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# Appeal Decision

Site visit made on 6 February 2020

**by S Leonard BA (Hons) BTP MRTPI**

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

**Decision date: 11 May 2020**

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**Appeal Ref: APP/L1765/W/19/3237104**

**Meadows Farm, Ervills Road, Worlds End, Hambledon PO7 4QU**

- 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 Jason Chambers against the decision of Winchester City Council.
  - The application Ref 16/01978/FUL, dated 5 August 2016, was refused by notice dated 25 April 2019.
  - The development proposed is described as '*replacement of existing bridge serving public right of way*'.
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## Decision

1. The appeal is allowed and planning permission is granted for replacement of existing bridge serving public right of way at Meadows Farm, Ervills Road, Worlds End, Hambledon PO7 4QU in accordance with the terms of the application, Ref 16/01978/FUL, dated 5 August 2016.

## Application for costs

2. An application for costs was made by Jason Chambers against Winchester City Council. This application is the subject of a separate Decision.

## Procedural Matters

3. I note that the application has been submitted retrospectively. During my site inspection I observed that the bridge has been built. I have dealt with the appeal accordingly.
4. On 27 January 2020, since the refusal of the planning application and the submission of this appeal, the Council issued a Certificate of Lawful Development under Section 191 of the Town and Country Planning Act 1990 for the construction of a bridge on the appeal site. Both parties have confirmed that the certificate of lawfulness relates to the bridge which is the subject of this appeal. Notwithstanding this, there is an appeal before me for determination, which I have considered on the merits of the scheme.

## Main Issue

5. The main issue is the effect of the appeal scheme on the character and appearance of the area.

## Reasons

6. The appeal site lies in open countryside adjacent to Ervills Road, within agricultural land associated with Meadows Farm. The bridge, the subject of this appeal, provides a crossing over one of the tributary streams of the River Wallington for agricultural vehicles and animals associated with Meadows Farm and for users of Public Footpath No.10 which crosses the site. The site is surrounded by fields and there is a treed area to one side.
7. The bridge comprises a concrete crossing surface with brick walls to both sides. The walls are around 1 metre high, comprising buff brick with red brick string courses and detailing, and incorporating brick piers. It replaced a brick double-arched structure, contained within the area of the stream bed, which was in a poor structural condition.
8. From the evidence before me in respect of the previous structure, the appeal scheme appears to be a more formal and engineered structure than the previous bridge, incorporating functional requirements such as ensuring pedestrian safety, sufficient loadbearing capacity for farm vehicles, and controlled water flows. Whilst I acknowledge the Council's concerns about the suburbanising impact of the development, I find that this type of development is not unusual within the countryside.
9. Having regard to the Council's preference for post and rail fencing along the sides of the bridge, I observed this form of fencing around the neighbouring fields during my site inspection. However, I find that within the immediate compact context of the river crossing, which differs from that of the more expansive boundary treatment around the fields, brick is an acceptable material. The walls are of a low height, which is comparable to that of the nearby post and rail fencing. The red brick string coursing gives a horizontal emphasis to the bridge walls, broken up by the intermittent vertical piers. This echoes the horizontal and vertical elements of the close by post and rail fencing, so that the development does not appear unduly incongruous. Also, the use of brick reflects the material of the former bridge.
10. The bridge contains a greater amount of built development above ground level than the previous structure. As such, it is more visible within the landscape than the previous bridge. The Council has referred to the visibility of the bridge from the road and the public footpath, but has not drawn my attention to any other key views or specific special landscape characteristics that would be visually harmed by the appeal scheme, having regard to the Council's adopted Winchester District Landscape Character Assessment (2004) which has been drawn to my attention by the Appellant.
11. I find that, although visible from the road, the combination of the distance of the development from the road, the predominant use of light-coloured buff bricks, the low height of the bridge walls and the small footprint of the hardstanding, means that the development does not appear visually intrusive in views from the road. Furthermore, it is screened in some views by the wooded area adjacent to the site.
12. From the evidence before me, it appears that the greatest visual impact is upon users of the public footpath who experience the bridge at close proximity. However, this impact is limited due to the short expanse of the structure. I am

also mindful of the Appellant's survey which concludes that Footpath No.10 is not well-used and that this is not disputed by the Council.

13. Moreover, the Appellant has drawn my attention to other existing brick bridges of similar heights and lengths that cross tributaries of the River Wallington within the surrounding area. This reinforces my view that, in this case, the appeal scheme is an appropriate form of development having regard to the prevailing character of river bridges within the locality.
14. I therefore conclude that the proposal would not result in harm to the character and appearance of the area. As such it would accord with Policies MTRA4, CP13, and CP20 of the Winchester District Local Plan Part 1 (2013) (LPP1) and Policies DM1, DM15, DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 (2017), which, amongst other aims, require new development to comprise a high quality design, respect the character and landscape of the area, conserve local distinctiveness and be appropriate to a countryside location. The Council's refusal reason also relates to LPP1 Policy CP17. This policy relates to flooding and the water environment. Therefore, I do not find it to be directly relevant to this main issue.

### **Other Matters**

15. In support of its case, the Council has drawn my attention to previous applications in respect of similar proposals which were not supported by the Council (Refs 06/02947/FUL, 08/00764/FUL (appeal APP/L1765/A/09/2094415 dismissed) and APP/14/00426/APN). On the basis of the evidence before me, I do not find the development details of these schemes to be directly comparable to those of the current appeal, as they primarily relate to proposals for access tracks. In any event, I must determine the appeal on the basis of the merits of the scheme before me.
16. I acknowledge the concerns from third parties in respect of the potential construction of an access track between the bridge and Ervills Road, having regard to the aforementioned planning history of the appeal site. Whilst the site location plan includes land between the bridge and Ervills Road, the description of development refers to the replacement of existing bridge serving public right of way. Both the planning application Officers Assessment and the Appellant's appeal statement confirm that the appeal scheme relates solely to the replacement bridge and I have dealt with the appeal accordingly.
17. I have noted the Parish Council and neighbour concerns regarding flooding. Since the Environment Agency were consulted and raised no objection to the development, I am satisfied on this issue.

### **Conditions**

18. I have considered the landscaping condition suggested by the Council in the light of advice in Paragraph 55 of the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG). As I have found the appeal scheme to be acceptable for the reasons given above, I consider such a condition to be unduly onerous. As the scheme has already been completed, no other conditions are necessary.

## **Conclusion**

19. For the reasons given above, I conclude that the appeal should succeed, and planning permission be granted.

*S Leonard*

INSPECTOR