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## Appeal Decision

Site visit made on 16 November 2021

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2021**

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**Appeal Ref: APP/Y9507/W/21/3274207**

**Land to the south of Coombe Road, East Meon, Hampshire**

- 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 Southcott Homes (Fareham) Ltd against the decision of South Downs National Park Authority.
  - The application Ref SDNP/19/06024/FUL, dated 13 December 2019, was refused by notice dated 16 April 2021.
  - The development proposed is described as 12 new dwellings comprising 2 no. detached 2 storey houses, 6 no. detached two-storey houses, 1 no two-storey building comprising 4 flats, detached car barns, 2 no. new accesses from Coombe Road, new footpath, attenuation pond, swales and 5 metre landscape buffer on southern boundary.
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### Decision

1. The appeal is allowed and planning permission is granted for 12 new dwellings comprising 2 no. detached 2 storey houses, 6 no. detached two-storey houses, 1 no two-storey building comprising 4 flats, detached car barns, 2 no. new accesses from Coombe Road, new footpath, attenuation pond, swales and 5 metre landscape buffer on southern boundary, at Land to the south of Coombe Road, East Meon, Hampshire in accordance with the terms of the application, SDNP/19/06024/FUL, dated 13 December 2019, subject to the conditions set out in the schedule at the end of this decision.

### Procedural Matters

2. The composition and layout of the development was subject of change during the course of determination. Neither the description provided on the application form, nor that on the decision notice accurately reflect the final iteration of the scheme upon which the Authority's decision was based. The parties have however subsequently agreed a more accurate description which I have used in the banner heading and my decision above.
3. Planning permission was partly refused on the basis that insufficient information had been provided in relation to drainage and access. Following the submission of further information relating to these matters the Authority has withdrawn its objections. I shall therefore consider these matters no further.
4. A Unilateral Undertaking in 2 counterparts (the UU) was submitted during the course of the appeal in order to address reasons for refusal relating to affordable housing and European sites. The UU has been agreed by the Authority. I shall address these matters further below.

## **Main Issue**

5. the effect of the development on the character and appearance of the area, including the South Downs National Park (the National Park).

## **Reasons**

### *Background*

6. The site is located within the National Park. It is therefore necessary to have regard to the purposes of its designation, one of which is to conserve and enhance natural beauty. Paragraph 176 of the National Planning Policy Framework (the Framework), further states that great weight should be given to conserving and enhancing landscape and scenic beauty within National Parks.
7. The site is a field enclosed by hedges. This is located on gently rising ground to the south of Coombe Road, just beyond the edge of the currently developed area of East Meon. The site adjoins other fields and clearly forms a component of the immediate landscape setting of the settlement. This in turn merges with the broader landscape of the National Park.
8. Policy EM16 of the East Meon Neighbourhood Development Plan 2016 – 2032 (the NP) allocates the site for 11 houses. The policy sets out a range of requirements and an indicative layout is provided in the supporting text.
9. Development of the field would have a transformative effect that would inevitably give rise to some adverse effect on the character of the landscape. Indeed, the site would be brought within the developed area of the settlement, whose edge would in turn be pushed further into the surrounding setting. That some such harm would be acceptable must logically follow from the site's allocation. It must also limit the extent to which conservation and enhancement can be considered achievable.
10. Here the Authority's specific concern is that a more sensitive 'landscape-led' scheme would be possible than that proposed. That said, exactly what a landscape-led scheme would look like and how it would differ from the scheme proposed has not been fully explained.

### *Assessment*

11. Coombe Road is described as a historic lane, but beyond that I have been provided with no reason to consider that it holds any particular heritage value. The section which runs along the frontage of the site is reasonably narrow, and the boundary along the north side of the site is marked by a thin hedge.
12. The north side of Coombe Road opposite the site is by contrast lined by a mix of closely spaced dwellings with in-frontage parking. Boundary treatments are varied, though some frontages lack enclosure. Access to further housing along a number of cul-de-sacs is provided via Duncombe Road opposite the west end of the site. The streetscene is reasonably 'suburban' in character, notwithstanding a scatter of vernacular finishes.
13. The difference from one side of the lane to the other currently reflects the transitional edge of settlement context outlined above. As the development would see housing also introduced to the south side of the lane, a change in its

- perceived character, as too a greater sense of suburbanisation, would be unavoidable.
14. In this regard the proposed development would see the hedgerow along Coombe Lane removed in order to accommodate 2 accesses, a pavement, and swale. As Policy EM16 requires the provision of 2 accesses and a pavement along the frontage of the site, loss of the hedgerow would be an inevitable consequence of compliance. So too would be the significant modifications in ground levels required in order to achieve this.
  15. Policy EM16 also seeks the incorporation of SuDS, and for flooding in Coombe Road to be addressed as part of the development. Given the fall in ground levels across the site towards Coombe Road, the obvious response both is and would be the provision of a swale across the frontage. In view of the topography of the site it is unclear how else these matters could be appropriately addressed, and no alternative has been suggested by the Authority. Again, provision of a swale would require modification of ground levels.
  16. Taken as a generality, ditches are not unusual features along rural lanes prone to flooding. They are far less likely to be encountered within suburban contexts. Whilst such ditches do not often display the precise contouring suggested in relation to the proposed swale on the plans, they rarely appear 'natural'. Sedimentation and vegetation each otherwise cause ditches to fill over time, and the same would be true in relation to the swale. That being so it would not exist in a static or pristine state. As such it is unlikely that the proposed shallow swale would appear overly engineered, excessively scaled or suburban in character.
  17. The provision of the swale and pavement would together cause widening of the corridor within which the lane is located. The swale would however support vegetation, and a replacement hedge would be planted towards the rear. This would provide a traditionally enclosed broad green edge to the lane, the attractive appearance of which would blend more successfully with the wider landscape setting than the streetscene opposite.
  18. Some retaining structures have been proposed along the frontage, reflecting the modifications in ground levels required to develop the site. These minor structures would be limited in size and extent. Use of appropriate materials could be secured by condition. As such I again see no reason why they should be considered as suburbanising, particularly when set within the context of the development as a whole and its setting to the north.
  19. The provision of the pavement, swale and other elements of the proposed drainage scheme would all involve incursions into the indicative rooting areas of off-site trees. These trees are not subject of any protection and chiefly fall within a sparse hedgerow along the east side of the site. Whilst the trees are individually unremarkable, together they make a very modest positive contribution to the general character of the area.
  20. It is again apparent that in order to deliver a functional pavement and site drainage, some impact on tree roots would be unavoidable. In this regard Policy SD11 of the Local Plan, which seeks to conserve trees and hedgerows acknowledges that such impacts may arise in relation to unprotected trees. Insofar as such harm is otherwise capable of mitigation, I am satisfied that this

can be secured by condition, and thus that no unacceptable overall effects would arise.

21. The Authority raised no objection to the scale, appearance, general layout or design of the buildings proposed as part of the scheme during its assessment of the application. This would indeed achieve broader integration with the settlement at large. Nor did the Authority object to the fact that 12 dwellings would be provided rather than 11. Both this and other slight variations were deemed acceptable. Though concern was nonetheless raised that some buildings would cut across contours, this would be far less the case than within the indicative scheme attached to Policy EM16, and would not therefore be unacceptable.
22. The siting, scale and layout of the development would be such that it would be visible from, but not prominent within the broader landscape. Planting within and around the site would reduce prominence further, and could result in a net increase in boundary vegetation. Each, in combination with the green edge along the frontage, would help to mitigate the adverse effects of developing the field on the character of the broader landscape. I find therefore that when considered in relation to the site's allocation, the scheme would achieve conservation and enhancement of the landscape, natural and scenic beauty of the National Park to the extent that this would be possible.
23. For the reasons outlined above I conclude that the effect of the development on the character and appearance of the area, including the National Park, would be acceptable. It would therefore achieve overall compliance with Policy EM16 of the NP as considered above; Policies SD1, SD4 and SD6 of the Local Plan, and Policy EM5 of the NP, which each seek to secure development that conserves and enhances landscape character, including in relation to views; Policy SD5 of the Local Plan and Policy EM6 of the NP, which additionally seek to secure development that respects local character; Policy SD21 of the local Plan which seeks to secure context sensitive street design; and Policy SD11 of the Local Plan, as again set out above.

## **Other Matters**

### *Affordable housing*

24. Planning permission was refused partly on grounds that the scheme would fail to secure the provision of affordable housing. The Authority was otherwise satisfied with the proposed level of provision and its mix, noting that this would be in overall conformity with Policies SD27 and SD28 of the Local Plan and the NP. The proposed level of provision and mix has now been secured by the UU. I find therefore that in this regard the UU meets the tests set out paragraph 57 of the Framework, and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the relevant tests).

### *European sites*

25. Planning permission was also refused partly on grounds that the scheme would fail to mitigate its likely adverse effects on the integrity of European sites comprising: the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site; the Portsmouth Harbour SPA and Ramsar site; the Chichester and Langstone Harbours SPA and Ramsar sites; the Solent Maritime Special

Area of Conservation (SAC); the Solent and Dorset Coast SPA; and the Solent and Isle of Wight Lagoons SAC.

26. The potential for the development to have likely significant effects on the integrity of the above sites would arise due to the increase in population that it would support. This would in turn lead to increased generation of wastewater enriched with nutrients which could be ecologically harmful. As required by The Conservation of Habitats and Species Regulations 2017, the Authority completed an Appropriate Assessment (AA) of the scheme with input from Natural England (NE). This established that the proposed removal of an area of land from agricultural production would balance the effects of increased discharge from the development, enabling it to achieve nutrient neutrality. I am content to adopt the Authority's AA for the purposes of this appeal.
27. The UU would secure the removal of the land from agricultural production. In line with the AA this allows me to conclude that the development would have no adverse effect on the integrity of the above European sites. In this regard the UU again meets the relevant tests.

### **Conditions**

28. I have imposed standard conditions setting out the time period for commencement of the development, and identifying the approved plans for sake of certainty.
29. Condition 3 is imposed in relation to landscaping. It is required in order to secure both a more detailed scheme than is shown on the plans, and measures to avoid and/or mitigate any impacts on retained trees and hedges. It removes a need for the 3 separate conditions covering landscaping, trees and management as proposed by the Authority, and addresses the inadequacy of the arboricultural information submitted with the appeal. The condition is required in order to help ensure a satisfactory relationship between the development and its setting.
30. Condition 4 requires the approval of materials and building components. It is again required in order to ensure a satisfactory relationship between the development and its setting.
31. Condition 5 is imposed in order to secure the provision of in-built bat and bird boxes, and their placement on elevations suited to this purpose. It is imposed in place of a proposed condition requiring compliance with the submitted ecological reports, and the installation of swift bricks. Indeed, insofar as the reports specify enhancements, these extend no further than landscaping, which is covered within Condition 3, and the erection of bat boxes. Nesting birds are otherwise the subject of protection by law. The condition is required in order to help ensure that the development makes a positive contribution towards local biodiversity.
32. Condition 6 requires details of an external lighting scheme, and is imposed in order to minimise scope for light pollution.
33. Condition 7 requires provision of electric vehicle charging points, and is imposed in order to support sustainable modes of travel.
34. Condition 8 requires full implementation of the scheme of drainage and its subsequent management in accordance with the submitted plan. This removes

the need for 2 separate conditions, and is required in order to ensure that the development makes adequate provision for drainage.

35. Conditions 9 and 10 are imposed in relation to water and energy efficiency, the basis for which is set out in Policy SD48 of the Local Plan. The conditions are necessary in the interests of promoting environmental sustainability. There is no need for a separate condition covering verification. The Authority has additionally sought to require a further 20% reduction in CO2 emissions through the use of renewable sources, however, as the basis for this has not been clearly specified, I have not imposed the requirement.
36. Condition 11 requires the provision of parking spaces and their retention. This is in order to ensure that the development makes adequate provision for parking.
37. I have not imposed separate conditions requiring details of the development's connection to a foul sewer, the provision of site levels and sections, or restricting a broad range of householder permitted development (PD) rights. This is because scope for a sewer connection has been agreed by Southern Water and can be separately arranged, levels and sections are already shown on the plans, and no specific justification has been provided for the restriction of PD rights. Lastly, I have not imposed a condition requiring provision of a construction environment management plan. This is in view of the small size of the site, its lack of adjoining neighbours, and the resulting low probability of undue adverse effects on amenity. It is also because no clear indication has been provided of how restrictions on activities outside the site, including within the wider highway network, would be enforced.

### **Conclusion**

38. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless modified in compliance with the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: PP1367-300-01 P7; PP1367-300-02 P6; PP1367-310-01 05; PP1367-310-02 P4; PP1367-320-01 P5; PP1367-330-01 P5; PP1367-330-02 P4; PP1367-330-03 P3; PP1367-340-01 P6; PP1367-340-02 P4; PP1367-350-01 P5; PP1367-350-02 P4; PP1367-360-01 P6; PP1367-360-02 P4; PP1367-370-01 P3; PP1367-380-01 P4; PP1367-390-01 P2; 424739/201P4; 424739/202P4; 424739/203P4; 424739/204P3.
- 3) No trenching or other modifications to ground levels within the site shall take place in relation to the development hereby permitted until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in



writing by the Local Planning Authority. Aside from the specification of planting, surfacing materials and boundary/retaining treatments, the scheme shall include: an indication of all existing trees and hedgerows on or adjacent to the land, identifying those to be retained, setting out measures for their protection throughout the course of the development, and ways in which any unavoidable impacts will be mitigated; an explanation of how the scheme will enhance biodiversity; a timetable for implementation; and a management plan. The approved scheme shall be implemented in accordance with the approved timetable and shall thereafter be managed in accordance with the approved management plan.

- 4) Construction of the development hereby permitted shall not proceed above slab level until specific details of all facing and roofing materials including finishes, and key components including lintels, sills, doors, windows, eaves, verges, canopies, chimneys and rainwater goods, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- 5) Construction of the development hereby permitted shall not proceed above slab level until details of the provision and placement of built-in bat and bird boxes on suitable elevations have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall then be installed prior to the first occupation or use of any of the buildings in which they will be installed, and shall be retained thereafter.
- 6) Construction of the development hereby permitted shall not proceed above slab level until an external lighting scheme, which shall be informed by the Dark Night Skies Technical Advice Note (2021), has been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved scheme, which shall be retained thereafter.
- 7) Construction of the development hereby permitted shall not proceed above slab level until details of the on-site provision of electric vehicle charging points for use by each unit has been submitted to and approved in writing by the Local Planning Authority. The charging points shall then be installed in accordance with the approved details prior to the first occupation of each dwelling they would serve.
- 8) The dwellings hereby permitted shall not be occupied until the scheme of surface water drainage set on the approved plans has been fully implemented. The scheme shall be managed thereafter in accordance with the SuDS Maintenance and Management Plan dated June 2020.
- 9) The dwellings hereby permitted shall not be occupied until the optional requirement set out within regulation 36(2)(b) of the Building Regulations 2010 as amended, has been fully complied with.
- 10) The dwellings hereby permitted shall not be occupied until the relevant requirements for achieving a level of energy performance equivalent to ENE1 at level 4 of the Code for Sustainable Homes have been met, and the details of compliance have been provided to the local planning authority.
- 11) The dwellings hereby permitted shall not be occupied until the car parking spaces shown on the approved plans have been provided and made available for parking. The car parking spaces shall be retained thereafter and kept available for parking by the occupants of the development at all times.