
Appeal Decision

Site visit made on 6 October 2020

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/L1765/D/20/3248237

Russets, Bere Farm Lane, North Boarhunt PO17 6JJ

- 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 and Mrs Parkin against the decision of Winchester City Council.
- The application Ref 19/01755/HOU dated 14 August 2019, was refused by notice dated 28 January 2020.
- The development proposed comprises extensions and alterations including loft conversion with front and rear dormers, single storey side extension, single storey side extension and porch.

Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations including loft conversion with front and rear dormers, single storey side extension, single storey side extension and porch at Russets, Bere Farm Lane, North Boarhunt PO17 6JJ in accordance with the terms of the application, Ref 19/01755/HOU, dated 14 August 2019 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 5 (materials) of the associated application forms.
 - 3) The development hereby approved shall be constructed in accordance with the following plans:
 - a. Location Plan (Drawing Number: 1866-L01) Received: 14/08/2019
 - b. Site Layout Plan (Drawing Number: 1866-01 Revision C) Received: 14/08/2019
 - c. Proposed Ground and First Floor Plans (Drawing Number: 1866-04 Revision E) Received: 14/08/2019
 - d. Proposed Roof Plan (Drawing Number: 1866-05 Revision D) Received: 14/08/2019
 - e. Proposed Elevations (Drawing Number: 1866-06 Revision F) Received: 14/08/2019

4) Notwithstanding condition 3), the development hereby permitted shall not be occupied until:

- i. details of the boundary treatment between the development site and the property to the south (Pandora) have been submitted to and approved by the local planning authority; and
- ii. the approved boundary treatment has been provided.

Thereafter the approved boundary treatment shall be retained.

Main Issue

1. The main issue in this appeal is whether the proposed development would result in the unacceptable loss of a small dwelling in the Countryside under Policy DM3 of the LPP2¹.

Reasons

2. Policy DM3 seeks to limit the extension and replacement of smaller dwellings in the countryside in order to retain the stock of smaller dwellings. The dwellings covered by the policy are defined by size and may be extended by up to 25% of their original size (as defined).
3. For Policy DM3 to be triggered, the development site must be sited in "the countryside".
4. Policy DM1 of the LPP2 sets out the policy for the location of new development. The development site is not within the list of settlements where development would be permitted. The Policy states that limited infilling will be permitted in settlements listed in Policy MTRA3 of the LPP1² and states that outside those settlements, countryside policies apply. Only development appropriate to a countryside location will be permitted as specified in Policies MTRA4, MTRA5, DM10 – DM13 etc.
5. The LPP2 at paragraph 4.10.3 describes the "Rural Area". It states: "the area **outside** the defined settlement boundaries **and** the infilling provisions of Policy MTRA3 is defined as countryside and subject to Policy MTRA4 of LPP1." (My emphasis).
6. MTRA4 deals with Development in the Countryside. It defines the countryside as land **outside** the built-up areas of three named towns and the settlements covered by MTRA2 and 3 (my emphasis). MTRA2 is not relevant as it applies to larger settlements.
7. Therefore, if the development site is within Policy MTRA3, it is not countryside as defined by Policy MTRA4, and Policy DM3 is not relevant.
8. Policy MTRA3 lists settlements in two parts. The relevant part states:
Within the following settlements, which have no clearly defined settlement boundary, development and redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported, where this would be in a form compatible with the

¹ Winchester District Local Plan Part 2 (2017)

² Winchester District Local Plan Part 1 (2013)

character of the village and not involve the loss of important gaps between developed areas –

9. The list of settlements in this part of the policy includes North Boarhunt.
10. North Boarhunt does not have a defined boundary but straddles the B2177 with a sizeable part of the village between Bere Farm Lane and the west side of Blackhouse Lane. The development site fronts onto Bere Farm Lane and is part of the developed section of the west side of Bere Farm Lane from its junction with the B2177.
11. On that basis, Policy MTRA3 applies to exclude the development site from the countryside. The provisions of Policy DM3 do not apply.
12. The other part of Policy MTRA3 requires an assessment as to whether the proposed development is in a form compatible with the character of the village. The officer's assessment dated 28 January 2020 describes (first paragraph on page 5) that "*within Bere Farm Lane a number of properties have been extended and altered which [now] results in a variety architecture or design (sic)*". The assessment states that the "*extensions and alterations would be consistent in scale and mass with a number of other properties along the lane...*" and continues "*...it is considered that in design terms [the proposal] would sit comfortably in this context and would not result in increased visual intrusion.*"
13. During the site visit, I viewed all the properties on both sides of Bere Farm Lane and do not disagree with the officer's assessment. I consider that the requirements of Policy MTRA3 are satisfied.

Other Matters

14. Two matters have been raised by the owners of the adjoining property, "Pandora". First, that the bay window to the side elevation would cause overlooking. I accept the officer's assessment that there are windows in that elevation of the existing property and a small window in the roof space. On that basis, although the bay window would be bigger, adequate boundary treatment will minimise the potential for overlooking and I have imposed a condition requiring that the details are approved by the Council before occupation of the development.
15. The second issue raised by the neighbour is that there is a pending boundary dispute in relation to the boundary between the development site and Pandora, and that the plans may not have been drawn to show the correct boundary. An applicant for planning permission does not have to own all the land required for a development proposal but would need to settle the land arrangements for construction to take place. I have imposed a condition which requires that the development be carried out in accordance with the submitted plans including the layout plan. If ultimately a different layout is required, the appellant will need to make an application to the Council to amend the plans.
16. I have read the appeal decision (ref APP/L1765/D/18/3211048) referred to by the Council in its email to the appellant's agent dated 12 September 2019. The main issue in that appeal is the same as in this appeal. However, the Inspector at paragraph 3 explains that the appeal property *is located outside any settlement boundary and so for the*

purpose of planning policy is within the countryside. Therefore, although the two properties are physically similar in terms of size, the policy basis for determining the appeals is different.

Conclusion

I conclude that the appeal should be allowed, and planning permission granted subject to the conditions set out above.

Jan Hebblethwaite

INSPECTOR