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## Appeal Decision

Site visit made on 27 May 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 30<sup>th</sup> June 2020.

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**Appeal Ref: APP/M1710/W/20/3246512**

**Shrover Lodge, Anmore Lane, Horndean, Waterlooville PO7 6HN**

- 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 Ms Donna Maplesden against the decision of East Hampshire District Council.
  - The application Ref 34869/017, dated 28 October 2019, was refused by notice dated 21 January 2020.
  - The development proposed is alteration of existing field entrance to afford alternative access.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have also dealt with another appeal (Ref: APP/M1710/W/19/3248621) on this site. That appeal is the subject of a separate decision.
3. The description above is taken from the application form, however the Council considered the proposal on the basis that a change of use of land was also proposed, and changed the description to, 'Alteration of existing field entrance and change of use of part of field to include the formation of new residential access roadway to afford alternative access'. I note that the appellant is not seeking to make a case that the field is part of the residential curtilage of the dwelling or in residential use, and has used the Council's description on the appeal form. I have therefore considered the appeal on this basis.
4. I saw on site that there was a hardstanding and a pair of solid wooden gates in the location of the proposed alternative access. However, they were of different size and in a different position to what is shown on the submitted plans. I have therefore determined the appeal on the basis of the plans before me and not what I saw on site.

### Application for costs

5. An application for costs was made by Ms Donna Maplesden against East Hampshire District Council. This application is the subject of a separate Decision.

### Main Issues

6. The main issues are whether there is a genuine and proven need for the proposed development in this countryside location; and the effect of the proposed development on the character and appearance of the area.

## Reasons

### *Location*

7. The appeal site is outside of any settlement boundary and as such is in the countryside as defined by Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (CS). That Policy seeks to protect the countryside for its own sake and therefore allows development only where there is a genuine and proven need for a countryside location. It gives farming, forestry or other rural enterprises as examples, but does not preclude other types of development if there is a need.
8. The appellant's main concern is that the existing shared access leads to highway safety concerns. At my site visit I saw that visibility at that access was restricted by hedges in both directions and there was evidence of surface water flooding on the highway nearby. These physical features create potential hazards to highway safety. However, traffic on Anmore Lane was light when I visited and although restrictions associated with the Covid-19 situation may have had some impact, I am mindful that the highway authority also describes the lane as a lightly trafficked road. The appellant's speed survey demonstrates that vehicles are travelling at less than the national speed limit along this stretch of road. Consequently, the potential for conflict between traffic on the highway and vehicles exiting the shared access is likely to be relatively low.
9. Nevertheless, the appellant refers to two significant traffic incidents and 'countless near misses' near the shared access in recent years. However, although one incident was apparently related to a highway puddle, there is no compelling evidence before me that use of the shared access was a contributory factor in either incident. Personal Injury Accident records show one recorded incident on this stretch of road between January 2014 and January 2019, which was stated to be unrelated to the site access. Therefore, I cannot be certain that use of the shared access has a significant adverse impact on highway safety.
10. The proposal would only divert the traffic movements of 1 dwelling to the proposed residential access, an estimated 5 two-way vehicle movements per day. The proposal would not deliver any improvements to the shared access, which would remain in use by 2 other properties. Therefore, the proposal would reduce but not entirely remove the potential risks of using the shared access. Consequently, it has not been demonstrated that it would materially improve highway safety or the convenience of other road users.
11. Moreover, the evidence before me indicates that the appellant owns the hedge to one side of the shared access, and it has not been demonstrated that visibility could not be improved in this direction. There is also no substantive evidence before me that flooding of the highway cannot be addressed by the highway authority. Therefore, it appears there is scope to reduce the existing potential hazards, and thus improve highway safety, without the appeal proposal. However, there is no evidence before me that such steps have been investigated, despite the appellant's evident concerns about using the shared access.
12. The proposed residential access would have adequate visibility in both directions and there is no evidence before me that its use would harm highway safety. I also accept that it might be more convenient for the appellant to have their own access, rather than using a shared track which they consider to be in poor condition. However, this is a private matter and neither this, nor the lack of harm demonstrate a need for the formation of an alternative residential access or the associated driveway and change of use of the land.

13. Accordingly, it has not been demonstrated that there is a genuine and proven need for the proposed development in this countryside location, and the proposal would therefore conflict with CS Policy CP19.

*Character and appearance*

14. The appeal site is in a predominantly agricultural area with only a few scattered houses. This part of Anmore Lane is enclosed by mature hedges and trees, with the few gaps offering views out over fields. Consequently, the area has a verdant and largely undeveloped rural character, which is distinctly different to the closer-knit, suburban character of nearby settlements. This essentially rural character is noted in the Horndean Parish Village Design Statement.
15. The hedge along the boundary of the appeal site makes a positive contribution to this verdant character, and largely screens the existing gateway from view when approaching from either direction along the lane. As such, the existing gates and access are not highly visible in the street scene and have a limited impact on the character and appearance of the area.
16. The proposed entrance gates would be set well back from the road with a new surface of dark stone in front and the hedges either side would be cut back for a considerable distance to alter the access and provide adequate visibility. As a result, even with the trees and hedge that are to be retained, the access would become a much larger and more prominent feature in the street scene and would have a more formal and domestic appearance than the existing gateway or the metal gate that it replaced. Consequently, the access as proposed would be a prominent and incongruous feature which would detract from the rural character of the area.
17. The proposed driveway through the existing field would to a large degree be screened by the parts of the hedge to be retained, the proposed gates and new planting. As such, it would have a limited impact on the character and appearance of the area. The planting would be set back from the road however, so would not mitigate the impact of the access itself, which for the reasons given above would harm the character and appearance of the area.
18. The appellant has referred me to two examples of solid gates at domestic accesses in the local area: New Lodge is one of several dwellings sited close to Hinton Manor Lane, each with an access and gates of various styles. I saw that the number of accesses and proximity of the dwellings to the lane gave the area a markedly more residential appearance than the area around the appeal site. As such, the access of New Lodge is seen in a materially different context to the appeal proposal and therefore does not have a comparable impact on the character and appearance of the area.
19. I saw that the other property, Broadways, had two accesses with solid gates and a low brick wall inbetween, with the dwelling set back somewhat but nevertheless clearly visible from the road. There are few buildings visible along this part of Broadway Lane and the hedges either side are largely unbroken. Consequently, Broadways and its gateways are a prominent feature in the street scene, and have significantly altered the rural character of this part of Broadway Lane. However, it is some distance north of the appeal site and is not seen in conjunction with it. Consequently, the presence of these gateways does not affect the character of Anmore Lane, and does not justify the harmful impact of the appeal proposal on that character.

20. The appellant contends that the appeal site has no special characteristics and that the whole of the district cannot be considered 'special', such that CS Policy CP20 should not apply. However, neither the wording of Policy CP20 or the supporting text indicates that application of the Policy should be limited to the National Park, or to areas subject to special designations identified on the CS Proposals Map.
21. Policy CP20 states that the special characteristics of the district's natural environment will be conserved and enhanced. It sets out several criteria to be met by new development, which identify particular aspects of the environment that relate to these special characteristics, including natural features such as hedgerows. I have identified that the proposal would adversely affect the hedge along the appeal site, which contributes to the distinctive character of the area. Therefore, I consider that CS Policy CP20 is relevant to this appeal, and that because the proposal would not protect or enhance this hedgerow, there would be conflict with that policy.
22. Accordingly, the proposal would harm the character and appearance of the area and as such would conflict with CS Policies CP20 and CP29 which, amongst other things, seek exemplary standards of design and require development to conserve and enhance the special characteristics of the district's natural environment, contribute to local distinctiveness and sense of place, and be appropriate and sympathetic to its setting. Furthermore, it would conflict with paragraph 170b) of the National Planning Policy Framework which requires decisions to contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside.
23. While I note that the main parties dispute the planning status of the existing gates and field entrance, it is not for me in determining this appeal under section 78 of the Town and Country Planning Act 1990 (the Act), to reach a conclusion as to whether they are lawful in planning terms. To that end it is open to the appellant to apply for a determination under sections 191/192 of the Act and my determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal.

### **Other Matters**

24. The Council's reason for refusal identifies specific policies of the development plan and the conflict with them, with more detail given in the officer report. Although the appellant raises concern about the precision of the Council's reasons, I have been able to understand the Council's case and identify the main issues for this appeal from the decision and the other appeal submissions.
25. While the Council's appeal statement lists a considerable planning history for Shrover Lodge, there is no substantive evidence before me that this is presented for anything other than information purposes, with the exception of the most recent applications which the Council refers to specifically in its case.

### **Conclusion**

26. The appeal is therefore dismissed.

*L McKay*

INSPECTOR