



Appeal Decision

Site visit made on 28 September 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/L1765/W/20/3251130

Home Farm, Reading Room Lane, Curdridge SO32 2HE

- 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 Maidment against the decision of Winchester City Council.
 - The application Ref 20/00185/FUL, dated 27 January 2020, was refused by notice dated 30 March 2020.
 - The development proposed is construction of two houses following demolition of equestrian barn and removal of sand school and horse walker.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site constitutes a suitable location for the proposal, having particular regard to local and national planning policies which seek to restrict residential development in the countryside; and
 - The effect of the proposal on the provision of small dwellings within the countryside.

Reasons

Location

3. Located within an area of rural character, the appeal site comprises a substantial barn, sand-school and horse walker, which presently operate as a self-service livery. The premises form part of a larger plot, which includes a two-storey detached farmhouse originally built as an agricultural/equestrian dwelling. The removal of the agricultural/equestrian occupancy condition, which was attached to the farmhouse, was approved by the Council in 2017. The barn, which is proposed to be demolished, contains a number of stables and two self-contained flats. The appeal development would entail the construction of two open market dwellings, and the equestrian tie presently attached to one of the existing flats would therefore be removed as part of the proposal.
4. Policy MTRA4 of the Winchester District Local Plan Part 1 – Joint Core Strategy¹ (LPP1) restricts development within the countryside, which it defines as land outside the built-up areas of Winchester, Whiteley and Waterlooville, as well as

¹ Adopted March 2013.

a number of specified settlements. Home Farm is located in Curdridge, which Policy MTRA3 of the LPP1 lists amongst the settlements with no clearly defined settlement boundary. In such locations, Policy MTRA3 only permits proposals which consist of infilling of a small site within a continuously developed road frontage. The appeal site lies within an area characterised by scattered development, and the proposal would therefore not accord with the requirements of Policy MTRA3. The site is also considered, for planning policy purposes, as falling within the countryside. However, having regard to the information before me, the appeal scheme would not fulfil any of the exceptions envisaged by Policy MTRA4.

5. Overall, I ascribe significant weight to the Council's development plan policies which, insofar as is relevant to this appeal, are in broad conformity with national policy, by seeking to focus development in accessible locations to reduce the need to travel using private motor vehicles. There is a narrow footpath further away, notably along the A334, but it is of particular note that there is no continuous footway along Reading Room Lane, and the roads appear unlit. Additionally, although the appeal site lies approximately 1km away from Botley train station, I have been presented with little evidence to demonstrate how well it is connected to the wider network.
6. For the vast majority of trips, I therefore find it highly unlikely that future occupiers would use alternative modes of transport to the private car, to access most everyday facilities and services, either within the village of Botley or further afield. Consequently, the appeal site would not represent a suitable location for residential development, particularly by reason of its relatively secluded position, away from existing settlements. In that regard, the appellant has referred to a recent appeal decision in respect of a site located within relative proximity to Home Farm. However, I do not have the full details of this particular scheme and cannot therefore be certain that the circumstances of this case represent a direct parallel to the proposal before me.
7. As noted above, the proposed development would replace two existing dwellings. A Lawful Development Certificate was issued by the Council in respect of one of the flats, whilst the other was justified by the operational needs of the equestrian enterprise, and was therefore subject to an agricultural tie. The wording of the condition attached to the previous appeal² sought to restrict the occupation of the flat to an equestrian groom working solely on the holding and in connection with the stable/barn, although the precise circumstances in which the Inspector reached her conclusions are not before me.
8. Furthermore, the National Planning Policy Framework³ (the Framework) makes it clear that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this particular instance, I am mindful that the removal of occupancy conditions, as detailed within Policy DM11 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations⁴ (LPP2), is only permitted where it is demonstrated that the long-term need for the dwelling has ceased and there no evidence of a continuing need for this type of housing, either on the holding or in the surrounding area.

² APP/L1765/A/13/2198000.

³ Paragraph 2.

⁴ Adopted April 2017.

9. The appeal premises previously operated as an equestrian convalescent livery and holiday care, but the appellants' submissions suggest that this enterprise is no longer viable and there is therefore no need for an equestrian worker. I understand that there are also ongoing costs associated with the maintenance of the equestrian enterprise. However, in the absence of further evidence, these considerations can only be ascribed very limited weight.
10. It is accepted that the appeal site constitutes previously developed land. However, it cannot be regarded as suitable brownfield land for the purposes of paragraph 118c of the National Planning Policy Framework (the Framework), primarily by reason of its location. There is also a lack of detailed evidence to justify the loss of an occupationally tied dwelling in the countryside, where residential development is not normally permitted. I cannot therefore afford the substantial weight to which the Framework refers. Consequently, the proposal would not accord with Policies MTRA1 of the LPP1, DM11 and DM12 of the LPP2.

Small dwellings

11. As detailed within the supporting text⁵ to Policy DM3 of the LPP2, the Strategic Housing Market Assessment has identified a higher proportion of larger detached dwellings located in the countryside, when compared with the District as a whole. As the provision of residential development within rural areas is generally restricted, Policy DM3 aims to retain the existing stock of smaller, more affordable dwellings situated in the countryside, notably to achieve a greater housing mix in rural areas. The policy nevertheless permits the enlargement of existing properties with a gross external floorspace of up to 120 square metres by up to 25% of their original size. This requirement also applies to the replacement of small dwellings.
12. The existing flats situated within the barn are approximately 54 and 77 square metres respectively, and are proposed to be replaced with dwellings, which would both be significantly larger. Even assuming that the existing flats could be extended by up to 25% of their original size, the proposed development would be significantly at odds with the limitations of Policy DM3.
13. Accordingly, the appeal scheme would result in the loss of smaller dwellings within the countryside, thus failing to meet the housing needs which the Council's planned strategy seeks to achieve in rural areas. It would therefore be contrary to Policy DM3 of the LPP2.

Other Matters

14. The Council has brought my attention to the comments provided by the Health and Safety Executive in respect of the site's proximity to a high pressure gas line. However, as this appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here.

Conclusion

15. As part of the proposal, the existing barn would be demolished, and the paraphernalia associated with the equestrian enterprise would be removed. The appellant therefore argues that the proposed development would improve the character and appearance of the area. However, I find that the existing

⁵ Paragraph 6.2.8.

arrangement appears relatively inconspicuous in such a rural location where agricultural buildings are to be expected. Having regard to the available evidence and the identified harm, there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Subsequently, and for the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR