
Appeal Decisions

Site visit made on 8 October 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal A Ref: APP/H1705/W/24/3355280

Locksbridge Farm, Cufaude Lane, Bramley, Hampshire RG26 5DL

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Martin Gonzalez-Sayans of Hurst Development Solutions Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/00407/PIP.
 - The development proposed is to develop the site to provide two dwellings, each with a separate car port, bin/cycle store and landscaped garden space.
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Appeal B Ref: APP/H1705/W/25/3360191

Locksbridge Farm, Cufaude Lane, Bramley, Hampshire RG26 5DL

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Martin Gonzalez-Sayans of Hurst Development Solutions Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 24/01966/PIP.
 - The development proposed is residential development of 1 no. dwelling (Class C3).
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. There are two appeals on the same site, one seeking planning permission for two dwellings and the other for a single dwelling. I have considered each appeal on its individual merits, although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of Appeal B, I have adopted the description of development set out in the Council's decision notice, as the appellant has confirmed their acceptance of the amended wording. I have, however, omitted reference to the proposal being for 'permission in principle', since that does not constitute an act of development.
5. The appeals are for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. As such, I have regarded the submitted plans for both appeals as indicative only.

Main Issues

6. The main issues for both appeals are (a) whether the appeal site is a suitable location for new residential development having regard to the requirements of the development plan and access to services and facilities; and (b) the effect of the proposals on flood risk.
7. In Appeal A, an additional issue is the effect of the proposed development on the character and appearance of the area.

Reasons

Appeals A and B – Development plan and accessibility

8. The appeal site lies outside any defined settlement boundary and is therefore designated as countryside under the Basingstoke and Deane Local Plan 2011 – 2029 (LP). Policies SS1 and SS6 of the LP establish a spatial strategy that seeks to concentrate new residential development within settlement boundaries, where access to infrastructure, services and sustainable transport options can be maximised. Development in the countryside is strictly controlled and only permitted in limited circumstances, such as for rural workers' dwellings, reuse of redundant buildings, or other exceptions set out in Policy SS6. Policy H1 of the Bramley Neighbourhood Plan 2011 – 2019 (NP) reinforces this approach by supporting development within the defined boundary of Bramley and resisting proposals that would extend built form into the surrounding countryside.
9. The proposals do not meet any of the exceptions listed in Policy SS6. The site is not previously developed land, nor is it required for a rural enterprise or community facility. It does not involve the conversion of an existing building, nor does it meet a demonstrable local need. While the appellant highlights the proximity of the site to the village of Bramley, approximately 350 metres from the defined settlement boundary, and the presence of a recently constructed dwelling to the north, these factors do not in themselves justify a departure from the adopted spatial strategy.
10. The appellant argues that the designated NP boundaries are now several years old and no longer reflect the extent of built development in the area. Whilst it is acknowledged that development has occurred beyond the original boundary, the defined settlement limits remain part of the adopted development plan and carry weight unless formally revised through a plan-led process. The age of the boundary does not, in itself, justify development in the countryside.
11. The appellant also provides monitoring data showing that a significant proportion of recent housing approvals, approximately 59 – 60%, have occurred outside settlement boundaries. This suggests that the spatial strategy is not being realised as intended. However, each proposal must be assessed on its own merits, and the prevalence of countryside approvals does not negate the requirement for compliance with Policies SS1 and SS6 of the LP.
12. The site is accessed via a narrow rural lane with limited pedestrian infrastructure, no street lighting and no dedicated cycle provision. There is no evidence before me to demonstrate that future occupants would have safe and convenient access to local services, schools, shops or public transport without reliance on private vehicles. Although the distance to Bramley is not substantial, the absence of continuous footways or safe crossing points along Cufau de Lane reduces the

likelihood that walking or cycling would be a realistic or attractive option for most day-to-day journeys. As such, there would be a reliance on private motor vehicles to access the services and facilities to meet daily needs.

13. For these reasons, the appeal site is not a suitable location for new residential development having regard to the requirements of the development plan and access to services and facilities. Consequently, both of the appeal proposals conflict with Policies SD1, SS1 and SS6 of the LP and Policy H1 of the NP as set out above.

Appeals A and B – Flooding

14. The appeal site lies partially within Flood Zone 2 and falls within the Basingstoke Upstream Critical Drainage Area, a locally defined zone known to experience surface water flooding. The National Planning Policy Framework (the Framework) stipulates that development in flood-prone areas must be accompanied by a site-specific Flood Risk Assessment (FRA) and must satisfy the Sequential Test. These provisions serve as vital safeguards, ensuring that development is steered away from areas of flood risk unless no reasonably available alternatives exist.
15. Whilst the appellant has submitted an FRA delineating the extent of Flood Zone 2 on the site, no Sequential Test has been provided. The application fails to demonstrate that the proposed development would be situated in the area of lowest flood risk. The appellant contends that a future technical details application could position the appeal proposals entirely outside Flood Zone 2, thereby removing the need for a Sequential Test. However, in relation to Appeal A, the proposed provision of two dwellings would likely result in one being located within Flood Zone 2. Moreover, both appeal schemes appear to show the indicative site access either wholly or partially within Flood Zone 2. Accordingly, the Sequential Test is required for both appeals.
16. In considering the requirement for a Sequential Test, I am mindful of the Court of Appeal decision in the *Substation Action Save East Suffolk* case. That judgment drew a clear distinction between the Sequential Test and the wider Sequential Approach, confirming that the Test must properly address alternative sites in relation to surface water flooding. Although the appellant has relied upon this judgment, I am not persuaded that its findings alter the requirement to demonstrate, at the permission in principle stage, that the appeal site represents the area of lowest flood risk. In the absence of a Sequential Test, the proposals fail to show compliance with national policy, and the case does not provide a basis for setting aside that requirement in the present circumstances.
17. In light of the absence of a Sequential Test and the lack of compelling evidence that the proposals would be safe from flooding, the appeals fail to comply with national policy. They also conflict with Policy EM7 of the LP, which requires development to demonstrate flood resilience and avoid exacerbating flood risk elsewhere, and with Policy RE1 of the NP, which seeks to direct development away from flood-prone areas and ensure appropriate mitigation measures are in place.

Appeal A – Character and appearance

18. Cufaupe Lane is a semi-rural lane characterised by a mix of agricultural land, pasture, and sporadic residential development. Whilst the surrounding landscape

retains a rural quality, the wider context of the appeal site includes a number of residential properties arranged in a linear pattern along the lane. These dwellings vary in age, style, and plot size, but collectively contribute to an established ribbon of development that has evolved incrementally over time.

19. The appeal site itself formerly accommodated agricultural buildings, which have since been dismantled following incidents of arson and vandalism. The site is now largely open but enclosed by vegetation and trees, and it benefits from an existing vehicular access onto Cufau de Lane. A recently constructed dwelling lies immediately to the north, and other residential properties are located further along the lane in both directions. This context is relevant in assessing the visual impact of the proposed development.
20. The Appeal A proposal seeks permission in principle for two dwellings, and while detailed design and layout are reserved for the technical details stage, the indicative drawings suggest a creation of a linear pattern of development, including the existing dwelling to the north. In this regard, the proposal would not introduce an isolated or incongruous built form into the landscape. Rather, it would utilise an existing site that has been developed previously to create an overall built form that would be reflective and reinforce the established rhythm of sporadic linear residential development along the lane.
21. The Council's concern that the proposal would result in a suburban or urbanising effect is noted. However, given the presence of similar residential development nearby, and the limited scale of the proposal (two dwellings), I do not consider that the scheme would materially alter the character of the area or undermine its rural qualities. The site is well-contained by vegetation, and any future technical details submission would be expected to ensure that the design, landscaping and siting of the dwellings respond appropriately to the local context.
22. Policy EM1 of the LP seeks to conserve and enhance the character and quality of the borough's landscapes, while Policy EM10 promotes high-quality design that respects local distinctiveness. Policy D2 of the NP similarly encourages development that complements the character of the area.
23. In this instance, I am satisfied that the Appeal A proposal would not cause harm in principle to the character and appearance of the area. Consequently, I find that the proposal would be capable of complying with the aforementioned policies, subject to appropriate detail at the next stage. In addition, the Appeal A proposal does not conflict with the Basingstoke and Deane Landscape, Biodiversity and Trees Supplementary Planning Document (2018), which expands on the requirements of those policies.

Planning Balance

24. The Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. In such circumstances, Paragraph 11(d)(i) of the Framework states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusal, as set out in footnote 7. This includes land at risk of flooding.
25. As established above, the appeal site lies partially within Flood Zone 2 and a locally defined Critical Drainage Area. No Sequential Test has been submitted,

and insufficient evidence has been provided to demonstrate that the proposed development would be safe from flooding for its lifetime. The flood risk policies in the Framework therefore provide a clear reason for refusing the development, and the presumption in favour of sustainable development is not engaged.

26. The proposals would deliver one new home (Appeal B) or two new homes (Appeal A), contributing modestly to housing supply. This is a material benefit, particularly in light of the Council's persistent under-delivery of housing across the plan period. The appellant contends that this under-delivery reflects a failure of the spatial strategy itself, particularly Policies SS1 and SS6 of the LP, to deliver the scale and distribution of housing envisaged. This argument is supported by the *Watermill Bridge* High Court judgment, which confirmed that the Inspector's conclusion that the spatial strategy was out-of-date, owing to its failure to deliver housing, was lawful and material to the planning balance. Whilst footnote 7 still applies in this case due to unresolved flood risk, the delivery-based critique of the spatial strategy is acknowledged as a relevant material consideration.
27. The site previously accommodated agricultural buildings and is not physically isolated. Its redevelopment would make use of land that already contained built form and is adjacent to existing residential development. This supports the efficient use of land and avoids the introduction of development into wholly undeveloped countryside. The site also benefits from an existing gravel access track, which could be reused without further intrusion into the landscape.
28. The appellant also suggests that the site could be delivered quickly following technical details consent, contributing promptly to housing targets. This potential for early implementation is a practical benefit, though modest in scale.
29. Although detailed design and layout are reserved for the technical details stage, the appellant has indicated that future proposals could incorporate landscaping and sustainable drainage features. These could offer ecological enhancements and help manage surface water runoff, particularly given the site's location within a Critical Drainage Area. Whilst such benefits cannot be fully assessed at this stage, they represent potential positive outcomes that weigh modestly in favour of the schemes.
30. The appellant argues that the previously granted permission for the conversion of the barn that occupied the site provides a fallback position. It is suggested that there would be greater scope for the current proposals to mitigate flood risk. The Council contends that the permission cannot be lawfully implemented due to the dismantling of the barn, but the appellant maintains that the structure could be re-erected as permitted development under Section 55(2)(a)(ii) of the Town and Country Planning Act 1990. Whilst this legal interpretation is acknowledged, it is not for me to determine the lawfulness of such a development within these appeals relating to permission in principle in respect of a different scheme, and there is insufficient evidence before me to conclude that the fallback is realistic or implementable. As such, it carries limited weight in the overall balance.
31. These benefits must nevertheless be set against the identified harms and policy conflicts. The site lies beyond the defined settlement boundary and does not fall within any of the exceptions provided under Policy SS6 of the LP. Its location is poorly connected to services and infrastructure, such that future occupiers would be largely dependent on private vehicles for everyday needs. This reliance runs

counter to the spatial strategy and to the objective of the development plan and Framework to promote sustainable transport and reduce car dependency. Whilst the *Watermill Bridge* judgment serves to moderate the weight attached to the conflict with the spatial strategy, the inconsistency with the core principles of national and local planning policies on sustainable travel carries substantial weight against the proposals.

32. In addition, the proposals fail to demonstrate compliance with national and local flood risk policy. The absence of a Sequential Test and insufficient evidence of flood resilience conflict with Policy EM7 of the LP and Policy RE1 of the NP. Both policies seek to ensure that development avoids areas at risk of flooding and incorporates appropriate mitigation. These objectives are directly aligned with the Framework's approach to flood risk, and the conflict with them must therefore be afforded significant weight. The potential for future mitigation at the technical details stage does not overcome the requirement to demonstrate suitability at the permission in principle stage.
33. In light of the Council's persistent and notable under-delivery of housing, the appeal proposals would secure considerable housing benefits that could be delivered quickly, make use of land that has previously accommodated built form and integrate satisfactorily with the established local character. These considerations weigh in favour of the schemes. Nevertheless, the site occupies an unsuitable location in terms of accessibility, and the proposals fail to demonstrate compliance with flood risk policy. Both matters give rise to clear conflicts with national and local planning objectives, which must be afforded substantial weight in the overall balance. Furthermore, some weight is also afforded to the conflict with the Council's spatial strategy. Accordingly, the harm arising from these conflicts with the development plan would outweigh the collective benefits of the schemes advanced by the appellant.

Conclusion

34. For the reasons given above, the location of the site means that both appeal proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. Accordingly, both Appeal A and Appeal B should be dismissed.

K Reeves

INSPECTOR