



Appeal Decision

Site visit made on 12 November 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/M1710/W/24/3339780

Church Farm, Preston Candover Road, Upper Wield

- 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 Andrew Graham against the decision of East Hampshire District Council.
 - The application Ref is 29707/013.
 - The development proposed was described as: "Demolition of existing farm buildings and erection of new single storey four-bedroom dwelling, with integral garage and associated landscaping".
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The officer report indicates conflict with Core Policies 20 and 29 of the East Hampshire District Local Plan Joint Core Strategy (2014) (JCS). However, the reason for refusal on the decision notice does not cite these policies. These policies therefore form part of my consideration of this appeal.
3. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. I have given the main parties opportunity to comment on the Framework revisions, and I have had regard to the comments received in my consideration of this appeal.
4. Considering the above and the submitted evidence, the main issues are:
 - whether the proposed dwelling would be in a suitable location having regard to local policies governing housing in rural areas;
 - whether it has been demonstrated that the proposal meets a community need or realises local community aspirations, and has clear community support; and,
 - the effect on the character and appearance of the site and the area within the countryside.

Reasons

Location

5. The appeal site comprises a wedge-shaped parcel of land containing a collection of barn and shed buildings that have been in situ for many years, served by two accesses off Preston Candover Road, within a rural area. For planning policy purposes, the site is located in the countryside.

6. The spatial strategy for the District is set out in the JCS and the Saved Policies of the East Hampshire District Local Plan: Second Review 2006 (LPSR). Policy CP2 of the JCS seeks to direct development to the most sustainable and accessible locations in the District. Upper Wield, the nearest village to the proposal site, is not listed as such in the Policy CP2 supporting text. This village is not afforded with a settlement boundary under the spatial strategy on account of its limited access to facilities and workplaces.
7. JCS Policy CP10 sets out the spatial strategy more specifically for housing. It states that housing should be accommodated through development and redevelopment opportunities within existing settlement policy boundaries in the first instance, unless it can be demonstrated that it cannot be accommodated within the built-up area.
8. The Housing Outside Settlement Boundaries Supplementary Planning Document (SPD) was adopted by the Local Planning Authority (LPA) in 2023 to enable suitable housing sites to come forward in advance of a new local plan. Although this does not form adopted planning policy, it advises that its purpose is to elaborate upon Policy CP10, in particular the latter part of the policy which refers to development outside settlement boundaries.
9. The SPD advises that the abovementioned Policy CP10 requirement effectively introduces a sequential approach to demonstrate the availability of sites within an existing boundary, followed by sites on the edge or adjacent, before consideration of sites further away. The appellant has not undertaken such a sequential approach, as it is argued that the existing buildings within the site have formed an established element of the built environment and have become dilapidated in recent years.
10. Policy CP10 seeks to require housing proposals outside settlement policy boundaries to reinforce a settlement's role and function. The SPD advises that to meet this requirement, a proposal, amongst other things, needs to make a positive contribution to the existing settlement (spatial) pattern of development. It also advises that proposals should not be of a scale that fundamentally changes the role and function of the settlement to which it relates. It also seeks sites to be accessible and within reasonable walking or cycling distance to the services and facilities available.
11. The JCS Key Diagram shows no settlement gap affecting the appeal site and the scale of the proposal comprising one new dwelling would not lead to a fundamental level of change to the role and function of Upper Wield. The appellant also contends that the proposal site is a short distance away and not isolated from the main part of Upper Wield. I found the site to be within a reasonable walking distance to the main nucleus of Upper Wield and there is some intervisibility with other dwellings. In this respect, the site is not isolated. The site is nonetheless clearly outside of the built envelope of Upper Wield, with intervening undeveloped land.
12. Upper Wield contains a church, village hall, playground and a football pitch, but there are no other amenities or facilities to support day-to-day needs. Whilst the walking route from the site to the above facilities is relatively short, it is unlit, with no footways along a fairly narrow road containing some blind bends. Although the route is subject to a 30mph speed limit and the Local Highway Authority raised no objection in consultation, I did not find the undulating sections particularly attractive to walk along. Pedestrian refuge points are

limited throughout, and the route would likely be perceived as hazardous or prohibitive for many cyclists.

13. It is thus likely that the proposal would introduce further residential development in the countryside which would likely be heavily reliant on use of a private car to meet day-to-day needs. The proximity to existing dwellings does not overcome the above locational shortcomings and neither does the presence of a public house approximately one mile beyond the village.
14. The SPD also advises that wider benefits of the scheme can be considered in terms of serving a cluster of smaller settlements and enabling existing facilities to continue and thrive. As well as Upper Wield, the appeal site is near to Lower Wield which is not defined by the SPD as a settlement. There are larger settlements further away including, as classified by the SPD: the "other settlements with a settlement policy boundary" of Bentworth, Beech and Medstead village; the Small Local Service Centre of Four Marks; and the Market Town of Alton. There is however no compelling evidence before me to demonstrate that the vitality of existing facilities within the abovementioned locations is dependent on additional dwellings in the area of the appeal site.
15. In light of all the above, the site is not within a suitable location for the proposed residential development, having regard to the spatial strategy of the development plan and its adopted supporting guidance. The proposal therefore conflicts with Policies CP2 and CP10 of the JCS, the relevant criteria of which are set out above. The scheme is also contrary the supporting guidance of the SPD in this regard, as also amplified above.

Local community need, aspirations and support

16. Saved Policy H14 of the LPSR states that outside settlement policy boundaries, residential development will only be permitted where it is essential to house a full-time worker in agriculture, forestry or other enterprise who must live on the site rather than in a nearby settlement.
17. Policy CP19 of the JCS states that the only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises. This policy is less restrictive than Saved Policy H14, as its above use of the words "such as" indicates other uses could benefit from support. Indeed, the CP19 supporting text advises at paragraph 7.6 that some development can take place which is beneficial to the countryside and the people that live and work there. Whilst supporting text does not have the force of policy and cannot trump it, it is nonetheless relevant to its interpretation.
18. JCS Policy CP10 states that housing outside settlement policy boundaries will only be permitted subject to certain listed matters. Those most relevant to the appeal and this main issue are whether the proposal meets a community need or realises local community aspirations; and, whether it has clear community support as demonstrated through a process which has been agreed by the LPA in consultation with the Parish Council.
19. The SPD sets out that a proposal would need to meet the housing need of the community of the nearest settlement to which it relates. Although Upper Wield does not have a settlement boundary, Appendix 1 to the SPD lists it amongst others as Tier 6 (other settlement in the countryside), the lowest tier within the

- hierarchy. The appeal site is not within a Neighbourhood Plan area and there are no other local documents such as a village design statement before me.
20. The SPD advises that in terms of demonstrating clear community support, robust and reliable evidence will be needed, and that the methods of engagement should be discussed and agreed with the LPA beforehand. The nature and type of evidence will vary in accordance with the scale and nature of the proposal, and compliance with this part of Policy CP10 will be a matter of planning judgement. Responses to the LPA's planning application consultation process will also need to be considered along with evidence submitted by the applicant to determine where outstanding issues remain, reasons for any objections to the scheme and whether the consultation process undertaken by the applicant has been satisfactory.
21. No pre-application advice was sought by the appellant from the LPA. It is however put to me that a feedback meeting with Wield Parish Council (WPC) and subsequent dialogue prior to submission of the planning application demonstrates that the proposal would realise local community aspirations.
22. Further details of the above WPC consultation are not before me, and there is also no evidence before me of consultation with the wider local community prior the planning application submission. Although the interested party consultation responses received during the application's determination indicate more representations of support than objection, collectively they do not demonstrate a clear level of community support. Some of the concerns raised in consultation are reflected in WPC's otherwise supportive comments, which also describes the level of these local responses received as being limited.
23. In conclusion, whilst a level of community support is apparent, it has not been demonstrated that the appeal proposal has clear community support and meets a community need or realises local community aspirations. In these respects, the proposal does not meet the abovementioned requirements of JCS Policies CP10 and CP19, and the SPD.

Character and appearance

24. Existing buildings within the appeal site have become dilapidated, some of which have partially or more substantially collapsed. They have been described by various parties as unsightly, an eyesore and a major blot in an otherwise attractive landscape.
25. At the time of my site visit, views of these buildings along the road frontage were largely enclosed by mature vegetation. Although the site and its surrounds are not within a designated landscape such as a National Park, this is nonetheless a pleasant rural location. In particular, the area beyond the southern and western site boundaries reads as a sparsely populated rural area with open views across gently undulating fields.
26. As indicated in the Preliminary Landscape and Visual Evaluation (PLVE), views are possible along the Public Right of Way (PRoW) across the field beyond the western side and southern rear of the site. Along this route, the site's buildings are visible above the boundary hedgerows. Intervisibility is possible with some dwellings near to the Ox Drove Way staggered junction, beyond the western field area. A large barn is visible at a distance to the east. Irrespective of their

condition and the extent and nature of their use, the site's buildings appear as agricultural features in a rural landscape.

27. The proposed dwelling would replace all existing built form and would be sited close to the site's western and southern boundaries with open countryside. The dwelling would be sited on elevated ground which would allow for extensive views from the west and south along the PRow. Despite the proposed single storey L-shaped form, its long and exposed western and southern elevations would appear bulkier than the existing buildings near the PRow that have noticeably collapsed and deteriorated more extensively than the others.
28. Whilst much of the proposed external materials are commonplace in rural areas, the extensive floor-to-ceiling glazing along the southern elevation would make the proposal appear as an urban and contemporary addition to the landscape rather than a traditional farmstead. Given the extent of the proposed patio, driveway and parking areas, the amount of overall hardstanding would not be significantly less than the existing concreted area, some of which has become overgrown.
29. When viewed along the PRow, the dwelling would therefore appear as a more prominent development in the rural landscape than the built form it would replace. Although the area is not devoid of dwellings, the dwelling would nonetheless appear as a standalone and urbanising development that would cause adverse visual harm to its surrounding rural setting.
30. I therefore share the conclusion of the PLVE that there will likely be significant visual effects particularly from the PRow to the south and west of the site. Although full details of the proposed hedgerow and tree boundary planting could be secured by means of planning condition, the PLVE recommends a further Landscape and Visual Appraisal (LVE) to be carried out in order to propose suitable mitigation measures. Such an LVE is however not before me. Given the existing and proposed topography and the scale of proposed development, I am not satisfied at this stage that the proposed landscaping layout would mitigate the harmful visual impact that I have identified. The appeal scheme is therefore not landscape-led in this respect.
31. In conclusion, the proposal would cause significant harm to the character and appearance of the surrounding area, contrary to Policies CP20 and CP29 of the JCS. These policies require, amongst other things, new development to conserve and enhance the special characteristics of the district's natural environment, to respect the character, identity and context of the district's countryside, and to ensure that the layout and design is appropriate and sympathetic to its setting in terms of its scale, massing and relationship to spaces around buildings and landscape features.

Other Matters

32. The appeal submission suggests that the existing site could be brownfield, and the Planning Statement refers to one of the buildings being in use by a local thatching business for storage of reeds and other materials. Because of this, the appellant considers the site to contain both agricultural and commercial uses. Whilst my site visit was only a snapshot in time, I saw no substantive evidence of a thatching business use or other commercial or industrial use.

33. The Glossary to the JCS defines Brownfield Land/Sites as “previously developed land [PDL]. Land or sites containing permanent structures and associated development, such as car parking, which can be redeveloped for other uses.” Brownfield land and PDL is also defined in Annex 2 to the Framework, but excludes land that is or was last occupied by agricultural buildings. Having regard to all the above, for planning policy purposes it has not been demonstrated that the appeal site is brownfield or PDL.
34. The LPA cites an appeal decision recently made in the District¹, which was issued in April 2024 and tested the District’s housing land supply figure following a Public Inquiry. Within this decision, the Inspector found that the District’s supply at 1 April 2023 was 3.59 years based on the particular evidence before that Inquiry. The appellant has provided some evidence to suggest that following the publication of the revised Framework, the District interprets its housing need for the area to have increased from 574 dwellings per annum (dpa), to 1,142 dpa. Either of the above figures amounts to a significant level of housing supply shortfall.
35. In such circumstances, Paragraph 11 d) of the Framework is engaged by footnote 8, which states that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. The appellant contends that not all interested parties were consulted on the appeal. The LPA has provided a list of those consulted on the appeal, which includes local addresses, those who commented on the initial planning application, and those who commented again during this appeal. It therefore appears that adequate consultation has been undertaken for this appeal.
37. The appellant is also aggrieved that the proposal was not considered as requested at Committee rather than refused under delegated powers, and that there has been a delay or failure in the LPA publishing some of the consultation responses online. Overall, the appellant has perceived the LPA to not have approached the application in a sufficiently positively way. These are however matters between the appellant and the LPA and they have had no bearing on my determination of this appeal, which I have determined on its own site-specific circumstances and having regard to all evidence before me.
38. The LPA has referred to two appeal decisions² to justify its position, but their full location and plan details are not before me. For clarity, these examples have also had no bearing on this appeal.

Planning Balance

39. As set out above, I have found that the proposal would conflict with the spatial strategy and would cause significant harm to the character and appearance of the surrounding area, contrary to Policies CP2, CP10, CP19, CP20 and CP29 of the JCS and Saved Policy H14 of the LPSR. I therefore conclude that the proposal is contrary to the development plan as a whole.
40. JCS Policy CP1 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 matters that broadly

¹ APP/M1710/W/23/3329928 (Mount Royal, 46 Lymington Bottom, Four Marks)

² APP/M1710/W/22/3309559 (Wield Road, Medstead); APP/M1710/W/24/3343080 (Hole Lane, Bentley)

reflect those in Paragraph 11 d) of the Framework. However, Framework Paragraph 232 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.

41. The abovementioned spatial policies seek to direct development towards settlements and when read as a whole, they do not restrict all housing types in the countryside. The Framework seeks to achieve sustainable patterns of development, and these spatial policies are therefore generally consistent with it in this regard.
42. While due weight should be given to existing policies according to their degree of consistency with the Framework, there is some doubt as to whether they would deliver the required housing for the District across the plan period. In such circumstances, it may not always be appropriate to limit development in the District to urban locations. Given all the above, I only afford moderate weight to the conflict with these spatial policies.
43. The proposal site is not within a designated landscape, but would nonetheless be significantly harmful to the character of its immediate landscape. 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 relatively localised, I afford moderate weight to this harm and the associated conflict with JCS Policies CP20 and CP9.
44. Whilst only providing one new dwelling, the proposal 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. Considering the level of housing shortfall in the District, but also the locational shortcomings of the appeal site, I only afford moderate weight to the collective benefits arising from the addition of one dwelling to the local housing supply.
45. The site's location within Flood Zone 1, outside of and not affecting a conservation area or other heritage designation(s), along with the lack of harm to living conditions, are all neutral factors that neither way in favour nor against the proposal.
46. Taking all the above matters into consideration, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

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

R Cahalane

INSPECTOR