
Appeal Decision

Site visit made on 21 March 2017

by H Porter BA(Hons) PGDip IHBC

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

Decision date: 31 March 2017

Appeal Ref: APP/A1720/W/16/3160770

18 Lychgate Green, Fareham, PO14 3HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs M Newman against the decision of Fareham Borough Council.
 - The application Ref P/16/0829/OA, dated 15 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is erection of dwelling house and garage (garage is a replacement).
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Decision

1. The appeal is dismissed.

Procedural matter

2. The proposal is for outline planning permission, with approval being sought at this stage for access only. I have determined the appeal on this basis, with layout, appearance, scale and landscaping matters being reserved for future consideration.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the open countryside; and whether or not the proposed development would make adequate contribution to mitigate impact on the Solent Special Protection Area (the SSPA).

Reasons

4. The wedge-shaped appeal site forms part of the substantial garden plot associated with 18 Lychgate Green (No 18), which is sandwiched between the late 20th century suburban development south of Marks Tey Road and a semi-rural landscape of mature trees and open fields beyond its northern boundary. The appeal scheme proposes the subdivision of the garden plot associated with No 18 and the introduction of a detached dwelling and separate garage. The site lies just outside of the built-up area of Stubbington, within the category of open countryside, where development is strictly controlled.
 5. Insofar as the development would not meet any needs that can be met in the countryside location, the proposal would result in 'non-essential' residential development, which Policy CS14 of the Fareham Local Development Framework
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Core Strategy, August 2011 (the Core Strategy) and Policy DSP6 of the Fareham Local Plan Part 2: Development Sites and Policies, June 2015 (the Local Plan) seek to avoid. Policy DSP6 set out three exceptions to the general presumption against new residential development outside the defined urban settlement boundaries. Exception iii makes provision for one or two new dwellings which infill an existing and continuous built-up residential frontage, subject to a further three criteria.

6. In my view, the purpose of exception iii is to facilitate modest development opportunities that selectively consolidate urbanised areas, whilst ensuring that such incremental development does not risk encroachment beyond the established built-up area into the open countryside beyond. The dwelling stands in its own substantial plot, both visually and physically separated from the Marks Tey Road houses. While the proposed dwelling would be at the end of the existing access drive, it would be to the rear of the Marks Tey Road gardens, separated further by a public right of way. The appeal proposal, therefore, cannot be interpreted as 'infilling', rather it is the incremental extension of the physical built envelope of the settlement into the open countryside.
7. The settlement boundary clearly encapsulates the suburban housing development that unfurls to the south of Marks Tey Road, excluding the more loosely-knit and sporadic development that provides a transition into the open countryside towards the north. The garden and outbuildings of No 18 have a sense of spaciousness and informal character, visually unrelated to the more close-knit development inside the defined urban settlement boundaries. While the overall plot size may be between that of No. 18 and the Marks Tey Road dwellings, the appeal scheme would be, in both spatial and visual terms, poorly related to both.
8. I note the appellant's case that the proposed dwelling would be visually contained and well-screened from the wider open countryside, thus not harming its character and appearance. However, it is not just in terms of obvious visibility that the character and appearance of the open countryside can be harmed. In my view, the more extensive garden area of No. 18 serves the important function of marking the transition between the edge of the urbanised built form of the settlement and the open countryside. Moreover, while acknowledging that the application has been submitted in outline form, the provision of a dwelling and associated garage, even though outbuildings already exist, would erode the softer, informal treatment to the context of the site. The proposed development would encroach upon this space, blurring what is currently the clearly defined edge of the settlement, causing harm to the character and appearance of the open countryside as a result.
9. For these reasons, I conclude the proposed development would result in harmful encroachment from the settlement into the open countryside, to the detriment of its character and appearance. The proposed development is thus contrary to Policy CS14 of the Core Strategy and Policy DSP6 of the Local Plan, which resists development that would adversely affect the landscape character, appearance and function of the countryside and resists development outside defined urban settlement boundaries. The proposal also fails to conform to the provisions within the National Planning Policy Framework, notably the core principles, which seek to secure development that takes account of the character of different areas and recognises the beauty of the countryside.

10. The appeal scheme would provide one additional dwelling, a clear benefit. There would also be economic benefits arising from employment during construction, the supply of materials, and future residents feeding into the local economy. The proposal would also have a social benefit associated with use of nearby services and facilities and the wider public transport network within the settlement of Stubbington, which could be accessed by means other than by private car. I attach moderate weight to these benefits. The potential for the development to achieve high environmental sustainability and a sympathetic detailed design are neutral factors, which do not weigh in its favour. Nor does the lack harm in relation to the public right of way.
11. Overall, I conclude that the benefits of the proposed development would not outweigh the harm to the character and appearance of the countryside. In light of this, and the fact that no planning permission is granted, there is no need for me to consider the matter of mitigation for the SSPA further consideration.

Other matters

12. I note the appellant's comments in relation to the appeal site's location within the Meon Strategic Gap. While I accept that the scale and nature of the proposed development would not compromise the integrity of the gap itself, a lack of harm in this regard and a compliance with Policy CS22 does not alter the harm I have found in relation to development outside the settlement limits and encroachment on the open countryside. I note the appeal decision referred to by the appellant (APP/A1720/A/04/1152633) in which the Inspector found there would be no visual or physical extension of the development. I have no knowledge of the evidence presented to the previous Inspector, and, in any case, the planning policy context has subsequently changed significantly. I have therefore determined the appeal on its own merits and, having considered the site-specific and policy circumstances before me, find the proposal would result in harm to the character and appearance of the open countryside.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR