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## Appeal Decision

Site visit made on 24 June 2019

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 August 2019**

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**Appeal Ref: APP/Y9507/W/18/3219308**

**Pump House, Lippen Lane, Warnford, Hampshire SO32 3LB**

- 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 Andrew Sellick against the decision of South Downs National Park Authority.
  - The application Ref SDNP/18/04592/FUL, dated 30 August 2018, was refused by notice dated 23 November 2018.
  - The development proposed is the construction of a dwelling following demolition of the existing building.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a dwelling following demolition of the existing building at the site known as 'Pump House', Lippen Lane, Warnford, Hampshire SO32 3LB, in accordance with the terms of the application, Ref SDNP/18/04592/FUL, dated 30 August 2018, subject to the conditions set out in the attached Schedule 1.

### Procedural Matter

2. During the course of the appeal the South Downs Local Plan (2014-2033) has been adopted (2 July 2019). The Authority has provided an update with regards the Winchester District Local Plan Review policies which have been replaced by policies from the now adopted Local Plan. Furthermore, the National Park Authority has set out how the adopted Local Plan policies would apply to the proposed development, now that they have full weight. The appellant has responded with comments to this policy update from the National Park Authority. I shall therefore assess the proposals against the policies of the South Downs Local Plan and not the Winchester District Local Plan Review policies which were originally included with the Authorities' reasons for refusal.

### Main Issues

3. The main issues are:
  - Whether the principle of siting the dwelling in this location is appropriate in principle;
  - The effect on the character and appearance of the area, and;

- Whether the development as proposed would have an appropriate foul and surface water drainage system, with the potential effects to local flood risk.

## **Reasons**

### *Principle of Development*

4. The plot is within the South Downs National Park village of Warnford, in a plot between existing houses. The plot includes an old small pump house building. Paragraph 170 of the National Planning Policy Framework (the Framework) states that, among other things, valued landscapes should be protected and enhanced. Furthermore, Paragraph 172 of the Framework states great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, which have the highest status of protection.
5. The village does not have a designated settlement boundary, as set by the recently adopted South Downs Local Plan (LP). In this regard, policy SD25 (Development Strategy) of the LP states that development within settlement boundaries would be supported, with only certain exceptional circumstances allowing for development outside of these designated boundaries.
6. Under paragraph 2d of policy SD25 it does allow for "appropriate use of a previously developed site". The policy makes clear this does not include residential gardens, which the site is not. However, there is a small Pump House building on this plot, which would be in the same approximate location as the proposed detached house. As such, I would regard this as previously developed land, as defined in the Framework.
7. Furthermore, the proposal would provide a new dwelling of modest scale which would provide a new house for the village, which is served by some public transport links. Being in a residential area of the village, rather than in an isolated rural location for example, the provision of this new dwelling on previously developed land could potentially benefit the social wellbeing of the village community. This is in general accordance with some of the overall objectives of the LP.
8. Furthermore, being set in what is effectively an infill plot between existing dwellings, towards the centre of the village, the modest dwelling as proposed would not have any adverse impacts to the scenic beauty of the National Park landscape. It may be that the dwelling would be visible from longer range views, but this would be in the context of a house within a village between two existing dwellings, thereby minimizing any visual impact. Therefore, the proposed dwelling would accord with the LP's 'Landscape First' approach to ensuring appropriate development in the National Park. The proposal also accords with the Framework in conserving valued landscapes.
9. As such, I regard the proposals as being acceptable in principle with no adverse effects to the wider landscape of the South Downs National Park. The proposal therefore accords with policy SD25 of the LP, which sets out a development strategy including the exceptional circumstances for development in the countryside, amongst other things.

### *Character and Appearance*

10. As explained above, the proposed detached house would be set between two adjacent residential properties. For the dwelling to be positioned outside of the root protection area of the nearby mature tree it is proposed to be set towards the rear of the site, with an entrance path running behind Plot 1 and 2 (Spring Cottages) to the parking area.
11. This is a good-sized plot for a house, which would be set off the boundaries and also have a spacious garden for future occupants. This is not indicative of a cramped form of development. The proposed dwelling also would not have a particularly close visual relationship with Plot 2 Spring Cottages or the annex building within the curtilage of 'The Farmhouse', which are the properties to either side of this plot.
12. Along Lippen Lane there are some large houses in spacious grounds, but there is a mix of housing in the area, with some properties quite close to the neighbouring properties to the sides, and also some properties with a similar ratio of building coverage to plot size. As such, the proposed layout would not be cramped or have an incongruous close visual relationship with adjacent properties.
13. Therefore, the proposed dwelling would have no adverse impact to the character and appearance of the area and would accord with policy SD5 of the South Down Local Plan, which seeks to ensure development respects the local character of an area.

### *Site Drainage*

14. It was stated by the National Park Authority that there was a lack of detailed information regarding the drainage as proposed from the development. Further information has been provided with the appeal.
15. The appellant has confirmed that the proposed dwelling would share the package treatment plant which already serves Spring Cottages, and there is sufficient capacity for this. The appellant has also confirmed it would be a gravity system with no need for a pump. It could be that there is necessity to discharge into the nearby watercourse, which would require an Environment Agency licence.
16. The site is in Flood Zone 1, but there is some history of flooding locally at the site. However, from the details provided it is apparent that this could be addressed with a drainage scheme, with the appellant outlining some information on this matter.
17. However, as the appellant has concluded, the exact details of the drainage scheme could be required by condition. The National Park Authority has recommended such a condition which would be sufficient to require these final details.
18. At this stage, however, there is no reason to conclude that drainage would be problematic at the site or that the development would result in increases in localised flood events. Subject to the inclusion of a relevant condition, the proposal is therefore in accordance with SD49 of the South Downs Local Plan, which seeks to reduce the impact and extent of flooding.

## **Other Matters**

19. It is described by the Authority that there was verbal confirmation from the Ecologist that the site is of low ecological value. However, it did note that a survey of the existing pump house would be required to see if bats are present there. However, there is no detailed information or evidence before me that would suggest bats may be present in this building. I also note the planning application was not refused based on the lack of such information. As such, I do not regard there as being a need for a bat survey of the pump house. However, species such as bats are still protected under separate legislation, if protected species were discovered at the pump house prior to its demolition.
20. The proposal is for a relatively minor development of a single house. As such, I have no substantive evidence to suggest this would result in significant increases in traffic or on-street parking requirements on the surrounding roads. Therefore, I do not regard it likely that the development would lead to significant increases in dust from traffic, or adverse effects to highway and pedestrian safety. From the information before me the proposed parking spaces appear to be of a sufficient size, with access still being available for others, including the occupants of Spring Cottages.
21. There would be some noise and disturbance as a result of the construction of the proposed house, although this would be for a relatively short space of time and I have no reason to suspect this would result in the blocking of public roads. There would be some increase in noise as a result of the additional house once built, including from heat pumps if installed, but I have no substantive evidence to suggest this would be at a level that would result in significant disturbance for others in the area. Furthermore, external lighting can be controlled by condition, to safeguard the dark skies as best possible.
22. The proposed house is positioned on the edge of the root protection area of nearby mature Horse Chestnut trees, which I understand to be protected under a Tree Preservation Order. The proposal has not led to an objection from the Authorities' Tree Officer, and with suitable safeguards in place there should be no harm to the longevity of these trees. A condition requiring tree protection measures through the course of construction could also be included with any approved scheme.
23. There has been comments as to the accuracy of some of the plans. I am not aware of any specific errors there may be, but I have been to the site and seen the plot and its relationship to other plots and houses in the area, in terms of distance and topography for example.

## **Condition Reasons**

24. I have considered the conditions put forward by the National Park Authority against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
25. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance, although I have altered this so the details

are not required 'pre-commencement'. There is also a condition requiring hard and soft landscaping details, which together with the materials condition would help ensure a suitable visual impact for the development within the village. This also has been altered so it is not a pre-commencement condition as there was no sufficient justification why this needed to be the case.

26. Due to the constrained nature of the site and the narrow road to the front, I have included a condition for a construction management plan focussing on construction traffic and parking. This also incorporates the requirement to address mud being dragged onto the road by construction vehicles. I am satisfied that this needs to be a pre-commencement condition, as it relates to construction traffic.
27. There needs to be some parking provision for occupants of the house in this location, which is shown on the plans. A condition to safeguard these parking spaces has therefore been attached.
28. A tree protection condition has been included, as the safeguarding of the mature Horse Chestnut trees adjacent to the site should be ensured through the course of construction, as these trees are positive features within the area.
29. External lighting is the subject of a condition, to ensure the dark skies aspect of the South Downs is preserved as far as possible and reasonable.
30. Conditions have been included requiring details of energy and water efficiency at the new dwelling, to comply with local standards.
31. Finally, there is a drainage condition included, which should ensure a detailed scheme to address the drainage concerns raised by the Authority.

### **Conclusions**

32. For the reasons given above and considering all other matters raised, the appeal is allowed subject to the conditions included in the schedule below.

*S. Rennie*

INSPECTOR

## **Schedule 1 – Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Plans/Elevations 18-038 - 02 C
  - Location/site plan 18-038 - 01 E
3. Prior to their use in the development hereby approved, samples and details of all materials to be used in the external appearance of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such approved details.
4. No development shall take place, including any works of demolition, until a Construction Traffic Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for the parking of construction vehicles of site operatives and visitors, wheel washing facilities, and details of loading and unloading of plant and materials.
5. The parking area to serve the development hereby approved shall be provided in accordance with the approved plan before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.
6. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development can begin.
7. Prior to development above slab level of the dwelling hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

Hard landscaping:

  - i. proposed finished levels or contours;
  - ii. means of enclosure;
  - iii. pedestrian access and circulation areas;
  - iv. hard surfacing materials
  - v. proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Soft landscape works shall include:

  - i. planting plans to include replacement trees and hedges;

- ii. written specifications (including cultivation and other operations associated with plant and grass establishment);
- iii. schedules of plants, noting species, plant sizes and proposed numbers/densities to include hedges and amenity space;
- iv. implementation programme
- v. maintenance plan for a minimum of 5 years

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

8. No development shall take place above foundation level until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority of how the development meets the requirements of policy SD48 of the South Downs Local Plan 2014-2033. This shall demonstrate that the development will achieve at least a 19% reduction in carbon dioxide emissions beyond Part L of Building Regulations (2013) and water efficiency measures to minimise total water consumption to no more than 110 litres per person per day. In addition, details shall be provided of how the development will address climate change mitigation and adaptation through on-site use of zero and/or low carbon technologies, sustainable design and construction and low carbon materials. The development shall be carried out in accordance with the approved details and thereafter so retained.
9. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling meets the requirements of policy SD48 of the South Downs Local Plan 2014-2033 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.
10. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and hours of operation. The lighting shall be installed, maintained and operated in accordance with the approved details.
11. Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Assessment, Tree Survey and Method Statement (reference J780.03, September 2018) written by Ben Abbatt of Sapling Arboriculture Ltd. and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with report J780. Telephone 01962 848403.

The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848403.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the Arboricultural Impact Assessment, Tree Survey and Method Statement (reference J780, September 2018).

Any deviation from works prescribed or methods agreed in accordance with the Arboricultural Impact Assessment, Tree Survey and Method Statement (reference J780, September 2018) shall be agreed in writing by the Local Planning Authority.

No development or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

A pre commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.