



Appeal Decision

Site visit made on 19 August 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal Ref: APP/H1705/W/25/3366495

Spindles, Winchester Road, Burghclere, Hampshire, RG20 9DX

- 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 W Sequeira against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/01784/FUL.
 - The development proposed is demolition of existing dwelling and erection of two detached dwellings with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the appeal site is a suitable location for the proposed development having regard to local and national policy including the provision of adequate opportunities for sustainable transport;
 - the effect of the proposed development on protected species; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Suitable Location

3. Policy SS1 of the Basingstoke and Deane Local Plan 2011 to 2029 (the BDLP) outlines the local strategy for housing delivery. Policy SS6 of the BDLP refers to new development in the Countryside and provides support for developments subject to certain criterion. Additionally, Policy B1 of the Burghclere Parish Neighbourhood Plan 2011-2029 as modified May 2023 (the BNP) provides support for development within the defined settlement boundary of Burghclere unless the limited circumstances outlined in Policy SS6 of the BDLP or paragraph 84 of the National Planning Policy Framework (the Framework) apply.
4. Criterion (a) of Policy SS6 requires development to be on previously developed land (PDL) as long as it does not result in a form of isolated development, that the site is not of high environmental value and that the proposed use and scale of the development is appropriate to the site's context.
5. Annex 2 of the Framework defines PDL as land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface

infrastructure associated with it. It further excludes land in built-up areas such as residential gardens from being considered as PDL.

6. The appeal site is located off a busy highway and its southern boundary borders Woodbine Lane. The topography of the site is generally flat and benefits from a relatively large plot size. The appeal site is part of a cluster of dwellings, however given the large plot sizes and significant mature screening, they do not form part of a hamlet or village in my judgment. Given all of the above, the appeal site is, to my mind, located in a rural area for planning purposes.
7. The density of the cluster of dwellings is relatively low in comparison to more urban areas. There is no definition given in the Framework for the term 'built-up' and therefore it is a matter of planning judgement. To my mind, given the large plot sizes and the low-density character of the residential development along Woodbine Lane the appeal site is not part of a built-up area for planning purposes.
8. Regarding whether the appeal scheme would result in an isolated form of development, Paragraph 83 of the Framework outlines that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
9. The site is approximately 1.7km from the nearby village of Newtown and 1.5km from Burghclere (when taking into account a public right of way). Newtown has a few facilities albeit limited and does not have a defined settlement boundary. Whereas Burghclere has a settlement boundary and includes a number of facilities including schools, recreational facilities, as well as bus stops. Additionally, Tothill Services and the southern end of Newbury/Sandleford where there is a supermarket, retail park and shops amongst other things are approximately 3km from the site.
10. Whilst the catchment area of the schools in Burghclere includes residents of the wider Parish beyond its boundary settlement, this does not provide sufficient justification for planning purposes to consider the site to be not isolated.
11. There is a bus stop approximately 600 metres from the appeal site, however there is a relatively limited service and consequently it is likely that as a result future occupants would be generally reliant upon private motor vehicles to access facilities.
12. Policy CN9 of the BDLP requires, amongst other things, that developments offer maximum flexibility in the choice of travel modes, including walking and cycling. Additionally, I acknowledge that Paragraph 110 of the Framework highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is further supported by Paragraph 115 of the Framework.
13. Whilst the distances to Newtown and Burghclere may be within reasonable distances for cycling, it remains in my judgement, that given the busy highway, limited footpaths, limited street lighting and relatively high-speed limit of the B4640 it is unlikely that future occupants would elect to use sustainable transport methods such as cycling or walking.
14. Given that the appeal scheme has not been refused on the basis of highway safety, Paragraph 116 of the Framework is not determinative for this matter.

15. Considering all of the above, the appeal scheme would, to my mind, result in an isolated form of development for planning purposes and thus would not be a suitable location.
16. The guidance contained within the 'New Homes in the Countryside to meet a locally agreed Need' January 2019 highlights that whilst it may be helpful to provide contextual information about a housing need at a national or borough-wide level, a general need for additional housing in the borough would not in itself satisfy the exception of a locally agreed need. There is limited substantive evidence before me to adequately demonstrate that there is indeed a locally agreed need for the proposed development.
17. Nevertheless, even if there was adequate substantive evidence before me to demonstrate that the proposed development would meet a locally agreed need, given that I have identified that the appeal site would result in an isolated form of development, it follows that it would still not benefit from the support of Policy SS6(e) of the BDLP.
18. Regarding a previous planning application which was granted permission at Cold Harbour Farm, the granting of permission in principle for land to the west of Oakview and an appeal decision at Ash Lane which included an extant permission, each case is determined on its own merits and therefore I cannot be certain that they are wholly comparable to the appeal before me. Notwithstanding this, given the site-specific context of the appeal site before me, they do not lead me to a different conclusion.
19. Furthermore, pre-application advice is not binding upon the Council. Nevertheless, for the reasons I have given above, the appeal site would result in an isolated form of development for planning purposes.
20. In conclusion, the appeal site is not a suitable location for the proposed development and would not provide adequate sustainable transport options for future occupants. Therefore, it would conflict with Policies SD1, SS1 and SS6 of the BDLP as well as Policies B1 and CN9 of the BNP. These policies seek, amongst other things, to ensure developments are in sustainable locations and promote transport choice including providing a genuine alternative to the car.

Protected Species

21. The Ecological Appraisal report dated September 2023 outlined that a further three emergence/re-entry surveys should be conducted in accordance with the Bat Conservation Trust's Good Practice Survey Guidelines (4th Edition, 2023).
22. These surveys were carried out in accordance with the guidelines and the findings provided in the Bat Emergence Survey (the Survey) submitted by the appellant and dated September 2024. The appeal scheme is likely to impact protected species due to the demolition of the existing dwelling on the site which was identified to have bat roosts.
23. Consequently, the proposed mitigation within the Survey outlines that a European Protected Species Mitigation licence (EPSM) would be required. Natural England make the decision as to whether to grant a licence, however, irrespective of a lack of objection from the Council's Biodiversity team, as a decision maker I must be

confident that there would be a reasonable prospect of the licence being granted by Natural England.

24. An EPSM can only be granted by Natural England if the proposed development would meet three derogation tests. These tests are as follows: whether the development is necessary for imperative reasons of overriding public interest; that there is no satisfactory alternative that would cause less harm to the species; and finally, that it would not be detrimental to maintaining the population of the species at a favourable conservation status in their natural range.
25. Regarding the first two derogation tests, there is limited substantive evidence before me to adequately demonstrate that the appeal scheme is necessary for imperative reasons of overriding public interest and that there is no satisfactory alternative that would cause less harm to the species. Accordingly, I cannot be satisfied that either of these tests would be met.
26. The Council does not contend that the appeal scheme would fail the third test given the comments from its Biodiversity team. Based on the evidence before me including the proposed mitigation outlined in the Survey, I find no reason to disagree with it on its conclusion regarding the third derogation test. Nevertheless, it remains that the appeal scheme would, to my mind, fail to meet the two of the three derogation tests.
27. Given all of the above and having regard to my duties under Regulations 9(1) and 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended), I am not satisfied that all three tests would be met. Therefore, I cannot be confident that there is a reasonable prospect of a mitigation licence being granted by Natural England. Accordingly, it would conflict with Policy EM4 of the BDLP insofar as it seeks to ensure that developments will not result in an adverse impact upon protected species.
28. The Council in its decision notice refers to Policy RE3 of the Bramley Neighbourhood Plan, however it has acknowledged this was an error and not determinative for this matter. Whilst in its statement of case it states that Policies B3 and B10 of the BNP are pertinent to this matter, they generally relate to Biodiversity Net Gain (BNG) and therefore are not determinative in this case.

Character and Appearance

29. I have identified above the rural character of the appeal site and the surrounding area as well as the large plot size and mature screening along the boundaries. Many of the neighbouring dwellings also benefit from similar characteristics and I have identified above that, in my judgement, the appeal site is not within a built-up area.
30. The proposed development would result in the subdivision of the appeal site and would result in each plot being approximately 0.19 hectares. Whilst there are smaller plots located along Woodbine Lane to the rear, the proposed plot sizes would not to my mind, be unacceptable when viewed within the streetscape given they would still be of a generous size.
31. The dwellings along the B4640 are generally set back from the highway by approximately 75 metres whereas the appeal scheme would result in one dwelling being set back by around 50 metres. Nevertheless, given the mature screening

along the B4640 and the still generous set back of circa 50 metres, the proposed development would not to my mind result in unacceptable harm to the character and appearance of the surrounding area. There is limited substantive evidence before me to adequately demonstrate that the appeal scheme would result in unacceptable harm to a nearby public right of way.

32. The proposed design of the dwellings would include amongst other things, low level eaves, a variety of external materials as well as dormer windows and gable ends. These features result in a high-quality design and would reflect the character of the surrounding built form.
33. Interested parties have raised concerns regarding precedent concerning the perceived erosion of the characteristics of the surrounding area. However, in this case, given its site-specific context and the large plot sizes that would be achieved for the proposed dwellings, it would not unacceptably erode the characteristics of the surrounding area.
34. Furthermore, the proposed development would not, in my judgement, result in unacceptable residential paraphernalia that would as a consequence harm the character and appearance of the surrounding area, given it is set back considerably from the public highway and the appeal site is already part of a residential curtilage.
35. Given all of the above, to my mind, the appeal scheme would assimilate with the scale, mass, design and layout of the existing dwellings in the surrounding area. Consequently, it would not result in unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would comply with Policies EM1 and EM10 of the BDLP and Policies B1 and B3 of the BNP insofar as they seek to ensure developments are of a high-quality design, sympathetic to the character and visual quality including density and layout of the surrounding area.

Other Matters

36. The application was partly refused on the basis that the appellant had not adequately demonstrated that the appeal scheme would achieve an acceptable level of BNG. I acknowledge that the appellant has provided further information regarding the appeal scheme being self-build and thus its exemption from BNG. However, there is no legal mechanism before me to secure it. Had I been minded to allow the appeal this would have been a matter requiring further attention. However, as I am dismissing the appeal for other reasons no further consideration is required.
37. The Council has stated they are able to demonstrate a housing land supply of 2.9 years according to a revised calculation undertaken as a consequence of the revised Framework in December 2024. This is below the housing land supply the Council is expected to deliver in line with the Framework. The proposal would deliver a net gain of one dwelling which would be valuable in boosting housing stock in circumstances where there is a shortfall.
38. I acknowledge that future occupants of the appeal scheme may use the bus service and the local services at Newtown or Burghclere. However, the benefit of this upon the neighbouring rural communities would be limited given the proposal would provide a net gain of one dwelling.

Planning Balance

39. As set out above, the appeal scheme would not be located in a suitable location and it has not been adequately demonstrated that it would meet all three of the derogation tests regarding protected species. Thus, there would be a conflict with Development Plan policies as well as the Regulations. Given the Council's housing land supply position, paragraph 11(d) of the Framework is engaged. Nevertheless, given that the relevant policies accord with the Framework, this conflict attracts significant weight in this case.
40. The appeal scheme would result in a net gain of one dwelling which could provide a home for a local family in a Borough that is falling below the level of housing required by national policy. It would make a modest but important contribution as indicated by paragraph 73 of the Framework.
41. It would also provide modest economic and social benefits deriving from construction operations including jobs as well as increase the number of economically active residents which would help boost the local economy and local services.
42. There is limited substantive evidence before me to demonstrate that the appeal scheme would significantly reduce carbon emissions nor enhance biodiversity on the site. The appellant has indicated that the appeal scheme would be self-build, however there is no legal mechanism before me to secure it. Consequently, I attach limited weight to these benefits.
43. Nevertheless, the adverse impacts I have identified as a consequence of the appeal scheme would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Framework policies as a whole.
44. There are no material considerations of such weight or significance to justify a decision other than in accordance with the development plan.

Conclusion

45. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR