
Appeal Decision

Site visit made on 15 July 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/C1760/W/18/3217933

Adanac, Old Stockbridge Road, Over Wallop SO20 8LB

- 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 Nicola Rawnsdon against the decision of Test Valley Borough Council.
 - The application Ref 18/01428/FULLN, dated 4 June 2018, was refused by notice dated 31 August 2018.
 - The development proposed is construction of one self-build, single storey, 3 bedroom dwelling, incorporating landscape enhancement works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Nicola Rawnsdon against Test Valley Borough Council. This application is the subject of a separate Decision.

Main Issue

3. Whether the site is suitably located for the proposed development, having regard to local and national planning policy.

Reasons

4. The appeal site is the southeastern part of a large garden associated with an existing single storey dwelling called Adanac. The site is remote from an existing settlement or village, in an area that the Council defines as countryside in accordance with its settlement hierarchy established in Policy COM2 of the Test Valley Borough Revised Local Plan DPD adopted 2016 (LP). The settlements of Grateley, Palestine and Over Wallop are near to the site and are defined in the Council's hierarchy as rural villages where limited development is accepted. However, they are not so close that the appeal site could be considered to form part of the developed area of any of these settlements.
5. Policy COM2 of the LP establishes that development in the countryside will only be permitted if it fits into a particular development type as detailed in the Policies listed under part (a) of COM2, or if it is essential for the proposal to be located in the countryside. There is no essential need for the development to be located in the countryside, and the proposal does not relate to any of the development types set out in the Policies referred to in part (a) of COM2.

6. The appellant is of the view that this Policy is overly restrictive and does not reflect the positive attitude towards rural housing or sustainability set out in the National Planning Policy Framework (the Framework), nor does it refer to proposals of exceptional design quality or schemes of a self-build nature. It is therefore suggested that it is inconsistent with the Framework and should not be given full weight. Paragraph 213 of the Framework states that due weight should be given to development plan policies according to their degree of consistency with the Framework.
7. I find that the Policy sets out a clear and appropriate hierarchy for development in the area, based on the facilities contained within existing settlements, and the inherent sustainability of locating new development within easy reach of such facilities. In smaller settlements with a more limited range of facilities development is suitably restricted, and beyond settlements further restrictions are set out. This Policy was considered to be sound when it was examined by an Inspector in 2015. In line with this the Policy includes a range of exceptions, as I have already referred to, to the extent that it is not overly restrictive. Furthermore, I find that it accords with paragraph 78 of the Framework, by establishing that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In order to achieve this new housing should be located in the context of the built up area of an existing community, rather than in more remote countryside locations.
8. The Policy does not set out an exception for self-build schemes. However, it is unrealistic to expect a settlement hierarchy Policy to cover every eventuality, and its omission should not render the Policy out of date. Instead, as the development plan is otherwise silent on this matter, the self-build nature of the scheme can be considered against the relevant paragraph of the Framework and weighed in the overall planning balance. I will return to this matter later in my decision.
9. Paragraph 79 of the Framework establishes that the development of isolated homes in the countryside should be avoided, unless certain circumstances apply. From the evidence before me, taking into account the formal design review that the proposal has been through, I find that the proposal has the potential to be considered favourably against part (e) of this paragraph, which refers to exceptional design quality. However, the term 'isolated' is not defined in the Framework. In the *Braintree District Council v SSCLG & Ors* [2017] EWHC 2743 (Admin) decision the judge found that isolated should be given its ordinary meaning of 'far away from other places, buildings or people; remote'¹. In light of this decision, although the site is remote from any settlement and occupies a countryside location it could not be considered isolated as it sits between Adanac to the northwest and Bourne Lodge to the southeast. As such, this paragraph of the Framework cannot be considered relevant to the proposal.
10. Taking the high quality of the proposed design into account, Paragraph 131 of the Framework places great weight on outstanding or innovative designs. I am inclined to agree with the comments of the design review panel. The proposal would represent an innovative and unique response to the context of the site and would use local materials in a creative way. It would be constructed to a high standard with significant environmental credentials in terms of its energy

¹ Oxford Concise English Dictionary

use and would offer some landscape benefits. I am also satisfied that the proposal would raise the standard of design more generally in the area, although as an infill plot, I do have some doubt about how well the contemporary and unusual forms of the building would relate to the existing dwelling, which would be fairly close to the proposed dwelling and is of a more conventional form and appearance. Notwithstanding this, these factors certainly weigh in favour of the proposal.

11. However, Framework paragraph 131 also refers to the promotion of high levels of sustainability. Supporting paragraph 5.49 to Policy COM2 of the LP recognises that development away from defined settlements is unlikely to satisfy the three overarching objectives of sustainable development, which are set out in Paragraph 8 of the Framework.
12. In terms of the economic objectives of sustainable development, there would be some benefit arising from the construction of the building, including the employment of a local flint worker. However, these would be limited to the construction period only, and must therefore only carry little weight.
13. In terms of the social objective of sustainable development, the proposed dwelling would be located between two existing dwellings with a scattering of other dwellings in the vicinity of the site, that are separated by existing fields. The proposed dwelling would not be physically related to an existing settlement and could not therefore be considered to support an existing community, or positively address matters raised by the appellant relating to an increasingly elderly demographic in the area or rural health inequality. Furthermore, although the proposal would satisfy the desire of the appellant to live close to her parents, the proposal could not be viewed as affordable housing that would meet an identified local need, as per paragraph 77 of the Framework.
14. As to the environmental objective of sustainable development, the proposal would make use of part of a large garden area and could therefore be considered to make effective use of land and would improve the biodiversity of the site. In terms of the location of the site, there is a limited range of services and facilities, including a train station, that can be accessed from the site within twenty minutes on foot, or five minutes by bicycle. However, such journeys are likely to be undesirable on foot or by bicycle on a regular basis, as they would be via roads that are unlit and, in terms of walking, are without pavements. As such, future occupiers would be most likely to use a private car to access services and facilities to meet their day to day needs. Furthermore, once making a journey by car it is likely that future occupiers would choose to travel further to larger settlements to access a greater range of services for reasons of convenience and choice, thereby limiting any benefit to the vitality or viability of existing services and facilities located nearest to the site.
15. The appellant suggests that services and facilities could be accessed from the site with an electric vehicle, which would have less impact on the environment than a petrol or diesel vehicle. Although I accept that this is a possibility and note that the proposed dwelling would be equipped with an electric car charging point, I am not satisfied that it is reasonable to use a condition or agreement to ensure that future occupants of the dwelling can only use electric vehicles. This matter is therefore not sufficient to outweigh my concerns regarding the countryside location.

16. The appellant intends to occupy the dwelling with her family so that she can live next door to her parents who occupy the existing dwelling. In doing so, she would be returning home, would be able to provide care for her parents and would avoid the current journey time spent travelling for visits. The two properties would be occupied by three generations of the family, who would be able to share journeys to local services and facilities.
17. Whilst I accept that this is a positive aspiration, in line with the findings of the Inspector who determined the previous appeal² I can only give this limited weight, and am not convinced that restricting development in countryside locations forces the separation of extended families. The suggestion that the appellant is unable to find alternative housing nearby is unsubstantiated, and there is no information before me to suggest that the existing dwelling, which is of a substantial size, could not be reconfigured to provide a single unit of accommodation for an extended family. Furthermore, the two properties would stand independently on large self-contained plots. The size of either dwelling would be over and above that which could reasonably be considered to serve as an annex to the other, and would thus be capable of being sold independently in the future on the open market.
18. Similarly, although I note the government's aspirations to deliver more self-build housing, I can only give little weight to this characteristic of the scheme as there is no mechanism before me, such as a s106 obligation, to ensure that the proposal would be developed as a genuine self-build scheme.
19. In summary, taking into account all the matters raised, I find the site to not be suitably located for the proposed dwelling, as it is contrary to Policy COM2 of the LP, and paragraphs 8, 77, 78 and 131 of the Framework, which together seek to ensure that development proposals are suitably located to achieve sustainable development and enhance or maintain the vitality of rural communities, and meet an identified local need.

Other Matters

20. Natural England advice submitted by the Council at a late stage of the appeal suggests that the addition of a residential unit within the Test Valley Borough has the potential to increase levels of nutrients entering the Solent and Southampton Water European Designated Sites, and is therefore likely to have a significant effect upon their biodiversity interests for which they have been designated, in combination with other plans and projects. In accordance with Policy E5 of the LP, development will not be permitted unless nutrient neutrality or mitigation can be achieved. However, as I am dismissing the appeal the likely significant effect will not occur and this matter does not therefore need to be considered further.
21. In further support of the proposal the appellant refers to the support from the Parish Council and the lack of neighbour objections. These matters are however not sufficient to outweigh my findings on the main issue.

² APP/C1760/W/16/3147079

Conclusion

22. For the reasons above, the appeal is dismissed.

Andrew Tucker

INSPECTOR