The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/Y9507/W/20/3245983
Land off Folly Hill Lane, Itchen Stoke, Alresford SO24 0QY

- 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 Peter Waldron (Casdron Enterprises Ltd) against the decision of South Downs National Park Authority.
- The application Ref SDNP/19/02218/FUL, dated 3 May 2019, was refused by notice dated 31 July 2019.
- The development proposed is described as 'alterations to existing agricultural access and reinstatement of an agricultural track'.

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on:

   i) the character and appearance of the area including the South Downs National Park and the adjacent Itchen Stoke Conservation Area; and

   ii) the living conditions of the occupants of dwellings to the south, having particular regard to noise, fumes and lighting from associated vehicular movements.

Reasons

Character and appearance

3. The appeal site is part of the margins of an open field adjacent to the built form of Itchen Stoke, a village within the South Downs National Park. This attractive landscape is part of the Itchen Valley Character Area within the Winchester Landscape Character Assessment (2004) and the Itchen Valley Chalk Valley System in the South Downs Integrated Landscape Character Assessment (2011). At this point the landscape is characterised by gently undulating, open agricultural land. The adjacent built form is within the designated conservation area of Itchen Stoke.

4. The field margin has not been planted with any crops and as such could be used informally by agricultural vehicles. However, I have little evidence that a track has been in existence here previously. The appellant's aerial images show similar contexts to what I observed on my site visit. In any event, even if I did conclude that a track had existed previously, there is no track now.

5. The length of the proposed track would be significant providing a single-width gravel and compacted chalk access from Folly Hill Lane to The Maples, a detached residential dwelling. It would run along the rear of 1-6 Itchen View and 3-4 Longcrate Bungalows before returning along another side of the last dwelling. All these properties are well related to the built form of the village, presenting rear elevations to the countryside. They are all served by existing public and private roads within the built-up area of the village. The route of the track would closely follow the boundaries of the houses giving it a contrived appearance. Furthermore, there are no other buildings in the vicinity of the proposal, such as equestrian or agricultural, that may suggest a rural purpose for the access track. For these reasons, the proposal would appear incongruous in the rural landscape. Additionally, the proposal would result in vehicular movements currently within the village being diverted into the landscape. This would reduce the sense of tranquillity at this point.

6. The proposal would also be visible from Folly Hill Lane where, to the north of the access, there is less hedging on what is otherwise, a narrow and enclosed rural lane. So, from this point the track and associated development would be visible. However, the proposal has been designed in order to provide a rural aesthetic, including for example, a grassed central strip. Furthermore, it would be seen in the context of the village's built form. Landscaping would further minimise the visual impact. Nonetheless, even if completely invisible from public vantage points the proposal would still be contrived and out of place.

7. The proposal would be within a highly sensitive location, being within the South Downs National Park where the landscape is subject to statutory protection. Paragraph 172 of the National Planning Policy Framework (the Framework) requires great weight to be afforded to conserving and enhancing landscape and scenic beauty in National Parks. This is in addition to the requirements for high quality design, including the need for development to improve the character and quality of an area and the way it functions[1]. As such, I am required to attribute great weight to the harm I have identified.

8. I have also had regard to the effect of the proposal on the character and appearance of the Itchen Stoke Conservation Area. However, I find that the twentieth century housing is not of any particular architectural merit and does not relate well to the countryside. As such, I find that the track would not harm the significance of the designated heritage asset. However, this does not mitigate the harm I have previously found.

9. I note the appellant's assertion that a similar track could be built under permitted development if for agricultural use. However, that is not what is being proposed and there is no context at the site to make the proposal appear akin to such a permitted development. Furthermore, such a proposal would also be subject to a process of prior approval. As such I afford this little weight.

10. Therefore, in conclusion on this main issue I find that the proposal would harm the character and appearance of the area including the South Downs National Park. As such, the proposal would be contrary to Policy SD4, SD5 and SD7 of the South Downs Local Plan, Adopted 2 July 2019 (2014-33) (LP) and sections 12 and 15 of the Framework. These policies seek amongst other aims to ensure development makes a positive contribution to landscape, tranquillity and character and appearance through high-quality design.

[1] Paragraph 130 of the Framework

Living conditions

11. The proposed track would facilitate vehicular movements immediately to the rear of a number of properties. The dwellings are set back from their rear boundaries to provide gardens. To the rear, the occupiers of these homes experience a high level of privacy. Furthermore, whilst the site may be within a moderately-low tranquillity designation, save for any agricultural activity in the field, occupiers experience very low levels of disturbance from noise, fumes, and lighting. It is necessary to consider the impact from movements associated with an alternative access to The Maples in this context.

12. The track would be in very close proximity to the houses to the south, save for 1 Itchen View which is separated from the proposal by additional agricultural land. The boundary treatments to these houses are varied and some are virtually entirely open. Whilst landscaping may mitigate any impacts, the introduction of noise, fumes and lighting would be very evident for the occupiers in what is currently an unspoilt context, even having regard to movements along Folly Hill Lane. For example, headlights would shine directly into the rear of 2 Itchen View from the track. Furthermore, 4 Longcrate Bungalow would have vehicular movements along both its west and north boundaries. To varying degrees occupiers of 2-6 Itchen View and 3-4 Longcrate Bungalows would experience disturbance from noise, fumes and light spill.

13. The proposal would reduce the movements to the front of these properties by providing a new access to The Maples. However, the front is where vehicular movements and their effects are to be expected as part of village activity. Additionally, given that the proposal would serve only one house, movements are likely to be limited. Furthermore, the speeds may well be low given the design of the track. As such, these factors mitigate the likely effect of the proposal, but not entirely.

14. Therefore, in conclusion I find that the proposal would result in harm to the living conditions of the occupiers of dwellings to the south having particular regard to noise, fumes and lighting from the associated vehicular movements. As such, the proposal would be contrary to Policies SD4, SD5 and SD7 of the LP and sections 12 and 15 of the Framework. These policies seek amongst other aims to safeguard the experiential and amenity qualities of the landscape, provide high quality space and living conditions, and conserve and enhance levels of tranquillity.

Other matters

15. The appellant has stated that there is an existing agricultural need for the proposal. Whilst I do not find that a need for a development is necessary, it is material when balancing planning interests including the environmental objectives set out within the Framework. However, the appellant has provided little evidence of an agricultural need or whether any such requirement could not be met in a different and less harmful way. So, I afford this little weight.

16. The appellant has provided examples of previous appeal decisions[2] in order to justify their proposals. However, I do not have full details and from the evidence it is clear that they are not identical to the appeal before me. As such, I afford them limited weight.

[2] APP/Y9507/W/18/3199865 and APP/L1765/A/10/2135894

17. The appellant has set out that the existing access to The Maples is inadequate for their equestrian vehicles related to their recreational activities. I have observed that the existing access is narrow in places and likely to make access for any larger vehicle, at the very least inconvenient, or at worst practically impossible. However, there is no equestrian activity evident at The Maples. The desire for having access for larger vehicles appears to be the personal circumstances of the appellant. Planning Practice Guidance[3] sets out that generally such interests have limited relevance to planning decisions. Furthermore, I am mindful that other storage options for such large vehicles may exist. As such, I afford this very limited weight and it does not justify the harm I have found.

18. Finally, the appellant states that the track would provide additional surveillance to the area. However, I have no evidence that there is an existing issue with crime or security that may require enhanced surveillance. Nor do I find that the lack of highway safety concern with the proposal provides any weight in favour of allowing the scheme.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR

[3] Planning Practice Guidance: Determining a planning application. Paragraph: 008 Reference ID: 21b-008-20140306