



Appeal Decision

Site visit made on 3 July 2017

by Ken Barton BSc(Hons) DipArch DipArb RIBA FCI Arb

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

Decision date: 1st August 2017

Appeal Ref: APP/L1765/W/17/3173396

Blackberry Cottage, 119 Bunstead Lane, Hursley SO21 2LQ

- 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 Steele against the decision of Winchester City Council.
 - The application Ref 16/02280/FUL, dated 9 September 2016, was refused by notice dated 15 November.
 - The development proposed is a new dwelling on land adjacent to 119 Bunstead Lane.
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Decision

1. The appeal is dismissed.

Planning Policy

2. The development plan for the locality includes the *Winchester District Local Plan Part 1* (LPP1), adopted in 2013, and the *Winchester District Local Plan Part 2* (LPP2). The latter was adopted on 5 April 2017, after the Council's decision notice relating to this case, and has replaced the *Winchester District Local Plan Review 2006* (LPR) which is now redundant. The parties were given an opportunity to comment on the adoption of the LPP2.
3. The *National Planning Policy Framework* (NPPF) is also a material consideration. NPPF paragraphs 17 and 111 seek the efficient use of land, whilst paragraph 17 also requires regard to be had to the intrinsic character and beauty of the countryside. Paragraph 58 sets out design expectations including, amongst others, responding to local character. Paragraph 61 states that inclusive design goes beyond aesthetic considerations, and paragraph 152 expands on paragraph 14 and requires opportunities to be sought to achieve sustainable development.

Effect on the Character and Appearance of the Surrounding Area

4. Hursley is a village, with a population of approximately 885. It lies some 5 miles south-west of Winchester and has a range of facilities, including regular bus services to Winchester and Romsey. The appeal site is in Bunstead, a settlement of around a dozen detached, and semi-detached, dwellings some 0.6 mile to the south east of Hursley. The settlement consists of pockets of ribbon development along Bunstead Lane which runs north/south.
5. The site, which is roughly rectangular and has an area of around 0.085 hectare, lies between 117 Bunstead Lane to the south and No 119 to the north. It forms part of the garden of Blackberry Cottage (No 119). The northern part of the site is grass whilst the southern part is grass interspersed with other

- vegetation. Agricultural land lies to the west. High conifer hedges form the west and east boundaries, with a mature tree belt on the south boundary.
6. Properties in Bunstead may have changed incrementally over the years, with conversion, extension and even demolition and redevelopment. However, the sporadic development and substantial vegetation contribute to the surrounding area's strong, rural, character and appearance.
 7. The appeal site is, in policy terms, in the countryside where LPP1 Policy MTRA4 seeks to restrict development to that which requires a countryside location. LPP2 Policies DM16 and DM23 state that development that accords with the development plan will be permitted provided that, in the case of DM16, it responds positively, amongst other matters, to the character, appearance and variety of the local environment, or, in respect of DM23, that there would be no unacceptable effect on the rural character of the area. LPP2 Policy DM3 states that the extension and replacement of existing smaller dwellings will be limited.
 8. The proposal is for a small two storey, three bed, dwelling with a detached garage/carport and the scheme would utilise an existing access gate from the Lane. The Courts indicate that private residential gardens in the countryside are previously developed land but that, in itself, would not justify development in the countryside.
 9. It is believed that a two storey thatched dwelling, known as No 118, once occupied the site but it was destroyed by fire in the 1960s. Outline applications for single replacement buildings were refused by the Council in 1983 and 1984 and an appeal against the latter was dismissed. Those decisions were made against a different planning background. In this case, LPP1 Policy MTRA4 sets out an 'in principle' objection to development in the countryside other than for specific reasons, which do not apply in this case. Indeed, in this context the Appellant accepts that the proposals could be considered a departure from the development plan.
 10. There is no definition of replacement dwelling in the Local Plan and whilst the explanatory text to LPR Policy CE.23 might have given some support that is now redundant and there is no equivalent guidance in LPP2 Policy DM.3. The Appellant contends that the only circumstance in which the proposal would not constitute a 'replacement dwelling' would be if the site had been abandoned. Again there is no definition of abandoned in the Local Plan. However, the previous dwelling burnt down in the region of 50 years ago, no evidence of intervening use other than as part of a garden has been provided, and there is little evidence, other than a photograph of a cottage and a slight rectangular depression in the ground, to show it ever existed. The plot is part of the garden of No 119 and the existing vehicular access gate has been retained. There has also been boundary planting but there is no building to replace.
 11. Alternatively, the Appellant maintains that the proposal would constitute infilling of a 'somewhat incongruous gap'. However, there is a significant distance between the appeal site and No 117 to the south and the substantial mature tree belt on the southern boundary adds to the visual separation. The proposal would not therefore infill between Nos 117 and 119. Indeed, the dwellings to the south, Nos 115, 116 and 117 contribute to the sporadic nature of the development on the Lane. In contrast, the proposed dwelling would add to the 'cluster' that is Nos 119 and 120. Indeed, it would erode the sporadic characteristic by increasing the sense of development and detracting from the

rural nature of the surrounding area. Consequently, the proposal would be in conflict with the aims of LPP1 Policy MTRA4 and LPP2 Policies DM3, DM16 and DM23. It would have an unacceptable effect on the rural character and appearance of the area.

Planning Balance

12. In addition, although the Appellant does not agree that there would be harm to the visual amenity of the countryside area due to domestic paraphernalia, the proposal would add an additional household on the site leading to additional domestic clutter, albeit screened to some extent by boundary planting. The site is deliverable and available but the proposal would be contrary to the development plan and in that respect would not be a suitable location for housing now.
13. A local resident raises the matter of precedent in relation to land on the opposite side of the Lane. However, each case should be considered on its own planning merits and the proposal would not set a precedent. There have been no other objections from local residents but this would not justify a decision contrary to policy. No issue is made in relation to dwelling mix and size, affordable housing, access, trip generation, architectural detailing, ecology, biodiversity, arboriculture, flood risk and drainage. Although there would be some lighting from cars there would be no unacceptable impact on tranquillity.
14. The harm needs to be balanced against any benefits the proposal might bring. The proposal would provide some benefits in relation to the Social, Economic and Environmental dimensions of sustainable development. The proposal would create direct and indirect employment during construction and add to the supply of housing on an underused area of previously developed land.
15. The proposal, at 130m² gross internal area, would add to the stock of small dwellings which is protected by policy and would meet a local need. The development would meet current building regulation standards and would have no material impact on the amenities of adjoining occupiers. However, whilst part of the garden of No 119, there is little cultivation of the proposed plot, although I note that this is 'pending the opportunity to construct a replacement dwelling'. The appeal site is not environmentally sensitive and habitat protection and potential enhancement proposals would accord with policy.

Conclusion

16. I conclude that the harm to the character and appearance of the surrounding countryside would, in this case, outweigh the benefits advanced in support of the proposed dwelling.

Ken Barton

Inspector