



Appeal Decision

Site visit made on 30 July 2019

by J Wilson BA Hons BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 13th August 2019

Appeal Ref: APP/Y9507/W/19/3223628

Land to the East of 140 Alresford Road, Itchen Stoke, Alresford SO24 0QZ

- 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 Mr Justin Nicholson against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/04018/FUL, dated 29 July 2018, was refused by notice dated 12 December 2018.
 - The development proposed is the construction of 2 x four-bedroom detached dwellings and 2 x three-bedroom semi-detached dwellings, and associated parking, access, landscaping and drainage works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst located in the Winchester District the site lies within the National Park and the planning decision was taken by the South Downs National Park Authority (the NPA) under the provisions of the agency agreement between the NPA and Winchester City Council.
3. On 2 July 2019 the South Downs Local Plan (2014-33) (SDLP) was adopted. Saved policies MTRA3, MTRA4, CP2, CP4 and CP20 of the Winchester District Local Plan Part 1 Joint Core Strategy (2013) have therefore been superseded in respect of this appeal and are no longer relevant to my decision. Policies in the South Downs Local Plan now have the weight of fully adopted policies and I have had regard to them. The parties have been afforded the opportunity to make representations on this policy change.

Main Issues

4. The main issues are: a) whether the proposal would accord with development plan policies having regard to the approach to growth set out therein; b) whether the site makes appropriate provision for affordable housing in the context of the development plan requirements; and c) the effect on the character and appearance of the area including whether the development would preserve or enhance the Itchen Stoke Conservation Area (CA) and the effect on the landscape and scenic beauty of the South Downs National Park (NP)

Reasons

Development Plan

5. The development plan comprises the recently adopted SDLP. The relevant housing policies are SD25 and SD27. Policy SD25 sets a clear distinction between land within a settlement boundary and open countryside. Outside of settlement boundaries development is only allowed where it meets a genuine and proven need in the countryside for an agricultural or forestry worker or to serve an enterprise where there is a proven requirement to live on site rather than in a nearby settlement. The development plan directs new residential development to sustainable locations and in doing so seeks a mix of units including the provision of affordable homes.
6. The site is located some distance from any identified settlement boundary and there is no evidence before me that there are local facilities/amenities close by. Whilst a local bus service passes the site, I have no information as to the frequency of that service. On the basis of the available evidence, residents would have limited options other than to rely on the private car for their daily needs, a factor which significantly limits the accessibility of the appeal site.
7. There are no exceptional circumstances set out and having regard to the approach to growth set out in the development plan, the location in the NP is inappropriate for the development proposed. Consequently, it would conflict with Policy SN25 of the SDLP and to the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to direct residential development to existing settlements defined in the SDLP.

Affordable housing

8. The development was proposed as unrestricted, however in response to the recently adopted SDLP the appellants, in an effort to meet the requirements of Policy SD28 of the SDLP regarding affordable houses, have submitted a unilateral undertaking (UU) which would secure one of the four units for affordable housing. Policy SD28 requires that any scheme of 4 to 5 units includes 1 affordable home. The NPA have acknowledged receipt of the completed agreement but have made no detailed comments upon it.
9. The development plan provides that rural exceptions sites should deliver 100 percent affordable housing and can be permitted in the countryside subject to specific criteria. These include site suitability from a landscape and sustainability perspective and that such schemes evolve following effective community engagement. The UU demonstrates a willingness to provide a measure of affordable housing in accordance with Policy SD28 and this would be a benefit. It does not however meet the requirements of Policy SP29, indeed it is not argued as a rural exception site. The provision of one affordable unit does not remove or overcome the locational policy deficiency of residential development in this countryside location; nor does it outweigh the spatial policies in the plan which seek to balance local housing need against upholding the purpose of the NP. In these circumstances I can attribute only moderate weight to the UU in respect of affordable housing provision.
10. Consequently, whilst the proposal would accord with Policy SD28 of the SDLP it would conflict with Policies SD25, SD27 and SD29 of the SDLP and the aims of the Framework which relate to housing mix; ensuring that housing provision is

sustainably located or on a rural site where there is a proven local need and which delivers 100% affordable housing on a rural exceptions site.

Character and appearance, National Park and the Conservation Area

11. The site is located within the NP and the Itchen Stoke CA. The settlement comprises some frontage and a number of groups of houses arranged in clusters or along short informal tracks and private roads off the B3047. Development is traditional and made up primarily of thatched or tiled cottages many of brick and flint. To the west of St Marys Church development is informal whereas that to the east (around Itchen Stoke House) includes more formal buildings. Generally, development is made up of traditional cottages including several thatched buildings including those either side of the appeal site. Many of the dwellings are set back from the road accessed off private paths and tracks. These features contribute to a distinctly rural character.
12. There are a significant number of gaps between buildings including small orchards, gardens and other green spaces including that which comprises the appeal site. These spaces contribute significantly to the informal character of the CA and representations reinforce the view that they are a valued characteristic of the settlement of Itchen Stoke.
13. The appeal site is visible from the road frontage and from the public right of way (PROW) to the south. The southern boundary is a distinct one beyond which is common land including an area of water meadows leading down to the river. The land through which the river flows is designated as an SSSI and SAC and the site and surroundings have a typically bucolic appearance.
14. Development of this land for four dwellings would be prominent and obtrusive in the CA and from the PROW. It would represent a significant and detrimental effect on the rural characteristics of the site. Development would consolidate built form between two discrete groups of dwellings. As such it would be an unwelcome physical intrusion which would alter the appearance of the CA. Although relatively localised in its impact, this would result in an urbanising effect harming the character and appearance of the site and causing harm to the CA. It would fail to preserve or enhance the CA even though the harm, in the words of the Framework, would be less than substantial.
15. Such an impact would also harm the landscape and scenic beauty of the NP which would undermine the statutory purposes of the SDNP designation. National Parks have the highest status of protection, and the Framework states¹ that great weight should be given to conserving and enhancing both landscape and scenic beauty; a factor to which I must attribute significant weight.
16. Accordingly, the proposal would be contrary to Policies SD4, SD5, and SD15 of the SDLP and to the aims of the Framework. These policies, amongst other things, seek to conserve and enhance landscape character and that of the CA and to ensure that only development which preserves or enhances the character and appearance of the CA will be permitted.

¹ at paragraph 172

Planning Balance

17. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be given to the desirability of preserving or enhancing the character or appearance of the CA. This is reinforced by Policy SD15 which seeks to protect the CA from development which fails to preserve or enhance it.
18. Paragraph 193 of the Framework says great weight should be given to the conservation of a designated heritage asset (in this case the CA), and any harm requires clear and convincing justification. Paragraph 196 states that where a proposal would lead to less than substantial harm to the significance of such an asset it should be weighed against the public benefits of a proposal. The PPG² defines public benefit in this regard as *"of a nature or scale to be of benefit to the public at large and should not just be a private benefit"*.
19. The contribution to the local housing supply would be modest and whilst the provision of a unit of affordable housing is also a benefit these are insufficient to outweigh the harm to the CA. That harm together with the policy conflict which I have identified and the adverse impact on the NP would significantly undermine the policies of the SDNP.
20. For the reasons given, the development would not represent sustainable development in the terms outlined in the Framework neither would it preserve or enhance the character or appearance of the CA. Taking all these considerations into account, the adverse impacts would significantly outweigh the benefits. Consequently, there are no material considerations of sufficient weight or importance to indicate a decision other than in accordance with the development plan.

Other matters

21. The appellants have made extensive reference to extracts from the Framework in support of the appeal proposal including paragraphs 10 and 11 however these references overlook the fact that sites within the National Park are excluded from the provisions referred to by the appellant by virtue of footnote 6 to paragraph 11d)i.
22. I have had regard to the appellants' comments regarding pre- submission advice from Winchester District Council. However, that advice preceded the current policy position to which I must have regard. Moreover, advice given pre-application by the District Council would not fetter the decision of the NPA. In any event. I have reached my decision based on the evidence before me.
23. The appellant highlights that the view of Winchester City Council was that the site represented an infill plot. The development proposed does not represent frontage development nor is it the filling of a gap in an otherwise unbroken frontage. In any event there are a range of other considerations which are relevant to this appeal scheme as set out above.

² Planning Practice Guidance - Paragraph: 020 Reference ID: 18a-020-20190723

24. I have been provided with details of historic brochures dating as far back as 1924 which suggests there were two cottages on part of the site frontage. Local representors also testify to the existence of two thatched cottages. However, indications are that those former buildings were removed many years ago (around 60 years) and there is no evidence on site of those buildings. In the context of the development plan policy their former existence can be attributed very little weight.
25. The appellant draws support from the comments of the Historic Environment Officer on the basis that the proposal would not adversely affect the listed buildings in the vicinity. I have no evidence to suggest that there would be an adverse effect on the setting of the listed buildings. Nonetheless these comments do not override my concerns regarding the impact of the development on the character of the CA.
26. A hard and soft landscape strategy is referred to in evidence which, it is argued, would represent the creation of a strong landscape framework to provide biodiversity benefits. The report referred to has not been submitted in evidence and only extracts of it are included in the statement. Whilst I have no reason to doubt the intention of the landscape strategy it is insufficient to outweigh the harm I have identified in relation to the main issues.
27. Local representations have been made regarding a range of matters including: the lack of footways; high traffic speeds past the site; existing vehicular accesses with poor visibility; the effect on the visual appearance of the site from the water meadows and the PROW: the lack of mains water and mains drainage; concern regarding the loss of a visual gap within the hamlet of Itchen Stoke which is valued by local residents and that development would set a precedent. I have had regard to these comments which weigh against the scheme in coming to my decision.

Conclusion

28. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR