

Appeal Decision

Site visit made on 5 July 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 22nd July 2019

Appeal Ref: APP/M1710/W/19/3222475

Langley, 25 Abbey Road, Medstead, Alton GU34 5PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Hines-Dedman against the decision of East Hampshire District Council.
 - The application, Ref. 24939/001, dated 10 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is an outline application for a new dwelling within the garden to the eastern side (All matters reserved).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the principle of a new dwelling in this location, and (ii) the suitability of the proposed plot for the development and its impact on the character of the local area.

Reasons

3. On the first issue, the Council's Delegated Report explains that whilst the proposed dwelling would be situated on land with neighbouring properties in close proximity on either side, it would be in a rural area outside of any Settlement Policy Boundary ('SPB'). As such it would be a new dwelling in the countryside and would only be permitted if it can be demonstrated that it would fulfil one of the purposes set out in Policies H14 or CP19 of the East Hampshire District Local Plan: Second Review 2006 ('the Local Plan: Second Review') and East Hampshire District Local Plan: Joint Core Strategy 2014 respectively. Both of these policies refer to a genuine and proven need for a countryside location such as farming, forestry or another rural enterprise, whilst I have also noted the Council's view that the proposal would be contrary to Policy 1 of the Medstead and Four Marks Neighbourhood Plan.
 4. The grounds of appeal do not justify the proposed dwelling on any of these grounds. The appellant says that he has a 2005 letter stating that this is a straightforward infill site and that since then there has been a stated housing need in the region. However, the Council point out it has no record of this letter and I note that it has not been produced as evidence in this appeal.
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5. As regards to the appellant's reference to other permissions and buildings in the locality, the Council's appeal statement says that it strongly disagrees with this point and it may well be that some of these developments were located within a SPB. In a situation where the appeal proposal clearly does not comply with Policies H14 and CP19, in order to give the matter weight I would require specific and detailed evidence in respect of each of the other permissions to show that the Council had made exceptions for similar and comparable proposals that can reasonably be cited in this case as precedents.
6. In this context, Government policy in paragraph 47 of the National Planning Policy framework 2019 ('the Framework') says that '*Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise*'. Whilst I have noted the points made by the appellant, such considerations have not been forthcoming with sufficient detail to justify my not applying the Council's and Government's restrictive policies for new open market housing outside SPBs in the countryside. On this issue, I therefore consider the principle of the development on the site to be unacceptable.
7. Turning to the second issue, the proposed plot size would be much smaller in size, especially in depth, than the surrounding properties. The granting of a permission in this case for a development clearly out of keeping with its surroundings would lead to pressure for similarly inadequate sites and cumulatively harm the character and appearance of the area.
8. I acknowledge that as an outline application all the details would be left for future consideration, but the size of the site is in this case an overriding constraint that would leave too little scope for the design and layout of a separate dwelling that would not appear cramped between Langley and No. 29 to the east. Indeed, this much is already clear from the outline plans, and in terms of its overall size and depth in particular the proposed curtilage for the new dwelling would be markedly different from its neighbours.
9. On this issue I conclude that the appeal proposal would have a harmful effect on the character of the area in conflict with Policy CP29 of the Local Plan: Second Review and Section 12: 'Achieving Well-Designed Places' of the Framework.
10. For the reasons explained above and having had regard to all other matters raised by the appellant, the appeal is dismissed.

Martin Andrews

INSPECTOR