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## Appeal Decision

Site visit made on 16 May 2017

**By R J Marshall LLB Diptp MRTPI**

**An Inspector Appointed By The Secretary Of State For Communities And Local Government**

**Decision Date: 5 June 2017**

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**Appeal Ref: APP/C1760/W/17/3168866**

**Land Rear Of Willowbrook House, Crook Hill, Braishfield, SO51 OQB**

- 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 Mrs Wendy Dolby-Stevens against the decision of Test Valley Borough Council.
  - The application Ref 16/01847/OUTS, dated 1 August 2016, was refused by notice dated 6 October 2016.
  - The development proposed is proposed consolidation of existing built footprint to provide single dwelling with ancillary car parking.
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### Decision

1. The appeal is dismissed.

### Background

2. The application is in outline with layout and access for consideration at this stage. Appearance, landscaping and scale are reserved for later consideration. Although described as an application for consolidation of existing built footprint the proposed development is for all intents and purposes for the construction of a new dwelling as described in the Council's decision notice.
3. The application was refused permission amongst other things because of concerns over the effect of the proposal on protected species on-site and the absence of Special Protection Area (SPA) mitigation measures. However, the appellant has subsequently provided a further ecological report which satisfies the Council on the first point and a legal agreement which provides the necessary mitigation measures. I have taken this into account in the identification of the main issues below.

### Main Issues

4. The main issues in this appeal are: **first**, whether the proposed development accords with development plan policies on the location of new development and its sustainability in terms of access to facilities and services; and **second**, its effect on the character and appearance of the surrounding area.

## Reasons

### ***Accordance with development plan Policies on location of new development***

5. Policy COM2 of the Test Valley Borough Council Revised Local Plan (LP) (2011-2029) adopted 2016 establishes a settlement hierarchy for development in the District. The intention of so doing is to ensure that development is undertaken in sustainable locations. A settlement hierarchy has at the top major centres. These are followed down the order by key service centres and rural villages. At the bottom of the hierarchy comes the countryside. Policy COM2 says that within the boundaries of settlements identified in the hierarchy the principle of development and redevelopment will generally be permitted. However, development outside the boundaries of settlements will only be permitted if it is appropriate in the countryside or it is essential that it be located in the countryside.
6. The appeal site is a large backland site lying to the east of houses fronting Braishfield Road and to the south of houses fronting Megana Way. It lies within a small group of dwellings, known as Crook Hill, primarily fronting these 2 roads. Tightly drawn around this developed area in a way that would greatly restrict new development is a settlement boundary. Some considerable way to the north of Crook Hill is the village of Braishfield which is designated as a rural village in the settlement hierarchy. The town of Romsey, a major centre in the hierarchy, lies a considerable distance away to the south.
7. The appeal site, other than a length of the access drive into the site, lies outside the settlement boundary at Crook Hill and is thus in the countryside. Being a proposal for a market dwelling it is not one of the limited forms development that Policy COM2 would permit in such areas.
8. Although surrounded by a settlement boundary Crook Hill, described by the appellant as a hamlet, has none of the facilities that would generally be ascribed to a settlement other than a public house. By contrast I saw that Braishfield has a pubic house, a church and chapel, playing fields and social club. It is also said that there is a newly opened café and village community shop. However, this village is sufficiently removed from the appeal site for it to be unlikely that its facilities would generally be accessed from the appeal site by other than the private car. The same would be the case with Romsey which lies even further away to the south and which, even with a footpath said by the appellant to be proposed, would not be readily accessible by foot or cycle. The appeal site is not, therefore, well located in relation to services and facilities.
9. The appellant says that the Council is not being consistent in its approach to residential development in the area. Reference is made to 3 new dwellings having been permitted within a quarter-mile radius of the appeal site. However, I do not have the full background to these decisions and, moreover, no evidence has been given that these are outside the settlement boundary. It is the nature of settlement boundaries that some development may be just within them and some just beyond. However, they limit development that may take place and unfettered development beyond their boundaries, unsupported by other material considerations, would impact undesirably on the Council's Policy on restraining development in the countryside

10. A small affordable housing development has been permitted between Crook Hill and Braishfield and its location suggests that it is outside any settlement boundary. However, such development is one of the limited forms of housing permissible under Policy COM2 in such areas. The Council has granted planning permission for a notably substantial housing development at Ganger Farm on land said to be both within and outside a development boundary. However, this site is closely related to Romsey and the Council identified the substantial provision of sports pitches in the scheme, which would help redress an existing shortfall of pitches in the area, as a material consideration outweighing the harm with Policy COM2. Given the factors referred to above it would appear that the Council has not being inconsistent in its approach towards development in the countryside.
11. It is concluded that the proposed development would not accord with development plan policies on the location of new development and would not be sustainably located in terms of access to facilities and services. This would conflict with LP Policy COM2. In arriving at this conclusion I note the appellant's observation that the Council is placing over reliance on appeal decisions APP/C1760/W/15/339021 and APP/C1760/W/15/3139873 relating to development beyond settlement boundaries. However, I am mindful that details of applications can differ markedly and it is on the merits of the case before me on which my decision is based.

### ***Character and appearance***

12. Residential development in the vicinity of the appeal site is mostly in the form of ribbon development fronting roads. The proposed backland development would not follow this pattern and would also be on a larger plot than many dwellings in the area. However, being well screened from the road by existing houses and woodland it would have little material impact on the character and appearance of the area.
13. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area. Thus there would be no conflict with LP Policy E1 which requires development to respond to the character of the area in which it is located.

### ***Other matters***

#### ***Other matters raised for the proposal***

14. The Framework says that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker. No definition is given of isolated. The proposed dwelling is not in an isolated in the sense of being wholly removed from other development. However, I do not read this as supporting the proposal. This is because the development plan policies, referred in the first issue and which set out where development may or may not occur, post-date the Framework. Greater weight may therefore be attached to them. In any event I do not read the Framework as meaning that new housing should only be refused in rural areas if wholly removed from other housing. For account also needs to be taken of the fact that the Framework seeks to manage patterns of growth so that the fullest possible use is made of public transport, walking and cycling and it also seeks to reduce pollution. Permitting development in the countryside well removed

from facilities and services just because a limited number of houses are nearby clearly has the potential to conflict with these aims.

15. My view on the above is not altered by appeal decision APP/P3040/A/13/2191142 which permitted a house in the countryside outside a settlement. For Policies in that case, in another Council area, pre-dated the Framework. Moreover, in that case there was no defined settlement boundary. Although visually separate from the village by hedgerow boundaries the site was relatively close to properties, including a church and school, found to be indisputably within the village. In the proposal before me the site is more remote relative to the built up area of Braishfield and the facilities therein.
16. The site contains an unattractive concrete agricultural building that would be removed as part of the proposed development. However the building is relatively modest in size and well screened from public view points. Thus its removal, and the removal of a few small hardstanding areas, would be of only a limited benefit in character and appearance terms. Moreover, whilst the Framework encourages the re-use of previously developed land the definition of such land excludes land previously occupied by agricultural buildings which appears to be the case in this instance.
17. I note observations made in the Government White Paper "Fixing our Broken Housing Market" said to support the proposal. However, at this stage only limited weight can be attached to this document.

*Other matters raised against the proposal*

18. Turning to the main third party concerns it is said that the proposed development would make some adjoining gardens more waterlogged. However, there is no supporting technical evidence on this and had I been minded to allow the appeal conditions on drainage could have been imposed. Concerns raised on ecological grounds have been adequately addressed for the reasons given in paragraph 3 above and there could potentially be some minor ecological benefits. The location of the proposed development would be such as to cause no harm to residential amenity.

**Conclusion**

19. I have found no harm on the second issue or on other third party concerns. There could be some, albeit minor, ecological benefit. However, I find the harm on the first issue, on which I attach substantial weight, to be decisive. As indicated above some of the Policies in the development plan would be met and some would not. However, seen in the round the proposal would be contrary to the development plan when read as a whole. The Framework has a presumption in favour of sustainable development. There are 3 dimensions to such development, economic, social and environmental. Whilst the proposed development would, to an extent, meet some of these roles it would not, given its location poorly related to facilities and services, meet aspects of the social and environmental role. As such, seen in the round, the proposal would not be sustainable development.
20. For the reasons given above it is concluded that the appeal should be dismissed.

*R J Marshall*

INSPECTOR