



Appeal Decision

Site visit made on 17 June 2025

by P Barton BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/H1705/W/25/3362558

Land adjacent to Twine Rose Cottage, Heather Lane, Up Nately, Hampshire RG27 9PT

Grid Ref Easting: 470562, Grid Ref Northing: 152146

- 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 Mark Bremner against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 23/02103/FUL.
 - The development proposed is demolition of existing outbuilding and erection of residential dwelling with garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site would be a suitable location for the proposal, having regard to local and national policy, and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Location

3. The appeal site is a parcel of land located to the eastern end of Heather Lane, which provides access to a number of residential properties. The wider surrounding area consists of open fields and large areas of woodland. The proposal is to demolish an existing outbuilding and erect a 5-bed dwelling with accommodation on 2 floors, and a detached double garage.
4. The appeal site is located within the countryside and Policy SS1 of the Basingstoke and Deane Local Plan (BDLP) clarifies that housing development in the countryside will be managed to a limited number of exceptional circumstances, to maintain the existing open nature of the borough's countryside.
5. Policy SS6 of the BDLP sets out a criteria-based approach to the provision of new housing in the countryside. Relevant to this case are (a), on previously developed land (PDL) and (e), of a small scale to meet a locally agreed need.

6. PDL is defined in the National Planning Policy Framework (the Framework) and includes land which has been lawfully developed and is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). However, it excludes land that is or was last occupied by agricultural or forestry buildings¹.
7. An outbuilding is positioned to the northern corner of the site and there is fencing along the boundary to an adjacent woodland. It is claimed that the previous use of the site as a coppice wood ceased over 20 years ago and is PDL. Notwithstanding the presence of an outbuilding and some hardstanding on the site, there is no compelling evidence before me to substantiate that the appeal site is PDL.
8. Limited data before me, from the 2021 Census, does not illustrate that the proposal would meet a locally agreed need. Moreover, the evidence falls noticeably short of the Council's guidance note which advises that a proposal demonstrates it meets a specific and identified unmet need in the local area in terms of number, size, type and tenure and refers to the need being with a Parish, village or settlement.
9. I have had regard to relevant case law², which clarifies that what is a settlement and whether the development would be isolated from a settlement are both matters of planning judgement for the decision-maker on the facts of the particular case. I have also had regard to the BDLP's definitions of isolation and settlement.
10. Whilst the appeal site would contribute to a cluster of houses along Heather Lane, it is a considerable distance from a built-up area. There is a church at Up Nately and future occupants of the proposal would need to travel further distances to meet day-to-day needs such as shops and schools.
11. Heather Lane is a long, narrow and, in places, uneven road with no street lighting or footpath. These road conditions would not be an attractive option for cyclists and walkers and those with mobility issues, particularly during adverse weather and during the hours of darkness. Little information, other than that a bus service runs along Greywell Road at the end of Heather Lane, is before me on public transport provision in the area. Due to a lack of genuinely sustainable travel choices, the occupants of the proposed house would be heavily reliant on private motor vehicles to access services and facilities on a regular basis, and I find the site to be isolated from a settlement.
12. In addition, there is no compelling evidence before me that future occupants of the proposed house would use the services and facilities in nearby rural settlements, thereby enhancing or maintaining their vitality, rather than those that would be found in the larger towns.
13. Whilst the Framework acknowledges opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not give reason to locate development within locations which are inherently inaccessible by means other than private motor vehicles. The proposed development would not provide the opportunity to maximise the use of sustainable transport solutions, even when accepting that the site is in a rural location.

¹ National Planning Policy Framework Annex 2: Glossary

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610, City and Country Bramshill Ltd v SSSLG and others [2021] EWCA Civ 320

14. For these reasons, I conclude that the appeal site is not a suitable location for the proposal, having regard to local and national policy and accessibility to services and facilities. This is contrary to Policies SS1 and SS6 of the BDLP, which restrict housing development in the countryside to those that meet the listed exceptions. The proposal also fails to accord with Policy CN9 of the BDLP which, amongst other things, seeks to minimise the need to travel, promote opportunities for sustainable transport modes, improve accessibility to services and support the transition to a low carbon future, as well as provide safe, suitable and convenient access for all potential users.
15. Moreover, the proposal would conflict with paragraphs 83 and 84 of the Framework which seek sustainable development in rural areas where it will enhance or maintain the vitality of rural communities and, avoid the development of isolated homes in the countryside.

Character and appearance

16. The appeal site contains a number of mature trees, which contribute towards a wider woodland area, that form an impressive backdrop to the east of Heather Lane. Views of the site are possible from the access off Heather Lane. Twine Rose Cottage is the last property on the southern side of the road, where there is a clear distinction between these houses and the woodland.
17. The introduction of the proposed house onto the site would appear as an encroachment of built development into the woodland. Whilst there is a modest outbuilding on the site, this is of a much smaller scale than the structures proposed. It is argued that the majority of the site is formed of poor-quality woodland, though its appearance remains visually connected to the larger area of woodland. Consequently, the proposal would appear visually intrusive.
18. The removal of some mature trees, including a group of Category B birch trees with an estimated life expectancy of 20 to 40 years, from the site would compound the harm I have found, eroding the character of the woodland landscape.
19. A group of Category B oak trees is shown to be retained, and these are indicated to have an estimated life expectancy of 20-40 years. As such they have the potential to grow larger. The south elevation of the proposed house would be located nearby, and I am unconvinced that the proximity of this group of trees would not result in post development pressure from future occupants that could see their removal.
20. A fallback position of the existing trees being removed from the site without consent has been presented. Whilst I recognise that the trees on the site are not covered by a Tree Preservation Order (TPO) there is no compelling evidence before me that there is a greater than theoretical possibility of this taking place. The clearance of trees from the site would be more harmful than the removal of the trees shown as part of the proposal before me but would not be as harmful as the construction of a new dwelling for the reasons given above. As such I give this fallback position limited weight.
21. I therefore conclude that the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to Policies EM1 and EM10 of the BDLP, which require proposals to be sympathetic to the

character and visual quality of the area, including paying particular regard to trees and other landscape features.

Other Matters

22. The proposed development is located within the Impact Risk Zones of Butter Wood Site of Special Scientific Interest (SSSI) and Greywell Tunnel (Basingstoke Canal) SSSI. There is no cogent evidence before me that they are also designated as Special Areas of Conservation or Special Protection Area. However, if they were, the Habitats Regulations 63(1) states that a competent authority, before deciding to give permission, must make an appropriate assessment of the implications of the development of that site. Given my reasoning in respect of the main issues and that the appeal is dismissed, I have not considered the matter further.
23. The appellant refers to pre-application discussions with the Council. However, I am mindful that such discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal planning process. Therefore, this matter does not lead me away from my conclusions on the main issues in this case.
24. The appellant has referenced a number of other developments on Heather Lane, which it is claimed set a precedent for the type of development proposed. I have limited information relating to the circumstances of these developments, and as such, I cannot be certain that these cases are directly comparable to the appeal proposal which limits the weight I can attach to these cases in my decision. Moreover, the Council has highlighted that these cases were determined under a previous version of the Framework, with particular regard to paragraph 11 d) ii).

Planning Balance

25. The Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I give significant weight to the conflict with Policies CN9, EM1 and EM10 of the BDLP, which are consistent with the Framework in seeking to promote sustainable transport and ensure that development is sympathetic to local character.
26. There is no dispute that the Council currently does not have a 5-year supply of deliverable housing sites and consequently paragraph 11 of the Framework is engaged. Paragraph 11 d) ii) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to certain key policies including directing development to sustainable locations and securing well-designed places.
27. Whilst there is synergy between Policies SS1 and SS6 of the BDLP and the Framework in terms of avoiding isolated homes in the countryside and directing development to sustainable locations, considering the lack of a 5-year housing land supply, the weight I afford to this conflict is limited. Nevertheless, due to the conflict with Policies CN9, EM1 and EM10 of the BDLP, I find that there is conflict with the development plan as a whole.

28. The proposed development would make a positive contribution in the delivery of a dwelling, and there would be associated social and economic benefits during the period of construction and once the dwelling is occupied. There would also be a significant gain to biodiversity on the site, whilst the existing coppice woodland to the southern portion of the site would be retained, enhanced and managed, and a buffer would be created to the adjacent woodland.
29. It is asserted that the site is not at risk of flooding, not covered by a TPO and outside a SSSI, and the proposal would have no adverse impacts on living conditions, protected species, or highway safety. However, a lack of harm in these respects are neutral considerations that weigh neither for nor against the proposal.
30. The limited scale of the development means that I afford the provision of a new house within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development. I have considered the economic, social and environmental objectives of the Framework referred to, as well as paragraphs 61 and 73, which emphasises the Government's objective of significantly boosting the supply of homes and the important contribution small and medium sized sites can make to meeting the housing requirements of an area.
31. On the other side of the balance, the proposal would not be located in a suitable location, having regard to local and national policy, and accessibility to services and facilities, and there would be an unacceptable effect on the character and appearance of the area. This would be contrary to paragraphs 83, 84, 110, 115 and 135 of the Framework. Given the long-lasting nature of such effects, I attribute significant weight to this conflict.
32. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework does not apply.

Conclusion

33. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

P Barton

INSPECTOR