
Appeal Decision

Site visit made on 20 September 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2016

Appeal Ref: APP/A1720/W/16/3149600

Land at New Road, Swanwick, Hampshire SO31 7HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick Reilly against the decision of Fareham Borough Council.
 - The application Ref P/15/1055/FP, dated 21 October 2015, was refused by notice dated 24 February 2016.
 - The development proposed is the erection of a 5x bedroom house provided with a detached double garage, car parking, turning, associated storage and general facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For accuracy, I have taken the post code for the address in the banner heading above from the appellant's statements rather than from the planning application form.

Main Issues

3. The main issues are:
 - whether the proposed development would be in an appropriate location; and,
 - its effect on the character of the area.

Reasons

Whether the proposed development would be in an appropriate location

4. The site the subject of this appeal is a rectangular field off New Road, enclosed on its two long sides by tall evergreen trees; one short side adjoins a paddock, and the other stands opposite New Road.
 5. The Council considers that the appeal site, which falls outside the built-up area boundary and within the countryside, to be an inappropriate location for the development of a house. It considers that the proposal would harm the open and semi-rural character of the area and refers to countryside protection Policy CS14 of the Core Strategy 2011 (LPP1) which restricts development in such locations to that essential for agriculture, forestry and horticulture, or for infrastructure.
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6. The appellant refers to Policy DSP6 of the Local Plan Part 2; Development Sites and Policies 2015 (LPP2). While the policy has a presumption against new residential development outside settlement boundaries, it sets out a range of criteria for which exceptions will be permitted. One such is where the proposal would infill an existing and continuous, built-up residential frontage. The policy requires that the new dwelling is consistent in terms of size and character with the adjoining properties and would not harm the character of the area; that it does not extend a frontage or consolidate an isolated group of dwellings; and that it does not involve backland development.
7. Along New Road I noted to the north of the site, the house Hazelbank with a field on its other side. To the south of the appeal site stands Fairways School set around 10m from its northern boundary, and to its south is Manor Farm Cottage. South of Manor Farm Cottage stand a few houses leading to Swanwick Lane. Given that the appeal site lies between the house Hazelbank and Fairways School, and given the distance between the north elevation of the building of Fairways School and the south flank of Hazelbank of around 50m, the proposal cannot be accurately or reasonably described as infilling an existing and continuous, built-up, residential frontage.
8. I acknowledge the appellant's points that to the south of the school is a residential use, and on the opposite side of New Road to the south are houses, as well as there being outdoor classroom structures behind the school. However, even taking into account the character and appearance of the school, its use is distinctly different from residential use. The exception criterion of LPP2 Policy DSP6 is clear that development should infill an existing and continuous built-up residential frontage.
9. Moreover, I note that in the appeal dismissed in 2001¹, my colleague considered that the distance between the house Hazelbank and Manor Farm Cottage, which at that time incorporated the land and building now used as a school, as being substantial and not constituting a continuous built-up residential frontage. There is no evidence that the physical characteristics of the land in question today are materially different, as regards the effect of this policy, as they were at the time of that decision.
10. The appellant refers to an appeal decision² in Wiltshire in which the Inspector found that the settlement strategy relevant to that proposal reflected Wiltshire's predominately rural area where development in villages is supported. The location of that site on the edge of the village, and its physical circumstances with manicured lawns, landscape planting and a brick boundary wall surrounded by community-related uses, are quite different from the location of this site between settlements, and its different character and surroundings, as discussed above. Unlike that proposal which my colleague considered was functionally associated with the settlement, the appeal site appears more functionally associated with the adjoining paddock and the countryside beyond.
11. The proposed development would not infill an existing and continuous built-up residential frontage as required by criterion (iii) of Policy DSP6. Nor would it meet the rural worker dwelling, nor the non-residential conversion criteria (i) and (ii) of the Policy. It would thus not meet the criteria for exception to the

¹ Appeal Ref APP/A1720/A/01/1057036

² Appeal Ref APP/Y3940/W/15/3005870

presumption against new residential development outside urban settlement boundaries set out in LPP2 Policy DSP6. In respect of this issue, the proposed development would not be in an appropriate location.

The effect of the proposal on the character and appearance of the area

12. The Council objects to the scale and mass of the proposed house in the context of neighbouring buildings, and to its effect on the semi-rural character of the area.
13. In terms of the design of the house, its footprint, while marginally greater than some of the houses in New Road, would be broadly within their range and compatible with their footprint: plot ratios. While the height and the mass of the proposal may be greater than some of the smaller houses on New Road it would be comparable to that of Hazelbank. The scale of the house would be articulated by three recessing gable forms extending from front to back under pitched roofs with extended chimneys and defined ridges, which would diminish the effect of its mass. I have had regard to the comparatively modest proportions of the single storey building converted to a school, but the proposed house would be around 20m distant and separated by tall boundary trees. In the context of adjacent buildings, and in particular the bearing of Hazelbank, the mass and scale of the proposal would not be excessive, and its response to these buildings would not be negative.
14. My impression of the surrounding area is that while a cluster of houses has developed where New Road meets Swanwick Lane, to the south, the site lies in a semi-rural area where development is sporadic and limited and dominated by the surrounding fields which lead to a more rural area of woodland. While I take into account the school and the houses further down the road, as well as the commercial use and nursery up the road, the undeveloped site has a bearing on the open land to the east and to the west, as well as to the overall rural character of the surrounding countryside.
15. In this context, the views of the development from New Road as well as the accompanying domestic activity and paraphernalia such as lighting, car-parking, and garden furniture would have an urbanising effect on the surroundings and would erode the semi-rural landscape character of the area.
16. In this respect, the proposal would harm the semi-rural landscape character of the area and the undeveloped nature of the wider countryside. It would conflict with LPP1 Policy CS14 which seeks to strictly control development on land outside defined settlements to protect the countryside from development which would adversely affect its landscape character, appearance, and function. It would be at odds too with LPP1 Policy CS17 which seeks development that responds positively to and is respectful of the key characteristics of the area including landscape.
17. It would also be in conflict with one of the core principles set out in paragraph 17 of the National Planning Policy Framework 2012 (the Framework), that planning should recognise the intrinsic character and beauty of the countryside.

Other matters

18. My attention has been drawn to various other matters including traffic congestion and the living conditions of neighbours, but none of these matters leads me to a different overall conclusion.

19. The appellant considers the appeal site to be in a sustainable location, and the Council has submitted no evidence to the contrary. Notwithstanding this, for the reasons above the proposal would have a materially harmful effect on the environmental quality of the countryside. In this respect, the proposal would not satisfy the environmental role of sustainable development as set out in paragraph 7 of the Framework, and does not therefore constitute sustainable development.
20. The appellant considers that the Council is unable to provide a five-year supply of deliverable housing sites, whereas the Council contends that it has a supply of 5.4 years, based on the Local Plan Parts 2 & 3, adopted in 2015. The appellant has referred to an appeal decision³ in which the Inspector found that Fareham Council had less than five years supply. However, it pre-dates the adoption of Parts 2 & 3 of the Local Plan, which given the recent date of their adoption, I attribute significant weight.
21. I acknowledge the references to the local press and the report on another planning application, but do not consider the Council reviewing its position suggests that it cannot meet the supply required. I note the importance of the Welborne project to the Council's land supply position and the risks highlighted by the appellant; however, there is no evidence that the supply will not be met. I have considered the appeal decisions to which the appellant refers which turned on the lack of housing land supply in Cornwall. However, on the evidence before me, and having regard to the provisions of paragraph 49 of the Framework, I am not convinced that the Council cannot demonstrate a five-year supply, in which case, its policies for housing should be considered up-to-date.
22. Even if there were a shortfall in housing supply, which would mean that policies for the supply of housing would not be up-to-date, the adverse impacts of the proposal identified above would significantly and demonstrably outweigh its benefits.

Conclusion

23. The proposed development would provide a modest benefit of one additional house to local housing supply. However, this would be outweighed by the site's location in the countryside outside the boundary of any built-up area, which would be inappropriate for the proposed development, and its harm to the landscape character of the area, which would be in clear conflict with the development plan as a whole, as well as the Framework. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

³ Appeal Ref APP/A1720/A/14/2220031