



Appeal Decision

Site visit made on 4 June 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2025

Appeal A Ref: APP/H1705/W/25/3361213

Fir Tree Farm, Pamber Road, Charter Alley, Hampshire RG26 5PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by S. Bryant-Jones against Basingstoke and Deane Borough Council.
 - The application Ref is 24/00162/FUL.
 - The development proposed is partial removal of existing agricultural barn and erection of detached dwelling; with associated garaging, turning, landscaping, private amenity space and creation of new access point.
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Appeal B Ref: APP/H1705/W/25/3361220

Fir Tree Farm, Pamber Road, Charter Alley, Hampshire RG26 5PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by D. Simpson against Basingstoke and Deane Borough Council.
 - The application Ref is 24/00166/FUL.
 - The development proposed is removal of former agricultural buildings and erection of detached dwelling; with associated garaging, turning, landscaping, private amenity space and creation of new access point.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for partial removal of existing agricultural barn and erection of detached dwelling; with associated garaging, turning, landscaping, private amenity space and creation of new access point at Fir Tree Farm, Pamber Road, Charter Alley, Hampshire RG26 5PZ in accordance with the terms of the application, Ref 24/00162/FUL, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for removal of former agricultural buildings and erection of detached dwelling; with associated garaging, turning, landscaping, private amenity space and creation of new access point at Fir Tree Farm, Pamber Road, Charter Alley, Hampshire RG26 5PZ in accordance with the terms of the application, Ref 24/00166/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The appeal follows the Council's failure to determine the applications within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the applications, it would have refused planning permission for both. The substance of the Council's statement has informed the main issues of the appeal.

Main Issues

5. The main issue in respect of appeal A is whether the proposed development would be appropriately located having regard to development plan Policies.
6. The main issues in respect of appeal B are:
 - whether the proposed development would be appropriately located having regard to development plan Policies, and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Whether the proposed development would be appropriately located in respect of appeals A and B

7. The appeal sites are adjacent parcels of land located next to Fir Tree Farm. The appeal sites are in agricultural use and there are some existing agricultural buildings located within the appeal sites.
8. The appeal sites are located outside of any settlement policy boundary and are therefore designated by Policy SS1 of the Basingstoke and Deane Local Plan (2011 to 2029) (LP) as the countryside. This policy sets out the spatial strategy for the location of new housing and generally seeks to direct development to settlement policy boundaries and allocated sites. Residential development in the countryside is generally restricted unless it accords with Policy SS6 of the LP.
9. Policy SS6 of the LP relates to small scale housing in the countryside and provides a list of criteria that should be met to be acceptable. The appeal proposals would not meet any of the criteria and as such the location of the appeal sites are considered not suitable in principle for the housing proposed.
10. The proposed developments would therefore not be appropriately located. They would be contrary to Policies SS1 and SS6 of the LP and Paragraph 82 of the National Planning Policy Framework (the Framework) which seek to support housing developments that reflect local needs.

Character and appearance in respect of appeal B

11. The appeal site is located within the small village of Charter Alley and the site forms a small gap between a row of houses on Pamber Road and Fir Tree Farm. Houses in the area generally occupy large plots and have large, open frontages with the opposite side of the road being lined with extensive hedgerows with open fields beyond. The result is an open and rural character and appearance.
12. The appeal proposes a detached double garage that would be located forward of the dwelling. Detached garages and outbuildings are not generally character of the area, particularly to the frontage of the dwellings. However, other houses on Pamber Road do not generally have a consistent building line which results in some variation in the street scene in terms of gaps to the front and between properties.
13. The garage would be visible but due to the set back, spacious gap between the neighbouring property, along with the proposed landscaping, it would not be a dominant or prominent feature within the street scene. Instead, it would add to the generally mixed building line and spacing of buildings within the area.
14. I therefore conclude that the proposed development would not harm the character and appearance of the area. I find no conflict with Policies EM1 and EM10 of the LP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that development is sympathetic to the character and visual quality of the area and positively contribute to local distinctiveness.

Other Matters

15. The Council have referred to a number of appeal decisions in an attempt to justify their decision. 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.
16. In relation to the appeal decisions¹ referred to by the Council, these relate to appeals whereby sustainable development has been considered. However, all of the appeals relate to different schemes in different locations where access to services and facilities by sustainable means of transport differs.

Planning Balance

17. The proposal would be contrary to Policies SS1 and SS6 of the LP. These Policies are generally not consistent with the Framework in that whilst they seek to support housing developments that reflect local needs, the Framework is less restrictive of rural housing.

¹ APP/H1705/W/22/3294857, APP/H1705/W/23/3318470, APP/H1705/W/22/3294866, APP/H1705/W/23/3328855, APP/H1705/W/23/3325642, APP/H1705/W/22/3313295 and APP/H1705/W/23/3324596

18. 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 2.98 year supply, which is not disputed by the appellant. It is therefore evident that there 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.
19. Having regard to the areas of harm identified, 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. I therefore afford the conflict with Policies SS1 and SS6 limited weight.
20. In considering the location of the appeal sites I have had regard to relevant caselaw² and that whether the site is considered isolated will be a matter of fact and planning judgement for the decision-maker.
21. The appeal sites are located between residential properties and within the village of Charter Alley. The area is rural and therefore Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There is very limited access to public transport, but there are some limited facilities within a short and safe walking distance which include a vehicle garage, business units, pub, church and village store/café. As such, there is reasonable access to some day to day facilities without relying on a private car.
22. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall. While this contribution would be small, it nonetheless attracts significant weight in favour of the proposed development. There would also be economical benefits through building out the schemes as well as supporting the viability of the local facilities within Charter Alley. These benefits would outweigh the limited weight attracted to the conflict with Policies SS1 and SS6 of the LP.

Conditions

23. I have considered the Council's suggested conditions in the event I were to allow the appeal. Where necessary, and in the interests of clarity and precision, I have slightly altered them to more closely reflect the advice in the Framework and the Planning Practice Guidance.

Appeal A

24. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.

² Braintree DC v SSCLG [2018] and Bramshill v SSHCLG [2021]

25. Conditions 3 and 4 require details of materials and finishes to be used as well as a hard and soft landscaping scheme in the interests of the character and appearance of the area. Condition 5 requires the development to meet water efficiency standards in the interests of sustainable water usage.
26. Conditions 6 and 7 require that the access is constructed in accordance with the approved plans and is surfaced with the correct material in the interests of highway safety. Condition 8 requires details of an external lighting plan before installation in the interests of protected species.
27. Conditions 9 and 10 control the delivery and working hours for the development in order to protect the living conditions of neighbouring occupiers. Condition 11 requires that the development is undertaken in adherence with all proposed avoidance, mitigation and enhancement recommendations in the interests of protected species.

Appeal B

28. Condition 1 is the standard condition which relates to the commencement of development and condition 2 specifies the approved plans for the avoidance of doubt.
29. Conditions 3 and 4 require details of materials and finishes to be used as well as a hard and soft landscaping scheme in the interests of the character and appearance of the area. Condition 5 requires the development to meet water efficiency standards in the interests of sustainable water usage.
30. Conditions 6, 7 and 8 require that the access is constructed in accordance with the approved plans, is surfaced with the correct material and provision shall be made to direct run-off water from the surface to a permeable or porous area or surface in the interests of highway safety.
31. Conditions 9 and 10 control the delivery and working hours for the development in order to protect the living conditions of neighbouring occupiers. Conditions 11, 12 and 13 require that the development is undertaken in adherence with all proposed avoidance, mitigation and enhancement recommendations, requires details of an external lighting plan before installation and that barn owl compensation is undertaken in the interests of protected species.

Conclusion

32. For the reasons given above the appeals should be allowed and planning permission granted.

D Wilson

INSPECTOR

Schedule of Conditions

Appeal A

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Site Plan Ref. 210944-52
Design Scheme Ref. 210944-04
3. Notwithstanding the plans submitted, no development shall commence on site above slab level until a schedule of materials and finishes to be used, including samples, for the external walls and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
4. No development shall take place on site above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) including boundary treatments, hard surfacing and a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The approved soft landscaping works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. The approved hard landscaping works shall be implemented prior to occupation of the dwelling. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.
5. Within 3 months of the date of commencement a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.
6. Before the development is brought into use, the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drg No.210944-52) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.
7. Prior to the first occupation the site access shall be constructed with a nonmigratory surface material for a minimum distance of 6m. measured from the nearside edge of the carriageway on the adjacent highway and will be maintained in that condition thereafter.

8. Prior to installation, an external lighting plan in line with recommendations contained within Section 5 of the supporting Ecological Assessment Report (Nov 2023, ABR Ecology Ltd) and Bat Conservation Trust Guidance Note 08/23 shall be provided to and approved by the Local Planning Authority. Following approval the development will be undertaken in line with said plan.

9. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

10. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

11. Development is undertaken in adherence with all proposed avoidance, mitigation and enhancement recommendations and procedures contained within Section 5 'Ecological mitigation and enhancement strategy', Appendix 6 and Appendix 7 of the supporting Ecological Assessment Report (Nov 2023, ABR Ecology Ltd) to address potential impacts on protected and notable species.

Appeal B

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site Plan Ref. 210944-12

Design Scheme Ref. 210944-03

3. Notwithstanding the plans submitted, no development shall commence on site above slab level until a schedule of materials and finishes to be used, including samples, for the external walls and roofs of the proposed buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

4. No development shall take place on site above slab level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) including boundary treatments, hard surfacing and a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting. The approved soft landscaping works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. The approved hard landscaping works shall be implemented prior to occupation of the dwelling. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the Local Planning Authority.

5. Within 3 months of the date of commencement a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.

6. Before the development is brought into use, the means of vehicular access to the site shall be constructed in accordance with the approved plan (Drg No.210944-12) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plans.

7. Prior to the first occupation the site access shall be constructed with a nonmigratory surface material for a minimum distance of 6m. measured from the nearside edge of the carriageway on the adjacent highway and will be maintained in that condition thereafter.

8. The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a drained surface. Provision shall be made to direct run-off water from the surface to a permeable or porous area or surface within the curtilage of the development. Such areas shall be retained as such for the lifetime of the development.

9. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public or bank holidays.

10. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.

11. Development is undertaken in accordance with all proposed avoidance, mitigation and enhancement recommendations and procedures contained within Section 5 'Ecological mitigation and enhancement strategy', Appendix 8 and Appendix 9 of the supporting Ecological Assessment Report (Nov 2023, ABR Ecology Ltd) to address potential impacts on protected and notable species.

12. Prior to installation, an external lighting plan in line with recommendations contained within Section 5 of the supporting Ecological Assessment Report (Nov 2023, ABR Ecology Ltd) and Bat Conservation Trust Guidance Note 08/23 shall be provided to and approved by the Local Planning Authority. Following approval the development will be undertaken in line with said plan

13. Barn owl compensation is undertaken in strict accordance with the Barn owls section under Section 5 'Ecological mitigation and enhancement strategy' and Appendix 7 of the supporting Ecological Assessment Report (Nov 2023, ABR Ecology Ltd) to address the loss of a barn owl roost.