



Appeal Decision

Site visit made on 16 December 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 January 2026

Appeal Ref: APP/M1710/W/25/3372333

Land to the North West of The Pines, Bighton Hill, Ropley, Hampshire SO24 9SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Miss Isabelle Tillen against the decision of East Hampshire District Council.
 - The application Ref is 60297/001.
 - The development proposed is outline planning for one self-build dwelling with garage, amenity and green space, all matters reserved.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with all matters (Access, Appearance, Landscaping, Layout and Scale) reserved for future consideration. I have considered the appeal accordingly. Whilst a plan has been submitted which provides a sketch layout of how the future dwelling could be accommodated on the site, including possible access, and landscaping. I have taken this plan as being for indicative purposes only.

Main Issues

3. The main issues are: i) The effect of the proposal on the character and appearance of the area; and ii) whether the appeal site is in a suitable location for housing having regard to the development plan.

Reasons

Character and Appearance

4. The appeal site (the site) consists of an area of fenced grazing land together with a portion of adjacent more open grazing land, which in total is described as being 0.495 hectares in area. It is located immediately to the north-west of a bungalow known as 'The Pines', and forms part of a larger (21 acre) smallholding in the appellant's ownership, which includes a residential bungalow known as 'The Ramblers', which is situated around 140 metres north of the appeal site. At my visit, the wider smallholding was being used for mixed equestrian and sheep grazing. A two-bay field shelter was present at the western corner of the site, straddling the proposed boundary between the site and the adjacent land.
5. The site is located on Bighton Hill (BH), a narrow single-track road with infrequent passing places. There are several residential properties on the western side of BH travelling south-east from the site, which include a mix of 2-storey, bungalow and

dormer bungalow dwellings. To the opposite side of the road is Bowers Grove Wood. The properties are set back at varying distances from the road, and with varying boundary treatments with the highway. However, their need for visibility to provide safe access to the highway, results in the dwellings being visible from the public realm, due to low level hedges and other more domestic boundary treatments, with the result that this section of BH has a mixed rural, but firmly residential character.

6. By contrast, the site's frontage with BH is bounded by a dense mature hedge of around 2.5 metres in height, with interspersed trees within it. To the opposite side of the road is Bowers Grove Wood, a mature woodland which is a Local Nature Conservation Network (LNCN) as defined by Policy RNP9 of the Ropley Neighbourhood Plan (2019) (the NP). The character of BH at the location of the site is therefore one of a verdant, natural, fully rural area with views through field gates into open countryside.
7. At the northern corner of the site, BH takes a sharp 90-degree bend prior to becoming Sutton Wood Lane. At this corner is an existing field gate which provides access to the wider smallholding. This field gate sits outside of the red line boundary of the site defined on the application drawings, though is within the appellant's ownership and control. Whilst the application reserves all matters for future approval, and the indicative site plan suggests the possibility of the use of the existing field gate for access, the appellant has stated that the new access would be located on BH adjacent to the boundary with The Pines.
8. Accordingly, owing to the set-back distance of the existing hedge from the edge of the carriageway, such a location for the new access, would result either in the loss of a substantial length of the mature hedge, and its replacement further back from the carriageway, or its reduction in height to a low-level to provide the required visibility for safe access and egress. There would also be a new opening required for the vehicular and pedestrian access. Cumulatively, this would result in any new dwelling being highly visible from the public realm, causing unjustified harm to the rural character of this section of BH, through extension of the adjacent residential character further along BH into open countryside.
9. For the above reasons, I find the proposal would cause harm to the character and appearance of the surrounding area. Therefore, I conclude the proposal would conflict with Policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (the JCS), and with Policy RNP11 of the NP, which require, among other things, that new development should respect the character, identity and context of the district's villages and countryside, and protect the natural features which contribute to its character such as trees, woodlands and hedges.

Location for Housing

10. The site lies outside the defined settlement policy boundary (SPB) for Ropley and is therefore designated by Policy RNP2 of the NP as open countryside. Development in the open countryside is controlled by Policy CP19 of the JCS, which restricts such development unless it is necessary for a countryside location, such as agriculture, forestry or other rural based enterprises. There is no evidence before me which suggests that the proposal is necessary for such rural uses and would therefore benefit from such exceptions to Policy CP19 of the JCS.

11. Policies CP2 and CP10 of the JCS define the spatial strategy, directing new development to the most sustainable and accessible locations, prioritising land within settlement boundaries and allocated sites. Ropley is defined in Policy CP2 as 'Level 4 – other settlements with settlement boundaries and allocated sites.' The appeal site is outside the SPB and is not an allocated site. Policy CP10 supports housing in the countryside in exceptional circumstances, such as to meet an identified community need or with demonstrable community support. No evidence has been provided which demonstrates that the proposal is required for such community need or has such community support. Accordingly, it does not gain support from the exceptions provided by Policy CP10 of the JCS.
12. Policy CP14 of the JCS allows for residential development outside SPB's for affordable housing schemes to meet the needs of local people. Saved Policy H14 of the East Hampshire District Local Plan: Second Review (the Second Review) also provides an exception where there is an essential need for a new dwelling in the countryside to house a full-time worker engaged in agriculture or other rural enterprise.
13. The proposal is for a single self-build dwelling. No evidence is before me which would lead me to the conclusion that it would represent an affordable housing scheme, nor that it is required to house a full-time agricultural or other rural enterprise needs worker. It therefore does not benefit from support under Policy CP14 of the JCS or saved Policy H14 of the Second Review.
14. Whilst it is acknowledged that the proposal would not constitute isolated new housing in the countryside, due to its location alongside other dwellings, it would have poor access to sustainable forms of transport. BH is a narrow, unlit road with raised verges and no footpaths. Future occupiers would have to walk in the narrow carriageway, as I did at my visit, having to climb into the verge when vehicles approached, due to the restricted width of the carriageway. It would be almost 900 metres to reach the nearest bus stop, and the frequency of the two services which stop there are such that it is unlikely that it would encourage use of sustainable transport, being particularly difficult for children, the elderly or the infirm. There would be similar issues with cycle use.
15. The appellant has referenced the '30-minute neighbourhood'. However, this is not currently part of adopted policy. Distances to nearest service centres are such that even the closest at Ropley is over 1.5km away, with the need to cross the very busy A31, which has no controlled crossing, and walk or cycle via further narrow unlit lanes with no pedestrian footpath, to reach the village centre. I therefore find that future occupiers of the site would be likely to need to rely on the private car to meet their basic daily needs.
16. Notwithstanding paragraph 110 of the Framework, and the acceptance that sustainable transport may vary between urban and rural locations, I find the proposal would not represent a sustainable location for housing development. It would therefore conflict with Policies CP2, CP10 and CP31 of the JCS and Policy RNP2 of the NP.
17. For the above reasons, I find the proposal would not be an appropriate location for new housing development, causing harm to the open countryside through encroachment. It would also not represent a sustainable location for new housing, such that future occupiers would be reliant on the use of private vehicles to meet

their everyday needs. Therefore, I conclude the proposal would conflict with Policies CP2, CP10, CP14, CP19 and CP31 of the JCS, and with saved Policy H14 of the Second Review, and with Policy RNP2 of the NP. These require, among other things, that new development should be directed to the most sustainable and accessible locations, be located within the settlement policy boundaries, or where they are outside such SPB's, be restricted to forms of development which are necessary and essential for agricultural or rural enterprise uses, and to make the fullest possible use of sustainable modes of transport or be located to reduce the need for travel.

Other Matters

18. The Council have confirmed, having regard to the National Planning Policy Framework (the Framework), they can demonstrate 2.7 years housing land supply. This is significantly below the 5 years required by the Framework. Accordingly, paragraph 11(d) of the Framework is engaged for decision making purposes. I will return to this matter in my planning balance later in my decision.
19. The application is for the development of a self-build/custom-build dwelling. Accordingly, it benefits from an exemption to the statutory requirements of the Environment Act (2021) (the EA), to deliver a mandatory biodiversity net gain of at least 10%. However, as the appellant has not submitted a completed standard BNG metric to demonstrate the existing pre-development biodiversity value of the site, it is essential that the self-build/custom-build form of development is secured.
20. The Council consider that this could be satisfactorily dealt with by the imposition of a suitably worded condition. I have doubts about whether such a condition would meet the tests set out in paragraph 57 of the Framework, particularly with regards to enforceability. However, as I have found the proposal to be contrary to the development plan for other reasons, I have not gone back to the parties to seek their views on this matter, which I find would more appropriately be secured, through a deed of Unilateral Undertaking under s106 of the Town and Country Planning Act 1990.
21. The appellant considers the site to be previously developed land (PDL) which is disputed by the Council. At my visit, there was a field shelter present which straddled the site boundary with the wider land, which appeared to be a lightweight shelter of the mobile type, and which was insubstantial. There were little signs of hard standing areas or formalised gravelled or paved access tracks, or other such indicators of development either on the site or on the wider smallholding.
22. The appellant has referred me to a previous appeal decision¹ regarding PDL. Having reviewed that decision, it is evident that the site in question contained significant amounts of physical development, both in terms of stabling, manege and hard surfacing. By contrast, whilst there were a small number of horses present at the site which evidenced the equestrian use, together with a small number of sheep, there was little else which would lead me to conclude that the appeal site would meet the definitions for PDL in Annex 2 of the Framework.

¹ APP/Y0435/W/17/3178790

Habitat Sites

23. The appeal site is located within the catchment area of the River Itchen Special Area of Conservation (SAC), and the Solent SPA's and SAC's (the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site and the Solent Maritime SAC). These are designated Habitat Sites, recognised for their National and International importance for nature conservation. They host protected priority habitats and species including Atlantic Salmon, Brook lamprey, Bullhead, Otter, Southern damselfly, White-clawed crayfish, Dark-bellied brent goose, Eurasian teal, Ringed plover, Black-tailed godwit, Red-breasted merganser, Mediterranean gull, Dunlin, Sandwich tern, Roseate tern, Common tern, Little tern, European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler and Wood warbler, together with other typical species of chalk stream, wetland, mudflat, sandflats and coastal lagoons, as well as forest and heath areas.
24. These protected Habitat Sites are under significant pressure from increasing nitrogen and phosphorous nutrient pollution. The River Itchen SAC is listed as a phosphorous sensitive catchment area, whilst the Solent SPA's and SAC's are listed as Nitrogen sensitive catchment areas under the Water Industry Act 1991, due to evidence of high levels of nitrogen and phosphorus in their water catchment environment. Development within their catchment areas needs to demonstrate nutrient neutrality.
25. The appellant has submitted detailed proposals for the replacement of the septic tank on the adjacent 'The Ramblers' property with a Graf One2Clean Package Treatment Plant (PTP), whilst also proposing the same type of PTP to be installed in the proposal. Collectively, the two PTP's would reduce the total nitrate (TN) and total phosphate (TP) discharge from 'The Ramblers' and the proposal combined, to less than the current TN and TP discharge from the existing 'The Ramblers' property. It would therefore demonstrate nutrient neutrality. This could be secured by an appropriately worded condition.
26. Had I been minded, to allow the appeal, it would have been necessary for me to consult Natural England (NE), and to carry out an appropriate assessment to establish whether the proposal, on its own or in combination with other projects, would likely have significant environmental effects on the integrity of the Habitat sites, and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue, as a finding that the proposal would not have an adverse effect on the integrity of the Habitat sites, would be, at best, a neutral matter in the planning balance.

Planning Balance

27. The Council have a significant 5-year housing land supply (5YHLS) deficit at 2.7 years. Accordingly, paragraph 11(d) of the Framework is engaged for decision making purposes. There are no assets as referenced in paragraph 11(d)(i) and footnote 7 of the Framework that would provide a strong reason for refusal. Therefore, the test set out in paragraph 11(d)(ii) applies, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, including the key policies cited.

28. I have found that the proposal would harm the character and appearance of the area, would not accord with the Council's spatial strategy, being an inappropriate form of residential development in the countryside without justification, and would not be located within a sustainable location, with a lack of safe and accessible alternatives to the private car. Consequently, I find it conflicts with the development plan when considered as a whole.
29. In terms of the benefits of the proposal, it would provide a single self-build dwelling which would, even given the severity of the Council's 5YHLS deficit, and their supply of self-build permissions, only provide a small boost to the housing supply. When completed, it would be energy efficient. Its construction would also provide employment and economic activity during the construction phase, and there would be some long-term economic benefits to businesses within the area from its future residents, as supported by policies within the Framework. However, as the proposal is for a single dwelling, these matters attract only moderate weight in favour of the development.
30. The Development Plan and Neighbourhood Plan are more than five years old. However, the most important policies within the plans for determining the application, with which the development conflicts, generally accord with those of the Framework. Therefore, the policy conflicts I have found attract full weight against the scheme in this case.
31. As set out above, collectively, the benefits attract moderate positive weight in the planning balance. On the other side of the balance, I have found that there would be notable permanent harm caused to the character and appearance of the area, harm to the countryside through unjustified development, and the location would not represent a sustainable location for future occupiers. Consequently, I consider that the adverse impacts of approval of the development at this location, would significantly and demonstrably outweigh the benefits of doing so. Accordingly, the scheme would not represent sustainable development, and this weighs heavily against the proposal.

Conclusion

32. For the reasons set out above, I conclude that the appeal proposal would be contrary to the development plan, read as a whole, and that the material considerations I outline above, including policies in the Framework, would not outweigh that conflict. Therefore, the appeal should be dismissed.

D R Kay

INSPECTOR