



Appeal Decision

Site visit made on 26 October 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020

Appeal Ref: APP/M1710/W/20/3248729

Langley, 25 Abbey Road, Medstead, Alton GU34 5PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Julian Hines-Dedman against the decision of East Hampshire District Council.
 - The application Ref 24939/002, dated 25 July 2019, was refused by notice dated 17 September 2019.
 - The development proposed is described as 'outline planning consent for a new dwelling on garden and alongside to eastern boundary'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was in outline with all matters reserved for future consideration. I have had regard to the site location plan and the 1:1250 scale plan showing the red line boundary of the site. I have determined the appeal based on these plans.

Main Issues

3. The main issues are (i) whether the location of the proposed dwelling is appropriate in principle having regard to local planning policy; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Principle of development

4. Although the proposed dwelling would be situated on land in proximity to neighbouring properties, the site is located outside any Settlement Policy Boundary ('SPB') and within the countryside.
5. While the appeal site may be included within a proposed amendment to a SPB in the emerging East Hampshire District Council Local Plan 2017-2036, given that the draft plan is at an early stage of preparation and has not reached adoption stage, as a material consideration, it is afforded minimal weight in the determination of this appeal.
6. The appellant has a pre-application letter¹ stating that although the site lies outside of any SPB the principle of a single frontage infill is acceptable in this

¹ From East Hampshire District Council dated 23 December 2004.

location, subject to its design and impact on nearby development. However, that pre-application advice was given having due regard to policies within the East Hampshire District Local Plan (First Review), which is an out of date local plan and is, therefore, no longer a material planning consideration. It is necessary in law² that the appeal proposal is considered in accordance with the most up to date development plan unless material considerations indicate otherwise.

7. The evidence indicates that the proposal is almost identical to a previously refused scheme which was dismissed at appeal³. The Inspector in that case considered that, having regard to Policy CP19 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS), Policy H14 of the East Hampshire District Local Plan: Second Review (2006) (LP) and Policy 1 of the Medstead and Four Marks Neighbourhood Plan (2016) (NP), the "*principle of the development on the site to be unacceptable*".
8. That appeal decision is a material planning consideration and there is no evidence to indicate that there has been a change in local planning policy since that appeal decision. The grounds of appeal do not demonstrate that there is a genuine and proven need, such as for farming, forestry or other rural enterprise, for the proposed dwelling to be located outside any SPB and within the countryside. Thus, there is nothing to lead me to a different conclusion on this main issue than the one reached by the previous Inspector.
9. In conclusion, for the above reasons, the location of the proposed dwelling would not be appropriate in principle having regard to local planning policy. The development would be contrary to Policy CP19 of the JCS, Policy H14 of the LP and Policy 1 of the NP which all aim, amongst other things, to direct new residential development to within a SPB unless there is a genuine and proven need for it to be located within the countryside.

Character and appearance

10. While there are some plot sizes in the vicinity of the appeal site similar in width and overall size to that proposed, the area is predominantly characterised by detached dwellings situated within substantial and deep plots. The proposed plot size would by comparison be much smaller in size, especially in depth, and so would not respect the prevailing pattern of development in the surrounding area.
11. The application is for outline planning permission and so details of the size and design of any dwelling would be left for future consideration. However, the size of the plot is in this case an overriding limitation that would leave too little scope for the layout and design of a new dwelling that would not appear 'squeezed' between the host property and the neighbouring dwelling at No 29 Abbey Road. Having regard to the outline plans, in terms of its overall size and in particular its depth, the plot would be markedly different from those of its neighbours. In the context of the established pattern of development in the surrounding area, the proposed plot would appear unacceptably cramped.
12. For the reasons outlined above, the proposal would have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would not accord with Policy CP29 of the JCS and Policy 1 of the NP which,

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

³ Reference: APP/M1710/W/19/3222475

amongst other things, seek to ensure that new development respects the character and appearance of the area in which it is proposed.

Other Matters

13. The appellant refers to the location of other development in the surrounding area and to the character and appearance of some of them. Whilst I am not aware of the full circumstances which led to these other developments being built, based on the information before me three of the four developments referred to do not appear to be directly comparable to the appeal proposal in so far as that they are located within the SPB. The other development, at New Park Farm, the Council state was for a log cabin to be used for equestrian purposes although the appellant disputes this, stating that the site only deals with livery. In any event, I have determined the appeal proposal based on its individual planning merits and the existence of the other developments referred to by the appellant does not alter or outweigh my overall conclusions on the main issues.
14. I acknowledge that there is some local support for the proposal. Furthermore, I have taken into account the fact that the proposal would be an opportunity for a self-build home. However, these matters do not outweigh my findings that the proposal would not be appropriate in principle having regard to the location of the site in the countryside and would have a harmful effect on the character and appearance of the area.
15. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR