
Appeal Decision

Site visit made on 21 October 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/Y9507/W/19/3233714

Land between Alton Road (A32) and Marlands Lane, West Meon GU32 1AP

- 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 Naboth's Garden Limited against the decision of South Downs National Park Authority.
 - The application Ref SDNP/18/05415/FUL, dated 18 October 2018, was refused by notice dated 24 May 2019.
 - The development proposed is erection of dwellinghouse with access onto Marlands Lane.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined the Authority has now adopted (on the 2 July 2019) the South Downs Local Plan 2014-33 (2019) (SDLP). The form and wording of Policy SD25 of the SDLP has not materially changed from when the planning application was determined by the Authority.
3. In their refusal notice, the Authority has also referred to Policy MTRA 4 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 (JCS) as a reason for refusal. However, as noted above, the Authority has now adopted the SDLP and therefore the policies in the SDLP replace those in the JCS. Hence, although the Authority's refusal notice refers to a JCS policy, it is no longer relevant to the determination of this appeal.

Main Issue

4. The main issue is whether or not the proposal would accord with local planning policy that seeks to restrict development outside a defined settlement boundary.

Reasons

5. The site lies just outside the settlement boundary of West Meon and within the countryside. The recently adopted SDLP sets out the housing strategy for the area and Policy SD25 'Development Strategy' sets a clear distinction between land within a settlement boundary, where the principle of further development is established subject to other policies in the SDLP, and countryside.
6. Paragraph 2 of Policy SD25 states that exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in the SDLP, responds to the context of the relevant broad area or river

corridor and complies with at least one of the criteria listed in (a-d) of paragraph 2.

7. Based on the evidence before me there is no dispute between the main parties that the proposal does not fall within any of the exceptional circumstances set out in criteria (a-d) in paragraph 2 of Policy SD25.
8. Thus, for the above reasons, the proposal would conflict with Policy SD25 of SDLP which, amongst other things, seeks to restrict development outside of defined settlement boundaries in the absence of exceptional circumstances.

Other Matters

9. I acknowledge that the appellant does not think that the settlement boundary should be positioned as shown in the SDLP. However, the SDLP, including the settlement boundary, has been adopted and hence needs to form the basis of making planning application decisions.
10. The site is positioned on elevated ground at a prominent location at the corner of Alton Road (A32) and Marlands Lane. However, most of the extensive boundary vegetation and trees would be retained and additional planting is proposed. Therefore, taking into account the position and scale of the proposed development it would not be readily visible from local views. The Council's decision notice and officer's report indicate that the proposal would not cause harm to the character and appearance of the area. Indeed, this is not a point of contention between the main parties. I also consider that the development, taking into account the existing surrounding residential development, would not result in any significant encroachment into the countryside although additional built form in the area would clearly lead to some change in the immediate locality. Overall, I consider that there would be limited harm to the landscape and scenic beauty of the South Downs National Park.
11. I have had regard to the previous appeal decision¹ relating to a proposal for three dwellings at the site, referred to by the appellant. In particular, the Inspector's consideration that the site is in a sustainable location and would not result in the siting of isolated homes. I also acknowledge the appellant has, after taking into consideration the Council's comments at the pre-application stage, proposed a scheme for a single dwelling. Furthermore, I recognise the appellant has support for the proposal from some third parties. Nevertheless, planning law² requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The SDLP therefore is the starting point in my determination of the appeal and has recently been adopted. This adoption of the SDLP post-dates the National Planning Policy Framework 2019 and if this proposal were to be allowed it would conflict with the housing strategy aims of Policy SD25 of the SDLP, which would not permit the proposal in so far that it is located outside the defined settlement boundary. This is a matter of overriding concern and none of the other matters raised alter or outweigh my overall conclusion on the main issue.

¹ Reference APP/Y9507/W/17/3183953

² S38(6) of the Planning and Compulsory Purchase Act 2004

Conclusion

12. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR