



Appeal Decisions

Site visit made on 3 July 2019

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 22 July 2019

Appeal A Ref: APP/N1730/W/18/3210487

Land to the north of Winchfield Court, Pale Lane, Winchfield RG27 8SP

- 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 Belgrave Homes Ltd against the decision of Hart District Council.
 - The application Ref 17/02621/FUL, dated 31 October 2017, was refused by notice dated 18 June 2018.
 - The development proposed is the erection of 17 no. dwellings together with associated access, parking, landscaping and amenity space.
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Appeal B Ref: APP/N1730/W/18/3210488

Land to the north of Winchfield Court, Pale Lane, Winchfield RG27 8SP

- 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 Belgrave Homes Ltd against the decision of Hart District Council.
 - The application Ref 17/02620/FUL, dated 31 October 2017, was refused by notice dated 18 June 2018.
 - The development proposed is the erection of 10 no. dwellings together with associated access, parking, landscaping and amenity space.
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Decisions

1. Both appeals are dismissed.

Main Issues

2. The main issues are:
 - whether the proposals would result in an acceptable form of development having regard to development plan policy and the prevailing character of the area;
 - whether the amount and form of car parking provision in each case would be appropriate; and
 - whether the proposals would adversely affect the integrity of the Thames Basin Heaths Special Protection Area (SPA).

Reasons

Whether acceptable development

3. These decisions relate to two separate proposals for the same site, an area of land about 1.06 ha in size immediately to the north of Winchfield Court within the parish of Winchfield. Appeal A is for a scheme of 17 dwellings and Appeal B

10 dwellings, in both cases involving a series of two storey dwellings in a cul-de-sac arrangement off Pale Lane. Winchfield Court comprises the historic buildings of the 1871 Hartney Wintney workhouse which was converted to residential use in about 1985 together with some new terraced and detached housing which reflect the design of the workhouse buildings and with it form an attractive group. A scheme for up to 21 dwellings on the site was dismissed on appeal in 1997¹.

4. Winchfield Court lies well away from the distinct settlement of Winchfield Hurst about 500 m to the west and the housing located near Winchfield Station about 2.5 km away. The parish thus consists of dispersed groups of housing in a rural setting rather than having a single main settlement.
5. The appeal site itself is overgrown with a mix of mature trees, scrub and rough grassland within the site and well-defined hedgerow boundaries on three sides. The site also contains the workhouse mortuary building, now in poor condition, which would be retained and restored as part of both schemes, and some other structures including the remains of the workhouse sewage treatment plant. To the north and east lie open fields, whilst to the west, on the other side of Pale Lane, lies an area of woodland and a small number of detached houses.
6. The site lies outside the settlement boundaries of Winchfield as defined in the Hart District Local Plan 1996-2006 (the HDLP) which tightly enclose both Winchfield Court and Winchfield Hurst. As such HDLP Policy RUR2 applies which restricts development unless permitted by other policies, none of which apply in this case.
7. The HDLP was originally adopted in 2002 to cover the plan period to 2006, but the passage of time does not in itself render the plan out of date. In order to provide further housing land, various sites in the district outside defined settlement boundaries have subsequently been granted planning permission, and I note that three previous inspectors² have only afforded Policy RUR2 'moderate' weight. However, in two more recent appeals the inspectors³ have concluded that Policy RUR2 is consistent with the National Planning Policy Framework in that it seeks to protect the countryside, that the policy can be given 'reasonable' weight and that the tilted balance should not apply.
8. In any event, notwithstanding these conflicting appeal decisions, it is not disputed that the Council can currently demonstrate 9.92 years housing land supply using the standard method and a replacement Hart Local Plan is at an advanced stage of preparation with the hearings completed and main modifications published for consultation. The emerging plan includes revised settlement boundaries to incorporate sites with planning permission and further allocations to provide the necessary housing land but to date includes no changes as far as Winchfield is concerned. It is therefore clear that as far as Hart district is concerned there is no pressing need for the release of further housing sites beyond settlement boundaries at this time and accordingly Policy RUR2 should be accorded reasonable weight.
9. The other element of the development plan is the Winchfield Neighbourhood Plan (WNP) which was formally 'made' in 2017. This incorporates the same

¹ T/APP/N1730/A/97/278561/P5

² APP/N1730/W/15/3127962, APP/N1730/W/17/3167135 and APP/N1730/W/17/3185513

³ APP/N1730/W/18/3198552 and APP/N1739/W/18/3203638

settlement boundaries as the HDLP but specifically allows for development beyond settlement boundaries in certain circumstances set out in Policy A1. However, the criteria in that policy are subjective and not clear cut.

10. The policy includes the general principle that new housing development should respect the existing scale of the village and not exceed seven homes, so both schemes fall outside that criterion. Secondly, as an exception, larger schemes may be permitted 'on a carefully chosen site' which respects existing settlements and avoids coalescence. Beauclerk Green near the station is given as an example, but as a relatively large-scale redevelopment of the previous station yard that site had its own unique characteristics.
11. Policy A1 also includes a preference for the redevelopment of brownfield sites, but the appellant's argument that the appeal site is one such is unconvincing. The existing mortuary building would not be redeveloped, rather it would be retained within both schemes. The other structures are less substantial, substantially overgrown with vegetation and critically only cover a small part of the extensive site, the overwhelming majority of which comprises trees, scrub and rough grassland with no evidence of previous buildings. The site as a whole therefore falls outside the definition of previously developed land and this factor is accordingly of no material assistance to either appeal.
12. The appeal schemes would not lead to coalescence but, contrary to Policy A1, would not respect the existing settlement of Winchfield Court. This is a well-designed housing scheme based around the old workhouse buildings which although not listed are a heritage asset of local significance. The settlement comprises a small enclave of housing set in rural surroundings, accessed by rural lanes with no footways or street lighting, and with only a public house within easy walking distance. The nearest primary school is about 1.5 km to the south, the village hall and station about 2.5 km to the west, and other facilities in Fleet about 2.5 km to the east, but these are all reached along rural lanes so in practice residents are likely to rely on the private car.
13. Both proposals, including the smaller scheme for 10 dwellings, would involve a substantial amount of new building on a predominantly undeveloped site which currently forms part of the open, rural setting of Winchfield Court. This would unduly urbanise the area, consolidating the existing enclave of development with new housing to the north of the old workhouse buildings as well as to the south. With its own access off Pale Lane, and notwithstanding the classical detailing proposed, the new housing would be seen as separate rather than an integral part of Winchfield Court and as a result would detract from rather than respect its established residential character.
14. In addition, as noted by the 1997 inspector, when viewed from Pale Lane the site appears as an area of undeveloped woodland which contributes to the attractive rural character of the area. Notwithstanding the conclusions of the appellant's landscape statement, and even with the screening provided by the hedgerow boundaries, housing on the site would be readily apparent from the lane and harmful to the rural character and appearance of the area.
15. For these reasons neither proposal would result in an acceptable form of development having regard to development plan policy and the prevailing character of the area and both would conflict with HDLP Policy RUR2 and WNP Policy A1. These preclude development outside defined settlement boundaries given the circumstances of these appeals. The proposals would also conflict

with HDLP Policies GEN 1 and CON22 which aim to ensure development is in keeping with the local character, does not adversely affect the character or setting of a settlement or lead to the loss of important areas of open land around settlements.

Car parking

16. The scheme for 17 dwellings would include 59 car parking spaces including 14 garages and 11 unallocated visitor spaces and the scheme for 10 dwellings would include 34 spaces including 10 garages and 6 unallocated visitor spaces.
17. The garages would exceed the Council's minimum size guidelines and although some are located within an area of flood risk this is unlikely to deter their use except on infrequent occasions when warnings indicate flooding is possible.
18. Based on the mix of housing proposed, the Council's interim parking standards adopted in 2008 would require 56 spaces for the 17 dwelling scheme and 33 spaces for the 10 dwelling scheme, figures which would be exceeded in each case. However, against the higher requirements set by WNP Policy A2 of 65 and 37 spaces respectively there would be a shortfall of 6 spaces in the case of the 17 dwelling scheme and 3 spaces in the case of the 10 dwelling scheme.
19. Although WNP Policy A2 post-dates the Council's standards and forms part of the development plan the basis of the standard – one space per bedroom plus one visitor space per dwelling, all to be provided within the curtilage – is derived from a survey of opinion in the parish rather than empirical evidence. The requirement for an allocated visitor space within the curtilage of each dwelling is particularly onerous and contrary to the Council's standards and best practice in Manual for Streets. These recommend a number of unallocated visitor spaces for a more efficient layout which is the approach taken in these cases and warrants some flexibility in relation to the WNP policy.
20. The form of parking proposed, with much provided in a courtyard in front of a line of houses across the northern part of the site, is also contrary to the WNP Policy A2 requirement for parking to be within the curtilage of each property. However, this reflects the existing courtyard parking arrangement in Winchfield Court which justifies the departure from policy in this instance.
21. For these reasons, whilst not fully complying with the requirements of WNP Policy A2, the amount and form of car parking provision would be appropriate in both cases. This issue would not therefore justify dismissal of these appeals.

Thames Basin Heaths SPA

22. The site lies between 400m and 5km of the Thames Basin Heaths SPA where further residential development, in combination with other plans and projects, is likely to lead to additional recreational pressure and as a result a significant detrimental effect on the integrity of the SPA. Saved Policy NRM6 of the South East Plan requires adequate measures to avoid or mitigate any potential adverse effects on the SPA and the Council's Interim Avoidance Strategy 2010 puts forward an agreed solution as the provision of an appropriate amount of strategic accessible natural greenspace (SANG) and a financial contribution towards strategic access and management monitoring (SAMM).
23. The appellant has submitted signed and dated unilateral undertakings for both the 17 and 10 dwelling schemes which include a commitment to provide a

suitable area of SANG at the Queen Elizabeth Barracks site and an appropriate financial contribution towards SANG. The Council have confirmed that the SANG contribution is satisfactory in each case but have concerns about the quality (although not the quantity) of the SANG to be provided. Subject to the resolution of these concerns it would appear that the unilateral undertakings would mitigate against any potential adverse effects on the SPA in each case but in view of the conclusions in relation to the first main issue it is not necessary to pursue the matter further.

Other matters

24. The appellant accepts that the 17 dwelling scheme, Appeal A, should include the provision of 40% affordable housing and the unilateral undertaking for the scheme provides for 7 units of affordable accommodation to satisfy this requirement. The Council indicate that whilst the clauses as drafted are not their usual ones, they would as a minimum secure the appropriate amount of affordable housing.
25. The Council is now satisfied that the risk of flooding is acceptable and can be dealt with by conditions.
26. It is appreciated that the appellant sought pre-application advice in relation to the site which resulted in an encouraging letter concluding that the site was previously developed land, that the principle of development on the site would be acceptable and that the proposed design and layout would be sympathetic to Winchfield Court. Whilst the applicant is understandably frustrated that the subsequent applications were refused, the advice made clear they were only informal views and were made without prejudice to the consideration of any subsequent applications.
27. During the course of an earlier application in 2014 the Council accepted that the site was previously developed land; it was also included at one stage on the Council's brownfield register. However, as explained above, these conclusions were erroneous.

Conclusion

28. The proposals would result in an additional 17 dwellings (of which 7 would be affordable) and 10 dwellings respectively which would be a useful contribution to housing supply and have significant economic and social benefits for the area. The workhouse mortuary building, a non-designated heritage asset but now in poor condition, would be retained and restored which would also be a benefit. However, as explained above, neither proposal would comprise an acceptable form of development having regard to development plan policy and the prevailing character of the area. Both proposals would conflict with the development plan when considered as a whole and in neither case would the benefits outweigh this conflict. The appeals should therefore be dismissed.

David Reed

INSPECTOR