



Appeal Decision

Site visit made on 18 February 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/M1710/W/24/3347921

Agricultural Building, Station Road, Bentworth, Alton, Hampshire GU34 5QZ

- 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 Nick Pratt on behalf of Cambium Developments Ltd against the decision of East Hampshire District Council.
 - The application Ref is 57954/005.
 - The development proposed is erection of five detached dwellinghouses with hard standing, soft landscaping and associated works following demolition of existing agricultural building.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the proposed development would be appropriately located having regard to development plans, and
- the effect on the character and appearance of the area.

Reasons

Whether an appropriate location

3. The appeal site is located outside of any recognised settlement policy boundary and it is therefore located within the countryside. Policy CP14 of the East Hampshire District Local Plan: Joint Core Strategy adopted by East Hampshire District Council on 8 May 2014 and the South Downs National Park Authority on 26 June 2014 (CS) states that residential development outside settlement policy boundaries will only be permitted if it provides affordable housing.
4. Policy CP19 of the CS limits development in the countryside to that which has a genuine and proven need. Policy H14 of the East Hampshire District Local Plan: Second Review (LP) states that residential development outside settlement policy boundaries is only 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.

5. The proposal is for five market dwellings with no affordable housing and no essential need has been advanced. As such, the proposed development would not be appropriately located and would conflict with Policies CP1, CP2, CP14 and CP19 of the CS and Policy H14 of the LP. Amongst other things, these seek to direct new development to the most sustainable and accessible locations and protect the countryside for its own sake.

Character and appearance

6. The appeal building is an agricultural building which has a distinctive functional and rural appearance. The wider area consists of mostly open fields lined with hedgerows and trees. There are dwellings within the area, however, these are sporadic and well spaced apart. As a result, the area has a rural and open character and appearance.
7. The proposal seeks to demolish the existing agricultural building and erect five dwellings. While I note that the dwellings are proposed to be designed in a courtyard style, they would still appear as a cluster of dwellings which would sit awkwardly and out of context with the open and rural character and appearance of the area.
8. The proposal also includes a long access track and large parking area that would serve all of the dwellings and result in a large area of hardstanding that would be visible from the road. This, combined with the associated domestic paraphernalia would highlight the appeal site as an urbanised development that would be prominent and incongruous when viewed from the road.
9. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies CP19, CP20 and CP29 of the CS. Amongst other things, these seek to protect and enhance natural and historic features which contribute to the distinctive character of the district's landscape and respect the character, identity and context of the district's countryside.

Other Matters

10. The appellant has put forward a fallback position in the form of an extant prior approval for a class Q conversion. I accept that the fallback position is available.
11. I also accept that there is a greater than theoretical possibility that the fallback would be implemented should the appeal scheme be dismissed. It is therefore a material consideration in the assessment of the proposal.
12. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
13. I acknowledge that the gross internal area, ridge heights, glazing and amount of hardstanding would be less than the extant permission. However, the overall footprint would be greater and its effect would result in a more prominent and incongruous development which due to its overall size, would sit awkwardly in the context of the wider area that is distinctively rural and open.

14. The extant permission, while the buildings would be larger, it would utilise the existing structure and therefore sit well within the context of the open character and appearance of the area, appearing as a converted agricultural building. Also, while the amount of hardstanding would be reduced through the appeal scheme, it would be a more concentrated and obvious area that would be visible from the roadside and thereby increase the overall prominence of the proposed development. The hardstanding that forms part of the extant permission is mostly concentrated to the rear of the site and would be blocked from views from the roadside, resulting in a less prominent scheme.
15. I acknowledge that the amount of amenity space for future occupiers would be improved, however, this would also contribute to the overall footprint and allow more space for domestic paraphernalia which would further highlight the prominence of the proposal.
16. I note that the internal layout could be configured better through the appeal scheme, further biodiversity enhancements would be made as well as energy improvements. However, these do not outweigh the harm I have identified.
17. I therefore consider that the appeal scheme would result in a more harmful development when compared to the fallback scheme.
18. The appellant has referred to other appeals and developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
19. In regard to the appeal decisions¹ referred to by the appellant these relate to how fallback positions have been considered, particularly whether or not there would be any significant impacts over and above the permitted scheme when compared to the fallback position. I have dealt with the fallback position in the same way and found that it would be a less harmful scheme than the appeal proposal before me.
20. I note the design review by chartered architects with decades of experience in rural development that has been provided, in which they consider the appeal scheme is a justifiable one, which they could have developed and sought to justify similarly. However, it is noted that the review raised concern with the massing, states that there are no similar farmstead-like new build developments in the vicinity and that the style differs from the traditional cottages and housing of Bentworth. The design review therefore adds very limited weight in favour of the appeal scheme.

Planning Balance

21. The proposal would be contrary to Policies CP1, CP2, CP14, CP19, CP20 and CP29 of the CS and Policy H14 of the LP. These Policies are consistent with the Framework in identifying and pursuing opportunities to promote walking, cycling and public transport use and ensure development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

¹ APP/M1710/W/20/3258256, APP/M1710/W/17/3184477, APP/W3330/W/22/3292573, APP/L3245/W/22/3304958, APP/W1850/W/17/3171828, APP/Z1510/W/17/3189624, APP/C1760/W/16/3154235

22. The Council is unable to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 72 of the Framework. The Council states that they are only able to demonstrate a 3.59 year supply, which is not disputed by the appellant and is a significant undersupply. Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and 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.
23. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. This attracts significant weight in favour of the proposed development. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality.
24. In this instance, the inappropriate location and harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
25. Consequently, when assessed against the Policies in the Framework when taken as a whole and even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Conclusion

26. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR