



Appeal Decision

Site visit made on 16 September 2019

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/L1765/W/19/3222006

Land at The Yard, Trampers Lane, North Boarhunt PO17 6DG

- 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 Wayne Saunders against the decision of Winchester City Council.
 - The application Ref 18/02062/FUL, dated 31 August 2018, was refused by notice dated 1 November 2018.
 - The development proposed is erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has provided a signed unilateral undertaking which secures a financial payment to mitigate the adverse effects on the Solent Special Protection Areas, in line with the Solent Recreation Mitigation Strategy. The Council confirms that this would overcome the second reason for refusal.

Main Issue

3. The main issue is whether the proposal would comply with the Council's policies on housing and, if not, whether there are material considerations to indicate that a decision should be made otherwise than in accordance with the development plan.

Reasons

4. North Boarhunt has no defined boundary but is listed within Policy MTRA 3 of the Winchester District Local Plan Part 1 - Joint Core Strategy (2013) (JCS) as being suitable for development which meets local needs. Development is restricted to the infilling of a small site within a continuously developed road frontage, where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas.
5. The settlement is characterised by linear development along the B2177 and northwards along Trampers Lane. The ribbon of housing along the western side of the lane is continuous for long stretches, but it contains breaks of different sizes which create discrete frontages. These were shown on a map within earlier development plans, but they are no longer so rigidly defined under current planning policy.

6. The appeal site is located between Glebe Villas and the bungalow known as Archoyce. It comprises an area of manicured grass of approximately 0.25 ha bisected by a track leading to a pair of dwellings at Stubbington Yard. The latter are visible from the road, but they are set too far back to form part of the developed road frontage for the purposes of Policy MTRA 3.
7. It is contended that Archoyce is a component part of a continuously developed road frontage, but in my opinion this is an isolated property in the centre of a larger gap which is somewhere in the order of 200 m wide. The bungalow is flanked by the appeal site on one side and a block of woodland on the other. It is a modest and relatively discreet building which does not read as part of a developed road frontage in views from either direction along Trampers Lane. The gap between Glebe Villas and Oakley House contributes to the rural character of the area and is important to the street scene. The appeal scheme would significantly erode this character and lead to visual harm.
8. The term 'small site' is not defined within policy and therefore it is a matter of judgement for the decision-maker in each case. The appellant has used a number of alternative approaches to support the argument that the appeal site should qualify. I do not agree that the site is small simply because it falls below the threshold of major development within the Town and Country Planning (Development Management Procedure) (England) Order 2015. The regulations were not drafted for the purposes of interpreting planning policy. Furthermore, it is not helpful to draw parallels with a policy from a neighbourhood plan in another local authority area. It also seems to me that the width of a site, taken as a proportion of the total length of the road frontage, is not a reliable indicator of whether it is truly small in absolute terms. I have had regard to the appellant's submissions on the matter, but do not consider the appeal site to be small.
9. The appellant contends that the plot sizes being proposed are comparable with others elsewhere on Trampers Lane. Notwithstanding the examples given, the character of the existing developed road frontages is more tight-knit, with narrower dwellings and the buildings closer to one another. The proposal would not reflect this prevailing pattern and density of development.
10. The Council does not advance the argument that the scheme would harm the wider landscape character. It accepts that the proposed house designs would not be out of keeping, taken in the context of the variety of dwelling types in the area. Whilst I have no reason to disagree, it does not alter my overall conclusion that the proposal would not constitute the infilling of a small site within a continuously developed road frontage. The scheme is therefore in conflict with JCS Policy MTRA 3. Although that policy does make provision for other development proposals that reinforce a settlement's role and function, these would need to be identified through a neighbourhood plan or process which demonstrates clear community support. I have seen no evidence of this.
11. Policy MTRA 3 has its origins in earlier local plans. The policy is criteria based and the parties agree that it is more flexible than previous incarnations. However, there is nothing in its wording, or within the comments of examining Inspectors which have been cited, to indicate that it was ever intended to apply to sites with the characteristics of the appeal site. The policy precedes the 2019 revision of the National Planning Policy Framework (the Framework) but was found sound under the 2012 publication. Its provisions are consistent with that part of Government policy, present in both versions of the Framework, which

seeks to ensure that planning policies and decisions recognise the intrinsic character and beauty of the countryside.

12. There is no dispute that North Boarhunt is located within the countryside. However, the parties disagree on whether JCS Policy MTRA 4 is relevant. In my view, this policy should only be applied in circumstances where the proposal is not acceptable under Policy MTRA 3. Since the appeal scheme does not fall within any of the categories of development listed in the policy as being acceptable in the countryside it is also in conflict with JCS Policy MTRA 4.

Other Matters

13. I note that planning permission was granted for a scheme of five dwellings on the site in 1957. This lapsed permission was granted in a different policy context and, notwithstanding the submission of a map from the era, I have no means of knowing whether the appearance of the site and its environs have changed over the intervening period of time. I have attached the planning history very limited weight.
14. There are no objections from technical consultees or Boarhunt Parish Council. However, the absence of objection is a neutral factor in the planning balance and has no bearing on whether the proposal complies with the Council's policies for the supply of housing or the development plan taken as a whole.

Planning Balance and Conclusion

15. The proposal would conflict with the development plan and therefore any grant of planning permission must be justified by other material considerations. The scheme would bring social and economic benefits from the delivery of two new family-sized homes. These would make a modest contribution to meeting the Council's housing targets, albeit there is no suggestion of any shortfall in supply. However, the Framework makes clear that the planning system should be genuinely plan-led. Conflict with the development plan is by definition harmful and in this case the benefits do not outweigh that harm.
16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR