



Appeal Decision

Site visit made on 20 November 2019

by S Thomas BSc (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/L1765/W/19/3236095

Land adjacent to The Old Ale House, High Street, Shirrell Heath SO32 2JN

- 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 MCP Poole Ltd against the decision of Winchester City Council.
 - The application Ref 19/00477/FUL, dated 1 March 2019, was refused by notice dated 7 May 2019.
 - The development proposed is Erection of a 4 bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal site identified on the application form used 'Land adjacent to Prince of Wales'. Given this public house is no longer present and the existing dwelling is called 'The Old Ale House' I have amended the address to that used by the Council in the decision notice which is a more accurate description of the appeal site address.

Main Issue

3. The main issue is whether the site is a suitable location for housing having regard to the spatial strategy of the development plan including the effect on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a parcel of land located at the end of a line of properties on the eastern side of High Street in the village of Shirrell Heath. The site is separated from the adjacent dwelling to the south by a shared drive and to the north east the site borders an area of open land with an associated dwelling set back some distance into this open area. The village has a general linear pattern of development with typically large detached houses fronting the road. This linear form is punctuated by green gaps between areas of housing which contributes to the rural character of this area.
5. Shirrell Heath lies in the countryside without a defined settlement boundary. Policy MTRA 4 of the Winchester District Local Plan Part 1 (2013) (Local Plan) sets out the limited circumstances where development in the countryside will be permitted. The proposal does not meet any of these identified circumstances. However, Shirrell Heath is one of a number of villages without

defined settlement boundaries identified in Policy MTRA 3 of the Local Plan whereby development that consists of infilling of a small site within a continuously developed road frontage may be supported. However, this would need to be compatible with the character of the village and not involve the loss of important gaps between developed areas. The supporting text to the policy in paragraph 6.26 identifies the need to ensure the spatial area retains its overriding characteristics of being countryside and that it would not be appropriate to allow uncontrolled or sporadic development across the district.

6. The site is grassed land with vegetation around its northern and eastern boundaries and hence it is free of built development. Whilst there is existing built development to the south of the appeal site with the converted public house, the site itself is grassed leading to a large open area to the northern boundary which separates the site from a further area of built development along High Street to the Hospital Road junction. Therefore, the proposal does not lie within a continuous built frontage and would not constitute infill in this regard, but rather would have the effect of extending built development into this currently open area. I have considered the previous appeal¹ on the wider site and would thus agree that the proposal would not constitute infilling under the definition of Policy MTRA 3.
7. I note the previous Inspector considered as part of that proposal that two houses to the frontage of the site would not appear out of keeping with the local pattern of development and he concluded that the open area to the north is substantial in size and its contribution to the rural character of this part of the village would not be materially diminished by the addition of the two proposed frontage dwellings. Since that decision, the public house has been converted to a dwelling and as part of that permission the appeal site was required to be grassed in order to improve the visual amenity of the area.
8. Considering the existing character of the dwellings along High Street, I recognise that a single dwelling would be more in keeping with the character of the village than the previously proposed pair of semi-detached houses. However, since the previous decision the appeal site is now of an undeveloped appearance as opposed to the surfaced car park that was previously in place. Thus, the circumstances and visual appearance of the site has changed since the last decision. The existing dwelling to the south is angled toward the road and considering the appearance of the appeal site now as an undeveloped parcel of land the existing dwelling provides visually a natural boundary to terminate the built form along this side of High Street. This leads me to conclude that a dwelling on this plot would not form a logical extension of the built form along High Street.
9. Given the change in appearance when viewed from the street scene the appeal site is viewed in context with the surrounding open land which constitutes an important gap between developed areas and is a key feature contributing to the rural character of this area. This undeveloped parcel is now viewed to my mind as a transitional site from the built form to the south to the open land to the north east and would represent an extension of built form into the countryside and the dwelling would encroach visually into this open character. This would cause harm to the character and appearance of the area.

¹ APP/L1765/A/13/2196913

10. Therefore, for the reasons outlined above I consider the proposal would conflict with the spatial strategy of the Local Plan and thus would not be a suitable location for housing and would harm the character and appearance of the surrounding area. The proposal would for the reasons above be in conflict with Policies MTRA3 and MTRA4 of the Local Plan and Policies DM15 and DM23 of the Winchester District Local Plan Part 2 (2017). Amongst other matters these policies seek to promote infill development only within a continuous built frontage, seek to protect the character of the area and not have an unacceptable effect on the rural character of the area through visual intrusion.

Other Matters

11. I acknowledge the aims of Paragraph 78 of the National Planning Policy Framework which recognises that in rural areas housing can enhance or maintain the vitality of rural communities. Whilst an additional single dwelling would contribute to such objectives, the effect would be limited. In any event this would not outweigh the conflict with the development plan.
12. I have considered the appeal decisions² referred to by the appellant which were dismissed based on the Inspectors consideration they did not amount to infill. These are different to the appeal before me given they both represent backland development behind existing linear development. Accordingly, they are not comparable to the scheme before me.
13. In respect of the recent planning decisions by the Council³ referred by the appellant, in both cases I find both sites to be surrounded by development adjacent to its boundaries and would to my mind constitute infilling of a continuous built frontage. This is not the case in the appeal before me and therefore these do not alter my view that the appeal proposal does not represent infill under the definition of Policy MTRA 3.
14. I acknowledge the appellant's reference to the pre application response (18/01787/PREDIP) in which it was identified it may be possible to demonstrate a single dwelling may be acceptable subject to other considerations, but any proposal would need to be assessed on its own merits. Whilst I acknowledge this, pre application advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of an application. I acknowledge the submitted costs decision⁴ but this does not present the same set of circumstances as the pre application advice in this case. In any event for the reasons set out in this decision I have found the proposal to be unacceptable.

Conclusion

15. For the reasons above, the appeal is dismissed.

S Thomas

INSPECTOR

² APP/L1765/A/14/2223601 and APP/L1765/W/16/3160828

³ 15/01706 and 17/03030/FUL

⁴ APP/J9497/D/17/3185212