addition to a master developer to support the established development board, and that significant progress had been made towards implementing the permission. It is proposed in the AMR that the first key phase for approximately 1,200 dwellings would be submitted in summer 2023. Early-stage marketing to housebuilders means that build out of the first parcels could commence in late 2024 and be underway across several parcels in 2025. The relatively high anticipated delivery rates reflect the site's characteristics, its ownership and the ambitions for the site, as agreed through the LP examination.
52. As explained above, the Inspector at Watermill Bridge concluded that the scheme would be delayed and the trajectory should be put back a year; 270 units were deducted on this basis. The Inspector at Cranesfield deducted another 10 units due to no further progress. Both adjustments were accepted by the Council and I see no reason to disagree with this figure.
53. The appellant states that the window for reserved matters applications closes in December 2024. The s106 states that no reserved matters applications can be considered until after the Key Phases have been agreed, which they are not

aware have been submitted to date. Neither has the appellant seen evidence that a builder has come forward to deliver the scheme.

54. The Council responded that there is a master developer involved, a series of site-wide strategies and frameworks have been approved and the Key Phase documents will shortly be lodged. Site wide pre-commencement conditions, planting schemes and construction accesses have been approved. warranted.
55. I find the Council's argument more compelling. There is clear evidence that housing completions will begin on site within five years. It has not been established that further deductions should be made following the recent appeal decision at Cranesfield. No adjustment should be made to the Council's figure.

Conclusion on housing land supply and requirement

56. I have not found it necessary to adjust the housing land supply beyond the recent discounts made by two previous Inspectors. Using a housing need of 848 dwellings per annum therefore results in a figure of approximately 4.1 years of housing supply. There is therefore no requirement to engage the tilted balance in paragraph 11d) of the NPPF.
57. In coming to this conclusion, I have had regard to all the previous appeal decisions brought to my attention by both parties. This includes the case at Cliddesden, which was made before the revisions to the NPPF; the Council could not demonstrate a 5-year housing land supply and the tilted balance was therefore engaged, resulting in different circumstances.

Other matters

58. 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.

Whether or not the local policies are out-of-date

59. Paragraph 11d) of the NPPF states that permission should be granted if the policies which are most important for determining the application are out-of-date. Footnote 8 of the NPPF states that this includes applications involving the provision of housing where a four-year supply (in this case) cannot be demonstrated or the Housing Delivery Test was below 75%. Neither of these scenarios applies here.
60. Footnote 8 is not a closed list and there may be other reasons for deeming policies out-of-date. I have been directed by the appellant to the Watermill Bridge decision, which concluded that the plan overall was out-of-date because the spatial strategy is not currently delivering the housing requirement that the plan was intended to deliver.
61. The NPPF requires that a Local Planning Authority needs to demonstrate 4-years' of supply rather than 5 years' where they are demonstrably progressing with a plan, as in this case. Previous under-delivery is accounted for through addition of a 20% buffer where the Housing Delivery Test was below 85% of the housing requirement.

62. I have found that there is a minimum 4 years' of supply and the Housing Delivery Test for the last 3 years was above 85%. On this basis, the NPPF does not support the assertion that the plan is automatically out-of-date because of historical under-delivery.
63. The fact that housing was allowed beyond the SPBs does not necessarily mean that the boundaries are not fit for purpose. It reflects the earlier shortfall in delivery leading to the application of the tilted balance under paragraph 11d) of the NPPF.
64. The appellant has also argued that such restrictive spatial policies are out-of-date because they are not consistent with the National Planning Policy Framework (NPPF). In this regard, they have drawn my attention to paragraph 180(b), which requires that decisions should recognise the intrinsic character and beauty of the countryside, rather than giving 'overt and outright protection'.
65. There is nothing in the NPPF to indicate that use of settlement boundaries is not a suitable policy response in principle. Policy SS6 of the LP allows for appropriate development in the countryside according to detailed criteria to protect its character and beauty, which I am content is consistent with the requirements of the NPPF. For this reason, I do not interpret the spatial policies as a 'blanket' approach or find that the wording obviates a balancing exercise.
66. For these reasons, I conclude that the spatial policies in the LP should be given full weight.

Planning balance and conclusion

67. 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 HD1 of the AHNNP, which constrain development of housing to allocated areas, albeit I have found that the resulting harm to the countryside from encroachment and loss of openness would be modest. I have also found that there would be minor cumulative harm caused to the landscape, in conflict with Policies EM1 of the LP and Policy L1 of the AHNNP.
68. There would be benefits from the development from contribution to the housing supply and local economy 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.
69. The proposal would conflict with the development plan when taken as a whole. There are no material considerations that indicate a decision other than in accordance with the development plan.
70. The appeal is therefore dismissed.

B Davies

INSPECTOR