



Appeal Decision

Site visit made on 14 August 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/Y9507/W/17/3172528

Grey Farm House, Kilmeston Road, Kilmeston SO24 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mrs P Gruber against South Downs National Park Authority.
 - The application Ref SDNP/16/04957/OUT, is dated 4 October 2016.
 - The development proposed is construction of six detached houses together with a new access road.
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Decision

1. The appeal is dismissed and planning permission for the construction of six detached houses together with a new access road is refused.

Procedural Matters

2. The application was in outline with access and layout to be determined at this stage. All other matters were reserved for future consideration. The submitted layout plan shows that the driveway from Kilmeston Road to a newly constructed replacement dwelling would be extended to form a cul-de-sac that would serve a row of six detached dwellings set in well-proportioned plots. A grassed area would separate five of the rear gardens from the gardens of dwellings in Greys Farm Close.
3. The appeal site lies within an area of Winchester District in the South Downs National Park (SDNP). Winchester City Council determines certain planning applications on behalf of the South Downs National Park Authority (SDNPA). However, as the proposal was considered to be significant in terms of the purposes and duties of the National Park, a direction was issued to enable the SDNPA to determine this case. Had it done so prior to the appeal being lodged, it has indicated that it would have refused the application for nine reasons that are set out in its appeal statement. I have had regard to these matters in my determination of the appeal.

Main Issue

4. I consider that the main issue is whether or not the principle of a residential development is acceptable, having regard to the site's location within the South Downs National Park.

Reasons

5. The appeal site is a large field to the rear of the newly constructed replacement dwelling. It rises in a south easterly direction towards a copse of mature trees that mark the site's eastern boundary. The northern boundary is defined by a close boarded fence which encloses the rear gardens of dwellings in Greys Farm Close. Close to this boundary there is a line of mature copper beech trees that are the subject of the Tree Preservation Order (TPO). The site's southern boundary comprises a mature hedgerow interspersed with trees, beyond which there is a large arable field that is being actively cultivated.
6. The site is within Kilmeston Parish on the southern edge of the small village of Cheriton, which straddles the A272 a little way to the north. Immediately to the south of the site's access, Kilmeston Road is a narrow, rural road enclosed by a substantial tree belt on its eastern side. To the north it is semi-rural with a hedge on its western side which is close to the River Itchen. There are a variety of dwellings fronting the eastern side of the road and several cul-de-sacs provide access to a limited number of dwellings. However, the appeal site lies outside the defined settlement boundary and for planning purposes it is in the countryside.
7. The key statutory purposes of the South Downs National Parks are to conserve and enhance the natural beauty, wildlife and cultural heritage of the designated area and to promote public understanding and enjoyment of the area's special qualities. When conflict between these purposes arises, conservation takes precedence. In pursuit of these purposes there is also a duty to foster the economic and social well-being of the local community. Policy MTRA4 of the Winchester District Local Plan Part 1: Joint Core Strategy (JCS) seeks to strictly control development in the countryside. Policy MTRA3 of the JCS supports development within settlement boundaries that would meet identified local needs. Infilling of small sites within a continuously developed road frontage may be acceptable, where this would be compatible with the character of the village.
8. The SDNPA's annual monitoring report provided evidence that the Authority has a robust five year supply of housing land, the majority of which is made up of extant planning permissions. This has not been disputed by the appellant. Therefore, in the absence of exceptional circumstances, there is no justification for permitting new housing outside a settlement boundary and in the countryside.
9. The SDNPA is in the process of preparing a new Local Plan for the whole of the Park. The appeal site was included in its Strategic Housing Land Availability Assessment (SHLAA) and was identified as a potential housing site. However, it does not follow that the site is acceptable, as it is for the Local Plan process to identify the most suitable sites to meet the identified needs. I understand that the site has been rejected in favour of an alternative elsewhere in the village to provide local housing. However, the draft Local Plan is at an early stage of development and emerging policies and site allocations can be given little weight. Until a new development plan is adopted and sites are allocated, the appeal site is within the countryside and must be assessed on that basis.
10. The appeal site not part of a road frontage and the proposal cannot be considered to be infilling. In addition to being outside the settlement boundary, it is also beyond the line of protected copper beech trees which

define the edge of the existing development. The proposal would therefore be a significant intrusion into the countryside, both visually and functionally. Furthermore, the proposed layout, with its long cul-de-sac, turning head and regimented row of dwellings would be an unimaginative and urbanising form of development in a sensitive rural area.

11. No detailed information to assess its impact on the surrounding landscape was submitted. However, the Authority has raised concerns about its visibility from various public rights of way in the area. From what I saw on my site visit, I consider the proposed layout would fail to respect the characteristics of the site, the remainder of the village and the wider landscape. It would therefore represent an undesirable encroachment into the open and undeveloped countryside of the National Park, beyond the existing built up area.
12. Taking all these factors into account, I conclude that the proposal is unacceptable in principle given the site's location within the South Downs National Park, and outside a defined settlement boundary. It would conflict with Policies MTRA3 and MTRA4 of the JCS and saved Policy H3 of the Winchester District Local Plan Review (Local Plan), all of which seek to strictly control residential development in the countryside. It would also conflict with Policies CP19 and CP20 of the JCS, saved Policies DP.3 and DP.4 of the Local Plan, and the statutory purposes of the South Downs National Park which, amongst other things, seek to conserve and enhance the natural beauty and rural character of the area. It would also be contrary to the National Planning Policy Framework's (the Framework) requirement to give great weight to conserving National Parks, which are afforded the highest status of protection in relation to their landscape and scenic beauty.

Other Matters

13. The proposal is for six detached dwellings of varying sizes. However, the housing needs survey indicates that the primary need within the local community is for smaller, 2 and 3-bedroom homes. The proposal would not make a significant contribution to addressing those needs. Furthermore, as it would be for open market housing it would not contribute to the provision of affordable housing.
14. The appeal site is within 50m of the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). No ecological survey information or hydrological assessment has been provided to enable any potential harm to the protected sites to be identified and either avoided or mitigated. If I had been minded to grant permission I would have required information on the impact of the proposal on the protected sites in accordance with the Habitats Regulations. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.
15. The highway authority objected to the proposal due to the lack of adequate visibility at the site entrance. Improvements to the sight lines along Kilmeston Road to the south of the site would be necessary to provide a safe access. This would require removal of some trees and other vegetation along this side of the road. This would not only be harmful to the appearance of the countryside, but would also involve acquiring land from the National Trust which is designated as 'inalienable' and could not be acquired compulsorily against its will. There was no evidence to suggest that this could be achieved, even if the development was acceptable in all other respects.

16. The access to the site lies in Flood Zones 2 & 3. The dwellings would be on higher ground and therefore outside the area at high risk of flooding. However, insufficient information was provided to demonstrate that surface water from the development would not increase flood risk in the surrounding area. In the absence of an assessment of the risks and identification of appropriate measures to manage and mitigate those risks, the proposal is unacceptable.

Conclusions

17. The Framework seeks to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. However, in this case the Authority is able to demonstrate a five year supply of deliverable housing sites and therefore the proposal should be determined in accordance with the development plan.
18. The scheme would be contrary to the development plan's requirement to strictly control new housing development outside settlement boundaries and to protect the landscape and scenic beauty of the South Downs National Park. As it would not contribute to the provision of affordable housing, there is no reason to make an exception to these policies. The proposal is therefore unacceptable in principle. In addition, there are significant concerns about the lack of information to assess the effects of the proposal on flood risk and sites designated for their nature conservation importance. Furthermore, there was no evidence that a safe access could be provided to the site that would meet the requirements of the highway authority.
19. There are therefore no material considerations that outweigh the conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR