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# 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: 25 March 2021**

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**Appeal Ref: APP/M1710/W/20/3260082**

**Janda, The Drove, Lower Wield, Alresford SO24 9RX**

- 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 Earlsgate Limited against the decision of East Hampshire District Council.
  - The application Ref 26328/012, dated 9 October 2019, was refused by notice dated 26 June 2020.
  - The development proposed is the erection of new dwelling of exceptional quality (NPPF Paragraph 79e) creation of wildlife pond, associated landscaping and demolition of existing building.
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## Decision

1. The appeal is dismissed.

## Application for costs

2. An application for costs was made by Earlsgate Limited against East Hampshire District Council. This application is the subject of a separate Decision.

## Procedural Matter

3. The appellant submitted a unilateral undertaking dated 17 February 2021 pursuant to section 106 of the Town and Country Planning Act 1990. I shall return to this matter later.

## Main Issues

4. The main issues are (i) the effect of the proposal on housing choice; (ii) the effect of the proposal on the character and appearance of the area; and (iii) whether there are any other material considerations which would indicate that the proposed development should be determined otherwise than in accordance with the development plan.

## Reasons

### *Housing choice*

5. The appeal site, which is approximately 4.45 hectares in size, is located within the countryside, outside a Settlement Policy Boundary. It is somewhat isolated and contains a detached bungalow of simple design, along with a range of outbuildings and other structures, all of which would be removed as part of the proposed development.

6. The proposed dwelling would replace the existing bungalow and, in this circumstance, saved Policy H16 of the East Hampshire District Local Plan: Second Review 2006 (LP) applies.
7. The supporting text to Policy H16 amplifies its aim '*to ensure that the existing variety in the housing stock is not diminished through excessive replacement and extension of dwellings.*' The LP identifies a trend of replacing and extending dwellings outside settlement policy boundaries which creates larger dwellings which could ultimately result in a very limited range of dwelling types being available. In such areas the LP further identifies that as relatively few new dwellings will be permitted the housing stock is fairly static and so it is important to maintain the variety of existing dwelling types and sizes. Indeed, I consider it is eminently plausible, having regard to the site's rural location outside a settlement boundary, that housing numbers are static given not many new dwellings are created and the replacement of dwellings with larger ones could result in imbalance. I consider that Policy H16 is broadly consistent with the National Planning Policy Framework (the Framework) which seeks to maintain a choice of housing.
8. Policy H16 allows a dwelling of this size (the Council state that the existing bungalow has a gross external floorspace of 190.7 square metres) to be replaced by one larger provided that the resultant dwelling, in terms of floorspace, would not be more than 50% greater in size than the original dwelling. The Council state that the proposed country house would have a floorspace of 1007 square metres. On this basis the appeal proposal would equate to an increase in floorspace of some 428%; thus, significantly more than 50%. The appellant has not disputed the Council's floorspace figures and I see no reason to disagree with them either.
9. Therefore, for the above reasons, the proposed development would be in conflict with Policy H16 of the LP which sets out to ensure that the existing variety in house sizes is not diminished through excessive replacement of dwellings.

#### *Character and appearance*

10. The appeal site is classified in the East Hampshire District Landscape Character Assessment (LCA) as falling within Landscape Character Type Downland Mosaic and within sub-category 3D: Lasham Downland Mosaic. The downland is composed of an intricate mosaic of different field sizes, soil types (and hence land use), and extent of tree cover, which lead to variations in the degree of enclosure across the landscape type. There are occasional areas of unimproved chalky grassland, which along with the strong pattern of woodland cover and hedgerows provide enclosure which contrasts with the open farmland.
11. The LCA identifies that the key characteristics of the area include a large-scale rolling landform; varying extents of clay capping resulting in varying soils and land cover, including areas of open arable fields revealing the distinctive curves and undulations of the chalk landform, as well as more enclosed wooded areas on the clay capped summits; a mosaic of arable fields interlocked with woodland to create a unified landscape of both openness and enclosure, with long views across open fields to a wooded or open skyline; and a peaceful and rural landscape.

12. The landscape management strategy for the area includes maintaining the overall rural, tranquil character of the downland. Dispersed farmsteads occur throughout the area and the development considerations include conserving the low density of dispersed settlement and the character, fabric and appearance of traditional farm buildings. Moreover, to maintain open skylines and to monitor redevelopment of former small properties to consider effects of greater size and suburban style on rural character and on views to the area.
13. The appeal site lies within an unmistakably peaceful and strong rural agricultural landscape, surrounded by countryside with open fields, limited built form and little overt human impact. Although it is open along part of its northern boundary there are hedgerows, trees and other vegetation along much of its remaining boundaries and it has a dividing belt of hedgerow. The existing bungalow and the other buildings, a few of which are somewhat dilapidated, are low level structures. They are nestled in the south west corner of the site within a historic band of smaller fields, with the remainder of the site mainly laid to grass. Although positioned in proximity to the site entrance and The Drove the buildings and other structures are mainly screened in views from the road by the boundary vegetation. Taking all of the aforementioned factors into account, the appeal site broadly reflects the characteristics of the wider area and so positively contributes to the character and appearance of the area.
14. The proposed dwelling would be a large building; a country house with influences from the great classical tradition, two storeys in height with accommodation in the roof and single storey side 'wings'. It would be positioned further into the site on higher ground than the existing built form and orientated such that reprofiling of the landform by cut and fill would be required to create a level platform upon which to accommodate the house. Thus, unlike the existing buildings and structures on the site, which are unassuming and mainly agricultural in nature and nestle into the natural topography, by virtue of the reprofiling of the landform and its sheer size the proposed dwelling would represent substantial built form set on a somewhat unnaturally level and perched position above The Drove. By virtue of its position, scale and massing the proposed dwelling would represent a dominant and visually intrusive feature within the site and surrounding landscape, at odds with the character, fabric and appearance of the existing buildings on the site and the prevailing traditional character and appearance of buildings that are generally representative of dispersed farmsteads within the surrounding landscape.
15. The eastern part of the site would be a meadow and the proposal would include a wildlife pond along with new native hedgerows, numerous scattered trees, and an area of native woodland. However, the proposal would also include an area of formal landscaped garden, with amongst other things fine lawns and terraces, all of which would represent an unsympathetic domestication of a grassed area of the site at odds with the historic band of smaller fields within which the site lies and the surrounding mosaic of open fields of varying sizes and shapes. In this regard, the proposal would fail to positively contribute to the character and appearance of the rural landscape.
16. It is acknowledged that the proposed country house would only be seen in public views from a short section of The Drove approaching from the west, in longer distance views from higher ground to the south and very distant views from the Ox Drove Way. Nonetheless, in some views it would, as a result of its

overall size and siting, be seen against the skyline. Thus, whilst I accept that the proposed development would not be very readily visible from the public domain, within the context of the wider landscape, in some views, it would nevertheless appear as a large prominent feature failing to sit comfortably within the undulating chalk landform with its mostly uninterrupted open skylines.

17. In conclusion on this main issue, by virtue of its position, orientation and scale, the proposed dwelling, in combination with the formal landscaped garden, would represent a harmful intrusion into the open agricultural landscape, failing to integrate well with, and so negatively impact upon, the rural character of the site, immediate surrounding area and wider landscape.
18. For the reasons outlined above, the proposed development would cause harm to the character and appearance of the area. Consequently, in this regard, it would conflict with Policies CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy 2014 (JCS) which, amongst other things, requires that new development respects the character, identity and context of the district's countryside and protects and enhances local distinctiveness sense of place by applying the principles set out in the district's Landscape Character Assessments. The proposal would also conflict with paragraph 127 of the Framework which seeks to ensure that developments are sympathetic to local character including the surrounding landscape setting.
19. In arriving at the above conclusion, I have taken into account the appellants' stated fall-back position. This amounts to the replacement dwelling approved under extant planning permission ref: 26328/010 and the conversion of an outbuilding at the site to a dwelling approved under planning permission ref: 26328/006, which the appellant says is extant.
20. In terms of scale, orientation and footprint the extant scheme for a replacement dwelling is significantly different from the appeal proposal in so far as it would be a substantially smaller property sited in more or less the same position as the existing bungalow. Moreover, it would not be set within a formal landscaped garden. For these reasons, the extant scheme would not be as discernible within the landscape as the appeal proposal. The conversion of an existing low rise outbuilding to a dwelling would not materially impact upon the appearance of the site or the wider landscape.
21. So, although some buildings and structures would remain within the site and the telegraph poles would also remain in situ, implementation of the replacement house consent and the agricultural building conversion would not have the same adverse impact upon the character and appearance of the site, surrounding area, and wider landscape as the appeal proposal now before me.

*Other material considerations*

22. The appeal proposal was promoted on the basis that the design of the scheme is of exceptional quality and so meets the provisions of paragraph 79 e) of the Framework. There would appear to be no dispute between the parties that the proposed development would result in an isolated home in the countryside. Based on my observations I see no reason to disagree and so I have assessed the appeal proposal against the provisions of paragraph 79 e) of the Framework.

23. Paragraph 79 e) sets a high bar for demonstrating that the design is of exceptional quality and has 2 limbs, both of which must be satisfied. Firstly, that the design of the dwelling is expected to be truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. Secondly, that the proposal would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
24. The Council accept that the design of the house in itself would be of a high quality and that its external finish would utilise materials representative of the local vernacular. Indeed, the Council state that the architectural merit of the proposed dwelling in itself is not disputed. In this case, a Peer Review Panel of the Traditional Architecture Group concluded that *'this is a design of exceptional quality and truly outstanding'*. Moreover, an expert peer review opinion (Mr Jeremy Musson) concluded the design to be *'truly outstanding'*.
25. I do not doubt that the design and materials would stand the test of time and I note that the dwelling would be constructed using locally sourced materials. In addition, I note that a 40-44% reduction on building regulations standards in terms of emissions is proposed through energy efficiency measures including the use of photovoltaic panels, air source heat pumps and ground source heat pumps. While these clearly add to the proposal's sustainability credentials, it would be perverse to design a new house of such intended quality, and budget, without its thermal and technical performance being anything but excellent.
26. The appellant contends that the house would help to raise standards of design more generally in rural areas. Indeed, it would provide opportunity for local tradesmen to employ traditional skills and materials and would provide educational opportunities. The appellant also states that the new house and landscaped setting will be seen and enjoyed and invoke wider interest in sensitive rural design. However, considering its isolated location and the fact that the proposal would not be very readily visible from the public domain, the architectural merit and build quality of the dwelling would not be seen to any great extent. Nonetheless, overall, the design of the dwelling in itself should be considered as exceptionally good and therefore truly outstanding for the purposes of this appeal and the first limb of paragraph 79 e).
27. Turning to the second limb. Whilst some buildings at the site are in various states of disrepair, overall, aside from the evidence of some fly tipping of building materials, I do not consider that the appearance of the site is particularly poor within the context of its isolated countryside location where sites of this nature form part of the rural character. Especially so as the buildings are all low rise, grouped close together, nestle into the topography and are mostly well screened by trees and other vegetation from public views.
28. Indeed, I consider that together, the open grassed areas, vegetation, built form and even the telegraph poles within the site, do not materially detract from the experience and enjoyment of the rural and sparsely populated countryside. Aside from the already mentioned evidence of fly tipping, I find that there is nothing about the appeal site and its immediate setting that negatively influences the appreciation of the rolling fields which surround it or the wider surrounding agricultural landscape.
29. The Council accepts that the proposed development would provide some biodiversity enhancements. Consistent with the aims of the Framework, there

would be around a 35% net gain in biodiversity through, amongst other things, new trees and hedgerow and native woodland planting. The new tree planting would be consistent with the Council's tree planting initiative and the new native woodland would result in the sequestration of 1.35 tonnes of carbon dioxide per year.

30. It is acknowledged that there are a number of large country houses in the wider surrounding area and that the site is not within the South Downs National Park or an Area of Outstanding Natural Beauty. However, guided by my findings on the character and appearance main issue, overall, the scheme would not integrate or harmonise well with the landscape character and topography.
31. Therefore, I find that the proposal would fail to significantly enhance its immediate setting and would not be sensitive to the defining characteristics of the local area. Consequently, the second limb of paragraph 79 e) is not met and the proposed development should not be regarded as being of exceptional quality in such terms.
32. That said, I still give significant weight to the design quality of the dwelling in itself, the proposal's sustainability credentials in regard to its thermal and technical performance, and the associated biodiversity benefits of the scheme; albeit it is not the great weight envisaged in paragraph 131 of the Framework in terms of design as the proposal would not, for the reasons outlined above, fit in with the overall form of its surroundings.
33. The appellant has set out other benefits from the proposal as it sees it. The erection of such a dwelling would have economic benefits through the employment of labour and resources during its construction and this benefit may be realised by many local and regional suppliers, although this would be a short-lived benefit. This carries a modest degree of weight. The education benefits of the development, in terms of helping to raise standards of design in the area, would be a social benefit although this carries a limited degree of weight.

### **Other Matter**

34. The unilateral undertaking contains planning obligations in regard to providing access to the site for educational purposes and the provision of a landscape and ecological management plan, to include species monitoring, for a period of 30 years. However, as I am dismissing the appeal on other substantive issues, there is no requirement for me to reach a finding on the submitted planning obligations, as they would not affect the outcome of the appeal.

### **Planning Balance**

35. The appeal proposal is contrary to the development plan taken as a whole, in that it would fail to ensure that the existing variety in house sizes is not diminished through excessive replacement of dwellings and would cause harm to the character and appearance of the area. The determination of the appeal should be in accordance with the development plan unless material considerations indicate otherwise.
36. Although the proposal would satisfy the first limb of paragraph 79 e) of the Framework it would not satisfy the second limb, as it would not significantly

enhance its immediate setting and would not be sensitive to the defining characteristics of the local area.

37. None of the other material considerations, including the provisions of the Framework and the identified benefits, would outweigh the conflict with the development plan when read as a whole. In these circumstances, there are no material considerations to justify making a decision other than in accordance with the development plan.

### **Conclusion**

38. Therefore, for the reasons given and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Andrew Bremford*

INSPECTOR