

Appeal Decision

Site visit made on 20 March 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/L1765/W/16/3162655

Shirral House, Church Road, Shedfield, Southampton SO32 2HY

- 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 and Mrs Ian and Susan Jeffery against the decision of Winchester City Council.
 - The application Ref WPP-03630669, dated 16 March 2016, was refused by notice dated 15 May 2016.
 - The development proposed is the erection of a detached house and associated access.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline with all matters other than access reserved for subsequent approval.
3. The appellants have entered into an agreement with the Council which makes provision for the payment of a sum of money to mitigate the effect of the proposal on the Solent Special Protection Areas. The Council has acknowledged that the obligation overcomes the relevant reason for refusal, and I need deal with this no further.
4. The Council accepts that following the Court of Appeal judgment in *Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council* [2016] EWCA Civ 441 and the subsequent amendments to the Planning Practice Guidance, the reason for refusal concerning affordable housing will not be pursued. I see no reason to disagree.

Main Issues

5. The main issues are:
 - i) whether the site's location is suitable for the development proposed, and
 - ii) the effect of the proposal on the character and appearance of the surrounding residential area.

Reasons

The suitability of the site

6. The site lies within the village of Shedfield, to which Policy MTRA 3 of the Winchester District Local Plan Part 1 - Joint Core Strategy (JCS) applies. The
-

- policy says that within named villages without a clearly defined settlement boundary, development and redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported, where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas.
7. The site forms part of the large curtilage of Shirral House, a detached dwelling set back from Church Road, bordering Canford Close, a small cul-de-sac serving some 12 bungalows, the nearest of which abuts the appeal site at right angles to the boundary. The appeal site forms the south-east quadrant of the curtilage of Shirral House. In assessing the proposal against Policy MTRA 3, I consider that the appeal site is not a "small site"; the appellants say that is 1.2 hectares, but I think that is an error and that it is nearer 0.12 hectares. Whilst perhaps it would not be appropriate to repeat the high density of the Canford Close development, which comprises terraced and semi-detached bungalows in small plots, the site could reasonably accommodate 2 or 3 houses in good sized plots.
 8. Moreover, the site does not lie within "a continuously developed road frontage". The road frontage on this side of Canford Close comprises only of Shirrel House (which fronts Church Road) and its outbuildings. This is not a "continuously developed frontage. Nor would it infill existing development. Whilst the dwelling might abut the Canford Close dwellings, there would remain a substantial gap between the site boundary and the nearest houses to the west. I therefore consider that it would not amount to infilling as defined in the JCS policy.
 9. The Council alleges a conflict with JCS Policy MTRA 4, which deals with development in the countryside. However, that policy defines the countryside as land outside the built-up areas of Winchester, Whiteley and Waterlooville and the settlements covered by Policies MTRA 2 and 3. Shedfield is specifically referred to in Policy MTRA3, and there is no dispute that the site lies within the settlement. I therefore find that the site does not lie in the countryside and that there is no conflict with Policy MTRA4.
 10. However, the purpose of Policy MTRA 3 is to allow a limited amount of development within the named settlements, to meet local needs. This is consistent with paragraph 55 of the National Planning Policy Framework which says that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
 11. The extent of such development within the named villages is limited by the number of opportunities that exist for infilling. To permit development outside of the scope of the policy would open the door to uncontrolled development, contrary to the purpose of the policy. The policy does allow for growth within the named settlements where it is to meet a community need or to realise local community aspirations, but only where these are identified through a Neighbourhood Plan or process which demonstrates clear community support. There is no plan or process here which allows of such an exception.
 12. There is no suggestion that the Council cannot demonstrate a 5 year supply of housing land plus an appropriate buffer, and therefore the relevant policy cannot be considered to be out of date. I therefore conclude on the main issue

that the proposal would not accord with the Council's housing strategy for the area, and would thus be an unsuitable location for the development proposed.

Character and appearance

13. Within the wider area, there is a mixed character to residential development. Whilst there are a number of large houses, there are also smaller semi-detached and terraced properties, as well as the group of bungalows in Canford Close.
14. The appeal site is a large one, with plenty of scope to site a dwelling away from the boundaries. There would be a substantial gap between the dwelling and Shirrell House and the houses to the west on Sloane Park, which extend some distance back from Church Road. In my view, a dwelling on the site would sit comfortably in this mixed context, and would not be incompatible with the character of the village. I thus find that there would be no conflict with this criterion of JCS Policy MTRA 3.

Other matters

15. I have had regard to the appellants' personal circumstances and their wish to have their daughter living close by, but this is not a sufficient reason to outweigh the clear policy stance of the development plan.

Conclusion

16. Notwithstanding that I have found no harm in respect of character and appearance, the location shortcomings are significant, and therefore the proposal conflicts with the development plan as a whole. Thus, for the reasons given above, I conclude that the appeal should be dismissed.

JP Roberts

INSPECTOR