



Appeal Decision

Site Visit made on 2 August 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 20 August 2021

Appeal Ref: APP/L1765/W/21/3274524

Land adjacent to Woodlands, Clewers Hill, Waltham Chase SO32 2LN

- 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 Ms Corinne Staples against the decision of Winchester City Council.
 - The application Ref 20/02668/FUL, dated 1 December 2020, was refused by notice dated 25 March 2021.
 - The development proposed is the erection of a self-build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a self-build dwelling at Land adjacent to Woodlands, Clewers Hill, Waltham Chase, SO32 2LN in accordance with the terms of the application, Ref 20/02668/FUL, dated 1 December 2020, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded by the July 2021 version. Both parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the most up to date version.
3. Since determination of the planning application, the appellant has submitted an amended site plan (A.01.2 rev F) and an additional visibility splays plan (A.01.5), which provide further detail of the access and the proposed eastern boundary treatment to the site. Given that do not materially alter the proposal and the Council has had the opportunity to comment, I am satisfied that I can determine the application with regard to these plans without prejudice to the main parties.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to location.

Reasons

5. The appeal site is located on the western side of Clewers Hill, a road which demarcates the boundary to the built-up settlement of Waltham Chase to the east. There are a number of residential dwellings along Clewers Hill, alongside various other commercial/agricultural buildings, all of which follow a ribbon

along this side of the road. These buildings are generally well screened from view due to the mature hedgerows and planting which characterise the road. The western side of the appeal site is open countryside, which further adds to the verdant quality of the area.

6. Under Policy MTRA 2 of the Winchester District Local Plan Part 1 (2013) (LPP1), Waltham Chase is identified as a settlement suitable for new housing development. Under Policy MTRA 4 of the LPP1, any area outside of the settlements identified in Policies MTRA 2 and MTRA 3, is deemed to be countryside. To ensure adequate protection of the countryside, Policy MTRA 4 is prescriptive over the types of development that can be granted permission in such locations, which is limited to development which has an operational need for a countryside location, reuse, expansion or redevelopment of existing buildings and/or provision of small-scale tourist accommodation.
7. The appeal site lies approximately 3.5m west of the settlement boundary of Waltham Chase. It is therefore classed as a countryside location. The proposed development would not fall into any of the categories of development permitted within the countryside. When strictly interpreted, the development would therefore conflict with Policy MTRA 4 of the LPP1.
8. Nonetheless, the proposed development would be sited within a modest gap within the ribbon of development along Clewers Hill. It would be located between Woodlands, which is a residential dwelling to the south, and a small collection of buildings to the north, including a barn. It would also sit slightly closer to the road than an existing set of stables to the rear of the site. Given the extent of built form which already surrounds the appeal site, the introduction of a modest dwelling in this location would visually and functionally integrate with the existing fabric of built development along the settlement boundary, without interrupting the open countryside to the rear of the site. As such, and notwithstanding the design of the proposal (which is addressed below), I do not consider that the principle of a new dwelling in this location would lead to any identifiable harm to the countryside setting.
9. The dwelling would be a modest 1½ storey property, incorporating 4 bedrooms. Its footprint would encompass less than a quarter of the total site, ensuring ample private amenity space is retained. It would incorporate a “cruck frame” design and would utilise natural sustainable materials, which would complement the countryside setting to the rear of the site. The new dwelling would also be largely screened from the road due to the extent of retained boundary hedgerow. In terms of size, design and materials, I am therefore satisfied that the new dwelling be in-keeping with the prevailing verdant character of the site and the surrounding domestic/agricultural buildings. Given the close proximity of other residential dwellings to the appeal site, including Woodlands and the built-up area of Waltham Cross just across the road, I am also satisfied that the development would not upset any existing degree of rural tranquillity.
10. I note that the dwelling would support the needs of the appellant’s daughter who has a progressive mobility disorder, which cannot easily be met in their existing home. Although modest, the development would contribute to the Council’s supply of self-build dwellings, where there is a known shortfall. The development is also located immediately adjacent to the built-up settlement of Waltham Chase, which ensures good access to local services. These are

meaningful benefits of the proposed development, all of which are consistent with the objectives of the Framework (2021).

11. Whilst the proposal would conflict with Policy MTRA 4 of the LPP1, given the lack of any identifiable planning harm, I am satisfied that the benefits of the new dwelling would outweigh the technical conflict with the development plan in this instance. Moreover, I am satisfied that the development would not harm the character and appearance of the area, and it would therefore be consistent with the objectives of Policy DM23 of the Winchester District Local Plan Part 2 (2017) (LPP2), which seek to ensure development outside of defined settlement boundaries does not harm the rural character of the area.

Other Matters

12. The circumstances of this appeal are specific to the appellant and the particular appeal site and would not be readily comparable to other proposed development in the vicinity. I am therefore satisfied that approval would not set a harmful precedent for any future proposals outside of defined settlement boundaries, the merits of which would need to be considered on a site-specific basis.
13. In terms of comments raised by the Parish Council, the Inspector's decision in respect of Seven Oaks, Clewers Hill¹ has not been determinative in my decision. Whilst I note the conflict with the development plan, for the reasons I have outlined above, I consider that the benefits of the proposal would outweigh the technical conflict in this instance.
14. The hedgerow which runs along the eastern boundary of the appeal site is identified as "locally important hedgerow" in the Shedfield Parish Plan and Village Design Statement. Policy DM15 of the LPP2 seeks to ensure that new development respects any special landscape features which are identified in such design statements. Whilst I acknowledge part of this hedgerow would be removed to accommodate the new development and associated access, given the extent of hedgerow and mature planting that would remain along this section of Clewers Hill, I am satisfied that its part removal would not cause an unacceptable degree of harm to the verdant quality of the road. Moreover, new planting and landscaping, which can be secured by condition, will help mitigate against its loss.
15. Whilst I note gaps between built form are generally wider towards the southern end of Clewers Hill (where the appeal site is located) when compared to the northern end, the appeal site already includes built form in its immediate vicinity, including the stables to the rear. As a result, the new dwelling would not lead to any noticeable degree of additional built form when viewed from the road, when compared to the existing position.

Conditions

16. The LPA has suggested a list of conditions, and I have reviewed and amended these as I see fit in line with the Framework (2021) and the relevant tests in the Planning Practice Guidance.
17. I have included a plans condition to ensure certainty over the development permitted. Given the number of trees on site which will need to be protected as

¹ APP/L1765/W/18/3194670

part of the development, I have included a requirement for a tree protection plan and associated works method statement to be submitted and approved. This is required pre-commencement, to ensure adequate protection is in place before any works begin. Similarly, to ensure the verdant quality of the area is retained as part of the development, I have included a condition requiring a landscape scheme to be submitted, approved and subsequently implemented. Given the importance of the retained hedgerow to the wider scheme, again this needs to be a pre-commencement requirement.

18. Due to the degree of existing vegetation on the site and its proximity to open countryside, I have included conditions requiring approval of any external lighting as well as details of biodiversity enhancement, to mitigate against the impact of the development. Submission of the biodiversity enhancement plan is needed pre-commencement, as the existing biodiversity value of the site will need to be established prior to any development works.
19. Due to the topography of the appeal site and the slightly elevated ground level adjacent to the highway, I have included a pre-commencement condition requiring details of existing and finished floor levels to be submitted and approved. Similarly, full details of access will also need to be submitted and approved before development begins, to ensure it is properly factored into the scheme, ensuring highway safety and adequate visibility splays.
20. To ensure appropriate arrangements for drainage are factored into the development, I have included a pre-commencement condition requiring submission, approval and implementation of a foul and water drainage scheme.
21. Following the Council's declaration of a climate emergency, I have incorporated conditions to secure appropriate water consumption and energy standards as part of the development, to support of the Council's objectives to improve sustainability and reduce carbon emissions. To ensure any protected European Sites are not adversely affected by additional nutrient input arising from the development, a condition has also been imposed to secure a mitigation package to address any identified risk.
22. Finally, to safeguard the amenity of the occupiers of neighbouring properties during development, I have included a requirement to secure approval of a Construction Method Statement prior to commencement.

Conclusion

23. Although I have found that the development would lead to a technical conflict with the development plan, in the absence of any identifiable planning harm, I am satisfied that the benefits of the proposal would outweigh the conflict in this instance. For the reasons given and subject to the conditions set out in the Schedule, I therefore conclude that the appeal should succeed.

James Blackwell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: Location and Block Plans – A.01.0 rev C; Proposed Site Plan - A.01.2 rev F; Site Sections – A.01.3 rev A; Context Elevations – A.01.4 rev A; Proposed Floor Plans – A.04.0 rev B; Proposed Elevations – A.05.0; and Visibility Splays – A.01.5.
3. No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed dwelling, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
4. No development shall take place until full details of the access to the dwelling have been submitted to and approved by the local planning authority in writing. Details shall include surfacing materials, location of any gates, fences or other boundary treatments and visibility splays.
5. No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented and thereafter maintained in accordance with the approved details.
6. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction – Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved.
7. No development shall commence until a soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details shall include any hedgerow to be retained and measures for its protection throughout the course of development, measures for the enhancement of the existing hedgerow, and a planting plan (noting species, supply sizes and proposed number/densities). All landscaping works shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for:
 - The parking and turning of vehicles of operative and construction vehicles;

- Wheel washing facilities and/or other measures to prevent mud from leaving the site during construction and being deposited on to the public highway; and
- Delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period of the development.

9. No development shall take place until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the local planning authority. The plan shall include details and locations of biodiversity enhancement provisions (such as bird or bat boxes or native species rich planting), as well as a timetable for implementation. The measures outlined in the Biodiversity Enhancement Plan shall be implemented in accordance with the approved details and retained thereafter.
10. The dwelling shall not be occupied until the relevant requirements of level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes have been met and the details of compliance have been submitted to approved by the local planning authority in writing.
11. The dwelling shall not be occupied until details have been submitted to and approved by the local planning authority in writing which demonstrate that the Building Regulations optional requirement of no more than 110 litres of water per person per day has been achieved.
12. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to occupation of the dwelling. Development shall be carried out in accordance with the approved details.
13. The development hereby permitted shall not be occupied until a mitigation package, together with a timetable for implementation, which addresses the additional nutrient input arising from the development has been submitted to and approved in writing by the local planning authority. Such mitigation package shall address the additional nutrient load imposed on protected European Sites by the development and shall allow the local planning authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard the conservation objectives for those sites. The mitigation package shall be fully implemented in accordance with the approved details and retained thereafter.