

Appeal Decision

Site visit made on 7 June 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 3rd July 2017

Appeal Ref: APP/L1765/W/16/3158362

Land adjacent to Bere View House, Bere Farm Lane, North Boarhunt, Hampshire

- 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 RPA Building Services Limited against the decision of Winchester City Council.
 - The application Ref 16/01619/FUL, dated 8 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is a detached 4 bedroom house with double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) The effect of the development on the character and appearance of North Boarhunt; (ii) Whether the appeal site is suitable for domestic use having regard to potential contamination, and; (iii) The effect of the development on biodiversity across the District.

Reasons

Character and appearance

3. The appeal site is an area of open land to the south of Bere View House. It is accessed off of Bere Farm Lane which is a narrow and predominantly rural lane. Development in North Boarhunt is largely along the B2177 to the north of the appeal site. However, housing also extends some way down Bere Farm Lane ending at Bere View House. The land beyond this, which includes the appeal site, has a significantly more open and rural feel. Here development is more sporadic, interspersed by open fields and woodland.
 4. North Boarhunt is a rural village and does not have any designated settlement boundary. The village and the land surrounding it is therefore countryside. Policy MTRA4 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013)(LP) sets out a general approach of restraint in respect of development in the countryside, limiting new development to that which has an essential need to be located there. The proposal before me is for a new dwelling. No essential need has been identified. Therefore it would clearly conflict with this policy.
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5. Policy MTRA3 of the LP, does, however, recognise that some development may be appropriate in settlements in rural areas in order to respond to local needs, but notes that this should not be to the detriment of their rural character. Uncontrolled or sporadic development is therefore to be resisted. To this end Policy MTRA3 of the LP advises that development that consists of the 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.
6. The appeal site is quite a wide site compared to the other residential frontages along Bere Farm Lane to the north. I therefore question whether it could be classed as a small site in this context for the purposes of Policy MTRA3. Notwithstanding this, the appeal site is not located at a point on Bere Farm Lane which can be described as being within a continuously developed road frontage. Rather it sits very clearly at the end of what is a continuously developed road frontage of evenly spaced residential properties which ends at Bere View House and Willow Way, located on either side of Bere Farm Lane. Although there is a dwelling further to the south (Stockers Lodge) this is located some distance away and separated from the appeal site by a small patch of woodland. As such I do not consider that it forms a part of the developed road frontage to the north.
7. I therefore find that the proposal would also conflict with Policy MTRA3 of the LP resulting in an unacceptable intrusion of the built form into the countryside, to the detriment of the character and appearance of North Boarhunt.
8. The appellant refers to planning permission granted for a dwelling at land adjacent to Rowndale, Southwick Road, North Boarhunt, and states that the distance between the dwellings in that application is comparable to the distance between Bere View House and Stockers Lodge. However, in this case, the site was located amongst a more spacious row of properties. I therefore do not consider it to be directly comparable to the appeal before me.
9. I note the appellant's comments with respect to the site being brownfield due to its previous uses. Be that as it may there is no planning history in respect of the site before me and any previous use does not appear to have been formally determined. Furthermore the site still has an open character. This matter does not, therefore, alter my findings above in respect of character and appearance.

Contamination

10. The site has been previously used for landfill therefore there is a likelihood of contamination. Policy DM21 of the Winchester District Local Plan Review (2006) clearly sets out that the development of land which is suspected to be contaminated will only be permitted where the full nature and extent of contamination is established, appropriate remedial measures are included to prevent risk to future users of the site, the surrounding area and the environment (including water supplies and aquifers), and all site investigations, risk assessment, remediation and associated works are carried out to the current industry best practice guidelines.
11. The appellant suggests that the above matters can be conditioned. However, Policy DM21 is clear that such assessments should accompany planning applications. This is consistent with the National Planning Policy Framework which sets out that planning policies and decisions should ensure that a site is

suitable for its new use taking account of any pollution arising from previous uses and proposals for mitigation. In the absence of such information I cannot be sure that the site is suitable for its new use. I therefore do not consider conditions in respect of such matters to be appropriate in this case.

Biodiversity

12. The Council's third reason for refusal sets out that the proposal fails to protect and enhance biodiversity across the District in line with Policy CP16 of the LP by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone. Although the Council make no specific reference to the appeal site falling within a Special Protection Area (SPA) the Phase 1 Ecological Survey submitted by the appellant does identify The Portsmouth Harbour SPA as being approximately 4km from the site and therefore within the specified 5.6km zone of influence.
13. From the limited evidence provided by the Council it appears that a contribution is required to mitigate the impact of the development on the SPA, although no detail is provided with respect to this, or what the contribution would be used for and the amount required. I cannot be satisfied, therefore, that the planning obligation required by the Council meets the relevant tests. In any event, there is no planning obligation before me to secure such a contribution. Notwithstanding the above, as I am dismissing for other reasons it is not necessary for me to reach a definite finding on this matter.

Conclusion

14. For the reasons set out above the proposed development would be harmful to the character and appearance of North Boarhunt. Furthermore, I cannot be satisfied that the appeal site is suitable for domestic use given the likelihood of contamination. The appeal is therefore dismissed.

Hayley Butcher

INSPECTOR