



Appeal Decision

Site visit made on 11 June 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/L1765/W/18/3210075

Land East of Down Farm Lane, Headbourne Worthy, Winchester SO23 7LA

- 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 planning permission.
 - The appeal is made by Obsidian Strategic HBW Ltd against Winchester City Council.
 - The application Ref 18/00940/FUL, is dated 13 April 2018.
 - The development proposed is the development of four detached family homes, garages, formation of a new vehicular access road onto Down Farm Lane together with hard and soft landscaping and all other associated development works.
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Decision

1. The appeal is dismissed, and planning permission is refused for the development of four detached family homes, garages, formation of a new vehicular access road onto Down Farm Lane together with hard and soft landscaping and all other associated development works.

Procedural Matter

2. The Council did not determine the application. However, it has confirmed that, had it been in a position to do so, it would have refused planning permission for reasons relating to compliance with development plan policy on infill, housing mix and the effect on the character and appearance of the area.

Main Issues

3. The main issues in this case are:
 - a) whether the principle of development is acceptable in policy terms;
 - b) the effect of the proposal on the character and appearance of the area; and
 - c) whether the scheme would provide an appropriate mix of dwelling sizes.

Reasons

Principle of development

4. The appeal site comprises a 0.32 ha parcel of agricultural land with a frontage onto Down Farm Lane of roughly 65 m. This part of Headbourne Worthy lies outside of the defined settlement boundary. Policy MTRA3 of the Winchester District Local Plan Part 1 - Joint Core Strategy (2013) (JCS) allows for development consisting of the infilling of a small site within a continuously

developed road frontage, 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.

5. Infilling is not defined within the core strategy and there is no assistance with interpreting the term 'small site'. Policy MTRA3 needs to respond to a range of circumstances and the parties agree that each proposal will need to be judged on its own merits. Although there is a definition of infill development within the Planning Portal Glossary, it is neither helpful nor appropriate to interpret the Council's planning policies by reference to such external sources.
6. Immediately to the north of the appeal site is a pair of semi-detached houses set within generous plots. The site is bounded to the south by the gardens of detached dwellings facing onto Springvale Road. The land to the east is undeveloped, although I note that the rear corner of the site adjoins a cluster of single-storey buildings associated with a farm shop and café.
7. Down Farm Lane is one of the main routes leading into the settlement. The lane has a rural character, particularly on the east side where it is bounded by mature hedging and trees. A gap in the hedging near the driveway to New House facilitates views through the appeal site towards countryside beyond. The semi-detached houses to the north are visible but these read as outliers of development. They front not onto the lane itself but a private track running at right angles to the road. The appeal site is flanked on two sides by existing dwellings, but these buildings are largely hidden by dense vegetation and they do not have any meaningful relationship with the lane. Notwithstanding the appellant's argument to the contrary, I consider that it would be stretching a point to describe this as a continuously developed road frontage.
8. The decision on whether this constitutes a 'small site' needs to be informed by an analysis of the prevailing plot sizes in the locality. There is variety in this regard, with some houses being sited in spacious curtilages. Taken individually, the proposed plots would be comparable in size to others surrounding. However, the site overall would be relatively large, both in terms of its frontage length and depth. In my opinion, this is not a small site within the meaning of Policy MTRA3 and the scheme does not qualify as infill development.

Character and appearance

9. The site is not designated in policy as a Local Gap, but it nevertheless contributes to a loose knit pattern of development which marks the transition between the main body of the settlement and open countryside. The land makes a positive contribution to the character and appearance of the area when viewed from the road and neighbouring property.
10. The proposal would introduce a visually intrusive form of development onto the site. The construction of four dwellings of similar design, canted at an angle to the road around a cul-de-sac style access, would be contrived and discordant with the surrounding pattern of development which tends to be less structured and more informal with few suburban influences. In my judgement, the loss of enclosure arising from the removal of the existing roadside hedge, and planting of replacement hedging behind visibility splays, would detract from the rural character of Down Farm Lane.

11. Policies DM15, DM16 and DM23 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations (2017) seek, amongst other things, to ensure that development responds to its context, including the rural character of the area and the qualities, features and characteristics that contribute to local distinctiveness. In seeking to urbanise this field, the proposal would cause material harm to the character and appearance of the area, and this would lead to conflict with the above policies, in addition to JCS Policy MTRA3.

Housing mix

12. JCS Policy CP2 states that new residential development should deliver a wide choice of homes, including a range of dwelling types, tenures and sizes. It stipulates that a majority of homes should be in the form of 2 and 3 bed houses, unless local circumstances indicate an alternative approach should be taken, including where there is an imbalance of housing types and sizes.
13. The appeal scheme would deliver only one 3 bed dwelling, with the remainder of the units being either 4 or 5 bed. The appellant argues that the larger units are justified by the character-led design approach taken. However, all four dwellings would share a similar footprint and appearance. Consequently, it does not seem to me that the layout and design has been driven by bedroom numbers. There is no reason in character terms why the scheme could not incorporate a greater proportion of smaller units.
14. Development plan policy makes some allowance for the site size, location and characteristics. However, there is no convincing explanation for the bias towards larger houses and nothing to indicate that the scheme is seeking to redress an existing imbalance in the housing stock within Headbourne Worthy. Although it is suggested that smaller units should be delivered within the Winchester City area, this is not a position reflected in planning policy.
15. I therefore conclude that the housing mix would conflict with JCS Policy CP2. This weighs against a grant of planning permission.

Other Matters

16. I note that the appellant has received inconsistent advice from the Council's officers throughout the planning process. The views of different officers have been considered, but I am not bound by any particular professional opinion. I have made my own assessment of the issues.
17. My attention is drawn to an appeal decision for a site at Kytes Lane, Durley. There are key differences between that case and the present appeal, notably in relation to the site context. I have determined the case before me on its merits.

Conclusion

18. The proposal conflicts with the development plan taken as a whole. There are no material considerations to indicate a decision otherwise than in accordance with the development plan. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR