The Planning Inspectorate

Appeal Decision

Site visit made on 8 March 2021

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/L1765/W/20/3262781
Vacant land between 'Springside' and 'Woodlands', Bunkers Hill, Denmead PO7 6UB

- 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 & Mrs Ivor & Caroline Cahill against the decision of Winchester City Council.
- The application Ref 20/00761/FUL, dated 8 April 2020, was refused by notice dated 21 August 2020.
- The development proposed is described as 'residential development to include 1 no. two storey three bedroom detached house and 2 no. two storey two bedroom semi-detached houses with associated on-site parking and turning area utilising existing highway access off Bunkers Hill'.

Decision

1. The appeal is dismissed.

Background

2. There have been a number of refused applications for the residential development of the site, dating back to 1987, including one dismissed on appeal[1] in 2015 for the erection of a detached dwelling. The appeal was dismissed on grounds that the proposal would not accord with local policies on the location of new residential development and would cause harm to the character and appearance of the surrounding area.

Main Issues

3. The main issues in this case are whether the appeal site is an appropriate location for new housing with regard to the Council's development strategy and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. There is no dispute between the parties that the appeal site lies outside the settlement boundary of Denmead, which runs along Forest Road, around 200 metres to the north east of the site. Therefore, for planning policy purposes, the appeal site lies within the countryside.

5. Thus, by virtue of its location within the countryside outside the settlement boundary of Denmead, which is defined as a larger settlement in Policy MTRA 2 of the Winchester District Local Plan Part 1 – Joint Core Strategy 2013 (JCS),

[1] Appeal Ref: APP/L1765/A/14/2228651

the proposed residential development would not meet any of the exception criteria within Policy MTRA 4 of the JCS. Indeed, the appellants accept that none of the limited set of circumstances set out in Policy MTRA 4 which might permit development apply in this case.

6. Policy MTRA 2 of the JCS supports the evolution of larger settlements to maintain and improve their role and function and to meet a range of local development needs through the provision of new homes in each settlement. For Denmead, this would be met through the provision of around 250 new homes within the Plan period. Policy MTRA 2 explains that sites *outside settlement boundaries* will only be permitted where, following an assessment of capacity *within the built-up area*, they are shown to be needed, or to meet a community need or realise local community aspirations identified through a Neighbourhood Plan or other process which demonstrates clear community support. Within the context of the spatial strategy set out in the aforementioned policies of the JCS, the site is deemed to be *outside the built-up area* and so as a matter of fact and degree, although there is development in the area, it is outside the settlement of Denmead.

7. Notwithstanding the location of the site outside the defined settlement boundary, in support of their case the appellants refer to the Council's recently published Strategic Housing Market Assessment, February 2020, which indicates an average requirement of 49 homes per annum over the 2016-2036 period in Denmead. They also refer to the Council's latest 2020 Strategic Housing and Economic Land Availability Assessment (SHELAA), which has identified an estimated housing capacity of 21 dwellings within the settlement boundary of Denmead within the period 2020-2025, with a further theoretical capacity of 9 dwellings between 2030-2035. Moreover, they point out that the site is included within the SHELAA, which identifies it as a site that *could* be potentially available for development.

8. In this context, the appellants contend that the provision of three new dwellings would be a benefit of the scheme, because they would contribute to the area's housing land supply. Moreover, they contend that the development would be well served by services and facilities, with the bulk of the amenities easily accessible on foot or bicycle. Indeed, taking into account that in this location Bunkers Hill is subject to a 30mph speed limit and there is a pavement with some, albeit limited, street lighting between the appeal site and Forest Road/Southwick Road, access to the services and facilities in Denmead would not present any significant physical restrictions for pedestrians or cyclists.

9. The proposal would seek to boost the supply of housing, which is a clear aim of the National Planning Policy Framework (the Framework). I also recognise that the proposal would contribute towards the Council's provision of windfall units, and that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, given that they are often built-out relatively quickly. However, and irrespective of any possible future increase in Winchester's annual housing requirement, the appellants accept that the Council can currently demonstrate a five-year supply of housing sites, therefore the modest contribution that three new dwellings would make in housing supply terms is a matter that weighs in its favour to only a limited degree.

10. That said, even if I were to accept the appellants argument that the proposal would support the evolution of Denmead, Policy MTRA 2 states that all new

development should, amongst other things, conserve each settlement's countryside setting. In this regard, considering that the proposal is located within the countryside it would still need to satisfy Policy MTRA 4 which states that development should not cause harm to the character and landscape of the area.

11. The appeal site comprises a rectangular plot of land, extending to around 0.13 hectares, accessed off the south east side of Bunkers Hill via an existing dropped kerb and gate.

12. As noted above, that part of Denmead within the settlement boundary lies some distance away from the appeal site. In this area I saw that there has been substantial new estate development the boundary of which is delineated by Forest Road. Notwithstanding that some areas of Denmead are semi-rural in character, based on my observations I agree with the previous Inspector that the character of development along Bunkers Hill in the vicinity of the appeal site is entirely different from the prevailing character of development within the settlement boundary, with its predominantly more intensely developed nature of housing.

13. Development on the opposite side of the road to the appeal site, from the junction with Forest Road through to Creech Wood, is loose knit with fields and open land separating housing and other buildings along the road frontage. Whilst the pattern of development on the same side of the road as the appeal site is closer knit towards Forest Road, it nonetheless becomes more open in nature by virtue of a general increase in the size of plots and the resultant space between most buildings towards the appeal site and past it towards Creech Wood. In this regard, I agree with the previous Inspector that the overall impression is that Bunkers Hill in the vicinity of the appeal site has a most attractive semi-rural character. Furthermore, whilst there have been some recent planning applications granted for development along this section of the road, the appellants accept that Bunkers Hill retains a pleasant semi-rural character.

14. By virtue of it being an open grassed area, enclosed by mature hedgerows along its boundaries with Springside and Woodlands, with large mature trees along its road frontage and with an area of woodland to its rear, the appeal site positively contributes towards the intrinsically semi-rural and open character of the countryside and the transition from the settlement of Denmead to its rural surroundings.

15. Given the varied character and appearance of properties in the vicinity of the appeal site, I find no material harm in the design of the proposed dwellings. However, although the building line and ridge heights of the proposed buildings would be reflective of the transition between the properties either side of the site, the erection of three dwellings within the site would result in built development where there is presently none. Despite the proposed additional landscaping to the site's frontage and tree planting within the site, by virtue of their position within more or less the centre of the site and their scale and massing, the proposed buildings would be readily visible in local views from Bunkers Hill. Along with the turning and parking area, the proposed development would significantly reduce the openness and verdant appearance of the site.

16. Consequently, whilst the site does not lie within any designated area of landscape, the proposed development would, nonetheless, adversely affect the positive contribution that it makes to the semi-rural character at the settlement fringe of Denmead. It would, in this regard, introduce not insubstantial built form within an undeveloped site to the detriment of local character.

17. Therefore, for the reasons outlined above, I conclude that the proposed development would cause harm to the character and appearance of the surrounding area contrary to Policy MTRA 4 of the JCS. In this regard, the proposal would also be contrary to Policy DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations 2017 which, amongst other things, seeks to ensure that outside defined settlement boundaries development proposals do not have an unacceptable effect on the rural character of the area by means of visual intrusion.

18. The proposed development would also not accord with the aforementioned development plan policies on the location of new residential development. Nor would it accord with Policy 1 of the Denmead Neighbourhood Plan which, whilst supporting development within the settlement policy boundary, requires that development proposals outside the boundary conform to development plan policies in respect of the control of development in the countryside.

Other Matters

19. The appellants have referred to two appeal decisions[2], the details of which they readily acknowledge are not directly comparable to the appeal proposal, to support their view that the proposal should be allowed. Moreover, they say that there are countless appeal decisions where, notwithstanding that a site is outside a settlement boundary, the development proposal has been allowed. However, in this case, I have found that the proposal would also cause harm to the character and appearance of the surrounding area. In this regard, I have not been presented with any appeal decisions which are directly comparable to the proposal now before me. In any event, I have determined the appeal on its individual planning merits based on the evidence before me and the existence of the other appeal decisions referred to by the appellants do not alter or outweigh my conclusion on the main issues.

20. The appeal site is located within an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients), resulting in eutrophication that this is having a detrimental impact upon protected habitats and bird species in the designated Solent Water Special Protection Area. Notwithstanding that the appellants have agreed to a Grampian condition securing the provision of mitigation measures, there would still be a requirement for me, as the competent authority, to carry out an Appropriate Assessment. However, regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to approve planning permission. Thus, given my overall conclusion on the main issues it has not been necessary for me to pursue this matter any further.

[2] References: APP/F1610/W/18/3217856 and APP/H1840/W/17/3188250

21. An interested party has referred me to another development[3] in the parish of Denmead which he says was a parcel of land made up of separate countryside fields and was also previously outside of the settlement boundary prior to it being proposed for housing development by the Council. In this regard, he says that the Council has set a precedent and therefore the Council's argument that the appeal proposal would somehow be detrimental to the character of the area and that it is outside of the settlement boundary is 'null and void'. However, I am not aware of the full circumstances which led to this other development being granted planning permission nor, based on the information before me, whether it is directly comparable with the appeal proposal given that it is some distance away and hence it cannot be said that the character and appearance context is identical. In any event, I have determined the appeal proposal based on the circumstances of the site, on the evidence before me and on its individual planning merits.

22. I note interested parties raised concerns over matters including loss of privacy due to overlooking, loss of light, and increased noise, including from construction traffic. However, those matters did not feature in the Council's reasons for refusal of planning permission and as I am dismissing the appeal for other reasons, it is not necessary for me to explore those issues further.

23. None of the other matters raised alter or outweigh my overall conclusion on the main issues.

Conclusion

24. The proposal would be contrary to the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding.

25. Consequently, for the reasons given above, and taking into account all other matters raised including the representations of support for the proposed development from interested parties, I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR

[3] Local Planning Authority Reference: 17/00335/FUL 'Land bounded by Tanners Lane Kidmore Lane and Anmore Road Denmead Hampshire'