



Appeal Decision

Site Visit made on 19 July 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/A1720/W/20/3264952

21 Burridge Road, Burridge, Southampton SO31 1BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Steve Carrington (RGOM) against Fareham Borough Council.
 - The application Ref P/20/1007/FP, is dated 7 September 2020.
 - The development proposed is residential development of 4no self-build dwellings, amenity areas with access off Burridge Road.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council did not determine the application within the statutory time limit. I have had regard to the six objections which it has indicated would have been its reasons for refusal, as referred to in its statement of case and accompanying officer report.
3. During the appeal the appellant submitted an Updated Preliminary Ecological Appraisal (UPEA), a Nitrate Package and Contract (NPC), a Unilateral Undertaking (UU) and a Supplemental UU (SUU). The Council confirmed that the UPEA addressed its objection relating to protected species and, subject to appropriate assessment and consultation with Natural England, that the NPC, UU and SUU addressed its objections in respect of European sites. I deal with these considerations in 'other matters' below.
4. I have been referred to the Council's 'Draft Local Plan (2036) Supplement' and a policy relating to small-scale development outside defined urban areas. The actual stage of this emerging plan is not provided, but as a draft plan it has very limited weight in this appeal.

Main Issues

5. The main issues are:
 - whether the site is a suitable location for the proposed housing development;
 - the effect of the proposal on the character and appearance of the area; and
 - its effect on the living conditions of future occupiers of the proposed dwellings and existing occupiers of dwellings in Burridge Road with regard to arrangements for refuse and recycling.

Reasons

6. The proposal would develop the site with four detached dwellings with an access road running past Nos 21 and 21a and onto Burrridge Road between the dwellings at Nos 19 and 23. It is a revised proposal following the dismissal on appeal of a scheme for six dwellings¹.
7. The Council accepts that it cannot demonstrate a 5-year housing land supply (5YHLS). In this situation Fareham Local Plan² (LP) Policy DSP40 is the most important policy for determining the appeal. It states that where the Council does not have a 5YHLS, additional housing sites outside the urban area boundary may be permitted if a proposal meets all five of the specified criteria (i) to (v).
8. The Council's most recent published position indicates a 4.2 year housing land supply and the proposal for four new homes would not therefore exceed in scale the 5YHLS shortfall, thus would comply with criterion (i). There is no evidence that the homes would not be deliverable in the short term and accordingly it would comply with criterion (iv).

Suitable location for housing (criterion (ii))

9. Fareham Core Strategy³ (CS) Policies CS2 and CS6 direct housing development required to meet the Council's identified housing need to the most sustainable defined urban settlements and strategic sites in the Borough, including site allocations and re-use of previously developed 'brownfield' land. This is reiterated in LP Policy DSP40. In the context of these policies and the extent of the housing shortfall, and notwithstanding that LP Policy DSP40 is engaged, the Council nonetheless does not intend to scatter housing development across the Borough — accordingly, additional housing sites under criterion (ii) must be sustainably located adjacent to, and well related to, the existing urban settlement boundaries and well-integrated with the neighbouring settlement.
10. However, Burrridge does not have a defined urban area or settlement boundary. The appeal site is a greenfield site and albeit near dwellings which are part of Burrridge, it is in the countryside. Whiteley is the nearest urban area, but its defined settlement boundary is about 300m away and it is visually, physically and functionally separate from Burrridge.
11. Burrridge has limited services and facilities and there is no evidence of any significant employment. These uses exist elsewhere, including the nearest at Whiteley. However, they are at least 2km away, as is the train station at Swanwick which is beyond the distance (and time) people are generally prepared to walk⁴, and accessible by walking via Botley Road for only the most able-bodied future occupiers of the proposed houses.
12. While there are some dropped kerbs and tactile pavement, this busy road undulates, is narrow in places and there is no central refuge or controlled crossing point from Burrridge Road. It is not therefore convenient for use by the young, the elderly or those with mobility or visual impairment. There is a community taxi share service but this is a limited on-demand service that

¹ APP/A1720/W/19/3235706

² Fareham Local Plan Part 2: Development Sites and Policies, June 2015

³ Fareham Core Strategy, August 2011

⁴ National Model Design Code – Part 2 Guidance Notes

requires pre-booking and other than for school use, there are no bus services along Botley Road. Consequently, while some future occupiers of the proposed houses might be able, and choose, to walk or cycle, most will not have a genuine choice of sustainable transport modes and likely prioritise, and be reliant on, the private car to meet daily living needs⁵.

13. An urban extension at Whiteley is planned. I appreciate that this has been referred to in a previous Inspector's appeal decision for a site elsewhere in Burrage Road⁶. However, I have no specific evidence before me to show that the anticipated services and facilities or employment uses would be significantly closer to the appeal site than they are at present, or that there would be a satisfactory means of access to these for future occupiers of the proposed houses using Whiteley Lane by means other than the private car. Moreover, it has not been suggested that this future development would bring the defined urban settlement boundary of Whiteley closer to the appeal site.
14. Moreover, in that previous appeal decision, and in another relating to the current appeal site⁷, on the evidence before them, both Inspectors understood there to be residents' bus services along Botley Road. This finding was material to their consideration of access to services and facilities. In two other appeal decisions⁸ elsewhere at Burrage both sites were accessed by Green Lane, which is an unmade rural track. The Council has granted permission for dwellings on sites elsewhere at Stubbington, Swanwick and Funtley Road⁹. It is evident though from the information provided that all three of those cases involved materially different locations, site contexts and accessibility considerations. Accordingly, while I have had regard to all of these decisions, they are not directly comparable to the specific circumstances of the current appeal.
15. Taking all of these factors into account, I find that the proposal would not be sustainably located adjacent to or, therefore, be well-related spatially or visually to a neighbouring urban settlement boundary. Nor has it been demonstrated that it would be well-integrated with services, facilities or employment uses in a neighbouring settlement. It would not therefore be a suitable location for housing. The proposal has therefore failed to fully satisfy criterion (ii) of LP Policy DSP40.
16. In addition, the proposal would unduly undermine the Council's spatial strategy, at odds with CS Policies CS2 and CS6, and it would not meet any of the listed exceptions for development in the countryside contained in LP Policy DSP6 or CS Policy CS14.

Character and appearance (criterion (iii))

17. This criterion requires that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse effect on the countryside.
18. Burrage Road is a long, straight cul-de-sac with ribbon development of mainly detached dwellings along both sides facing the road and mostly long, narrow

⁵ National Design Guide - Movement, pages 22 and 23

⁶ APP/A1720/W/18/3209865

⁷ APP/A1720/W/19/3235706

⁸ APP/A1720/W/18/3197659 and APP/A1720/W/19/3226088

⁹ P/18/1193/OA, P/17/1317/OA and P/17/11/35/OA

rectangular shaped rear gardens behind. This road slopes down from Botley Road and there are views to the open countryside beyond these dwellings. The appeal site is a parcel of grassland on lower ground in a hollow behind the dwellings at Nos 23 to 29 Burrridge Road and, on one side, near the dwellings at Nos 21 and 21a Burrridge Road. It is not dissimilar in size or appearance to a small field or paddock and is bordered by mature hedgerows with some trees and a block of woodland, which provides a sense of enclosure and seclusion.

19. This corridor of dwellings with largely undeveloped, landscaped gardens or countryside to the rear has a sub-urban feel in the upper part of the road, including Nos 23 to 29, and is progressively more rural towards the distant lower part where some individual dwellings lie at the ends of long private drives. This arrangement of dwellings and gardens in the road is locally distinctive and it is spatially and visually discrete from other residential development nearby, including in Green Lane and along Botley Road.
20. Despite the presence of Nos 21 and 21a on one side of the site, and that there are domestic outbuildings to the rear of many dwellings in Burrridge Road, as described above the site reflects some key characteristics of the Council's Landscape Character Assessment. Consequently, it has more in common with the essentially rural character of the area and the countryside setting to this part of Burrridge, rather than as part of the built-up frontage development in this part of the settlement and along Burrridge Road.
21. The number of dwellings proposed on the site and the courtyard layout would result in a small estate or group of dwellings, including Nos 21 and 21a but excluding Nos 19 to 23 which face Burrridge Road. However, the in-depth siting of Nos 21 and 21a are anomalies in this part of Burrridge and consolidating a tandem, backland arrangement of dwellings would not be in-keeping with the frontage dwellings. In addition, the rear gardens would be square in shape and significantly shorter than most other gardens along Burrridge Road, including those that are next to or run past either side of the appeal site. Some would also be orientated sideways across part of the site, rather than down the site, and would as a result not match the orientation of most nearby gardens. The proposal would therefore be manifestly out of keeping with the prevailing pattern of ribbon development in Burrridge Road.
22. Moreover, by edging further away from Burrridge Road in the manner proposed, further into the countryside, the development would be an unwelcome encroachment and introduce substantial built form where there is currently none. The development of this site in the manner proposed would therefore fail to integrate with the ribbon frontage development in this part of the settlement and unduly erode, and degrade, the largely open, undeveloped rural setting of this part of Burrridge. Existing or future planting would not overcome these innate impacts of the proposal and, in any event, would not necessarily be permanent features.
23. The proposed dwellings would be well-designed and have some individuality in detailed appearance, including external materials, albeit that they would exhibit a common legible identity. They would add to the diversity of homes at Burrridge and in this road and in siting, scale and massing would have satisfactory gaps and spaces to each other, such that they would not appear unduly cramped on the site or in their immediate setting, including in relation to Nos 21 to 29. However, these positive aspects of the proposal do not

address the more fundamental issues in relation to the location and layout of the development.

24. Moreover, while the development would be screened by some dwellings, topography or landscape features, the absence of any public visibility of the proposed dwellings does not mean the absence of unacceptable adverse effects. The proposal would result in an overly urbanising pocket of development, intrinsic loss of openness and of the integrity of this part of the countryside and the layout would be incongruous in relation to established development in Burrridge Road.
25. Considering the above, I find that the proposal would not be sensitively designed to reflect the character of Burrridge and would not minimise adverse effects on the countryside. The proposal would, as a result, cause material harm to the character and appearance of the area and it therefore fails to satisfy criterion (iii) of LP Policy DSP40.
26. In addition, the proposal would not comply with LP Policy DSP6 or CS Policy CS17. These policies include that development should not have an unacceptable detrimental impact on the character or landscape of the surrounding area. Furthermore, that it should respond positively to, and respect, the key characteristics of the area, including form and spaciousness, and provide continuity of built form and a sense of identity and distinctiveness.
27. Insofar as both main parties have made representations on criterion (iii) in the context of LP Policy DSP40 criterion (ii), it will be evident that I consider that the proposal would not be well-related to, or well-integrated with, Burrridge in these terms.

Living conditions (criterion (v))

28. This criterion requires that the proposal should not have any unacceptable amenity implications.
29. The proposed internal site layout would not facilitate access by a refuse lorry (or any large service or delivery vehicle). While the siting of the proposed bin collection point (BCP), next to Burrridge Road, would be convenient for the Council's refuse and recycling contractor, it would also be used by the occupiers of Nos 21 and 21a, thus would serve six dwellings with up to 12 bins.
30. Consequently, future occupiers of the proposed dwellings would have to wheel a loaded bin a significant distance (between about 90m and 130m) along the internal access road to the BCP, which includes a steep incline. This would not therefore be convenient, especially in inclement weather or for elderly or infirm persons. Furthermore, were bins to be permanently left at the BCP these would be in close proximity to No 19 and No 23 Burrridge Road either side, and also to the public highway. These bins would detract from the outlook of the occupiers of these dwellings and be conspicuous in the streetscene.
31. Nos 19, 21a and 23 Burrridge Road and their gardens would be in close proximity to the proposed access drive. Noise caused by wheeling bins past these properties would be audible to the occupiers of these dwellings but this disturbance would be transient in nature and occur infrequently. It would not therefore be unduly intrusive.

32. Nevertheless, I find that the proposal would have unacceptable practical amenity implications and not provide satisfactory living conditions. The proposal has therefore failed to satisfy criterion (v) of LP Policy DSP40.
33. In addition, the proposal would not comply with LP Policies DSP3 and DSP6 or with CS Policy CS17. These policies include that development should have no unacceptable adverse impact upon living conditions on the site or in neighbouring development, including residents' amenity, and that it should be easily accessed by all members of the community.

Conclusion on LP Policy DSP40

34. For the reasons set out above, the proposal would not meet criteria (ii), (iii) and (v) of LP Policy DPS40. Since all five criteria must be met, a failure on any one criterion means that the proposal does not fulfil this policy overall.

Other Matters

Features of ecological importance and protected species

35. The UPEA confirmed previous detailed survey results that the site has, or is near, habitat with potential to support protected species. There is therefore a reasonable likelihood of them being present and being adversely affected by the proposal. The UPEA includes suitable mitigation to avoid adverse effects on the protected species and compensation measures to ensure a net gain for biodiversity. On the basis of the UPEA, the Council accepts that this matter could be addressed by a suitably worded condition. I have no reason to reach a different view.

European sites and nutrients

36. The appeal site is within a zone of influence of a number of European designated habitat sites in and around the Solent marine environment (the European sites)¹⁰. A significant effect on the European sites would be likely to occur from the proposed increase in residential development alone, or in combination with other plans and projects, in an area where increased nutrients (nitrates or nitrogen) from wastewater entering the Solent would exacerbate eutrophication. In turn, this would be harmful to habitat and species within the European sites.
37. The Council has entered into a s106 legal agreement with the Hampshire & Isle of Wight Wildlife Trust and the Isle of Wight Council. It enables applicants or appellants to purchase 'nitrate credits'. These facilitate (off-set) proposed development as a result of land on the Isle of Wight being taken out of intensive agricultural use which provides a corresponding reduction in nutrients entering the Solent.
38. The appellant has purchased the requisite nitrate credits, as is confirmed by the NPC. The Council agrees that on this basis, and subject to a condition to secure a water consumption limit of 110 litres per person per day and appropriate assessment (including consultation with Natural England), mitigation measures have been identified and the proposal would not adversely

¹⁰ The Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, The Solent and Dorset Coast SPA, The Solent Maritime Special Area of Conservation (SAC), and The Solent and Isle of Wight Lagoons SAC.

affect the integrity of the European sites. I have had regard to the Council's approach and to the suggested condition in reaching my conclusion below.

Special Protection Areas and recreational activity

39. The appeal site is within a zone of influence of The Solent and Southampton Water Special Protection Area and the Portsmouth Harbour Special Protection Area (the SPAs) which are two of the European sites. A significant effect on the SPAs feeding grounds for its population of overwintering birds would be likely to occur from the proposed increase in residential development alone, or in combination with other plans and projects, in an area where the additional residents would be within such proximity to this habitat site that they would be likely to visit for recreational purposes.
40. The Council has adopted the Solent Recreation Mitigation Strategy (December 2017) to address this matter. In this case, mitigation measures have been identified for strategic access management and monitoring measures to reduce the effect of recreational disturbance on the SPAs. The UU and the SUU would secure a financial contribution towards their implementation. The Council agrees that on this basis, and subject to appropriate assessment (including consultation with Natural England), the proposal would not adversely affect the integrity of the SPAs. I have had regard to the Council's approach and to the UU and the SUU in reaching my conclusion below.

Housing land availability assessments

41. I have been referred to the Council's SHLAA¹¹ in which the site was assessed as suitable for development by 12 dwellings. Subsequently, while 'Small scale development of fewer than 5 [dwellings] may be in line with the character of the area and could therefore be acceptable', the site was omitted from the Council's SHELAA¹². In any event, the inclusion of a site within a Council housing land availability assessment is not to be taken as that the Council (or an Inspector at appeal) would grant planning permission for its development.

Self-build housing

42. The Council agrees that there is an identified local need for self-build homes in the Borough. The appellant indicated that the proposal would provide a 'Developer Built One-Off Home product' whereby 'the owner finds a developer with a site and a design that meets their requirements, and the developer then builds it for them'. Notwithstanding that the proposal is promoted as self-build plots, the appeal application seeks full planning permission and contains plans for the detailed final design and layout of the proposed dwellings. Furthermore, the Council's suggested condition No 2 would require the design and layout to accord with these plans.
43. However, there is no evidence that any intended initial self-build owner of a proposed dwelling has had a primary or innovative input into this final design and layout, or that they have therefore been able to choose the design and layout of their home. In these circumstances, off-plan housing — homes purchased at the plan stage prior to construction and without input into the design and layout from the buyer — are not considered by Government

¹¹ Strategic Housing Land Availability Assessment 2017

¹² Strategic Housing and Economic Land Availability Assessment 2019

Planning Practice Guidance (PPG) to meet the definition of self-build or custom housing¹³. Moreover, and in any event, no mechanism has been suggested to ensure that serviced plots would be provided by the appellant and conveyed to a person on the Council's register to initially build their own house or to own and occupy it as that individual's sole or main residence. Consequently, in these circumstances, there would be no benefit arising from self-build houses.

Revised scheme

44. I appreciate that the proposal is a revised scheme and that the appellant considers that it reflects pre-application advice from officers and overcomes the previous Inspector's appeal decision. I have, nonetheless, determined the appeal on its individual planning merits.

Planning Balance

45. The Council accepts that it cannot demonstrate a 5YHLS with its most recent published position indicating a 4.2 year supply. Consequently, Framework paragraph 11(d) is engaged.
46. The provision of four dwellings would make a small contribution to the Borough's housing supply and be aligned with the Government's objective to significantly boost the supply of homes. The social, economic and environmental benefits associated with building and occupying the homes, which would be well-designed and have adequate internal and external space, are factors which carry moderate weight in the scheme's favour.
47. Subject to suitably worded conditions, the development would otherwise be acceptable in highways terms, would not harm trees or hedgerows and would mitigate and compensate for the effect of the proposal on protected species and provide net gains for biodiversity. There would be no overlooking or loss of privacy caused to the occupiers of existing dwellings. The absence of harm, and compliance with development plan policies in these respects, are neutral factors in my decision.
48. However, the proposal would not be sustainably located or well related to an existing defined urban settlement boundary, at odds with the Council's spatial strategy, and the appeal site is an unsuitable location for housing in these terms. The development would not reflect the built-up form of Burr ridge and would encroach into the countryside to cause harm to the character and appearance of the area. There would be an unsatisfactory tension between the source of refuse and recycling generation and the point of disposal for collection which would cause harm to residential amenity.
49. The proposal would conflict with the Framework which seeks to identify suitable land for housing development and ensure that it adds to the overall quality of the area, is visually attractive as a result of good layout and sympathetic to local character, including the surrounding built environment. The Framework also seeks to conserve and enhance the natural environment and protect the intrinsic character and beauty of the countryside. It also aims to ensure that development functions well, with a high standard of amenity for existing and future users.

¹³ PPG paragraphs ID: 57-016-20210208 and ID: 57-016a-20210208

50. The proposal would conflict with the relevant development plan policies, which are consistent with the Framework, and would diminish the Council's objectives in these regards. Consequently, I give substantial weight to these matters.
51. I consider that collectively the adverse impacts would significantly and demonstrably outweigh the benefits of the additional homes, when assessed against the Framework as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this case.
52. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider the appellant's NPC, UU and SUU any further or to undertake appropriate assessment with regard to the European sites or the SPAs.

Conclusion

53. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
54. For the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR