



## Appeal Decision

Site visit made on 1 December 2021

**by S Edwards BA MA MRTPI**

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

**Decision date: 1 February 2022**

---

**Appeal Ref: APP/A1720/W/21/3275916**

**Land south of Chartwell, Brownwich Lane, Titchfield PO14 4NZ**

- 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 Miss & Mr Charlotte & Steve Filkins & Putman against the decision of Fareham Borough Council.
  - The application Ref P/21/0087/FP, dated 15 January 2021, was refused by notice dated 16 April 2021.
  - The development proposed is described as "the erection of a single, self-build residential dwelling, including associated access, car parking and cycle storage, together with bespoke nitrate mitigation".
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the planning application. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the revised Framework in determining this appeal.
3. The Council has referred to a historic appeal decision<sup>1</sup> on this site for the erection of two dwellings and double garages. No detailed plans regarding this proposal have been presented as part of this appeal. However, it is of note that there have been significant policy changes, both at a national and a local level and, having regard to the available evidence, I am not certain that the circumstances of the previous appeal represent a direct parallel to the proposal before me. It is therefore considered of limited relevance for the determination of this appeal.

### Main Issues

4. The main issues are:
  - whether the site constitutes a suitable location for the proposal, having regard to national and local planning policies which seek to restrict residential development in the countryside; and

---

<sup>1</sup> T/APP/A1720/A/89/120168/P5.

- the effect of the proposal on the landscape character and appearance of the countryside.

## **Reasons**

### *Location*

5. Policy CS6 of Fareham's Core Strategy<sup>2</sup> (CS) sets out the Development Strategy for the area administered by the Council. It seeks to focus development in the most accessible parts of the Borough and encourage the reuse of previously developed land, within the defined urban settlement boundaries. On land outside the defined settlements, CS Policy CS14 states that built development will be strictly controlled to protect the countryside and coastline from proposals which would adversely affect its landscape character, appearance and function. Furthermore, Policy DSP6 of the Local Plan Part 2: Development Sites and Policies<sup>3</sup> (LPP2) sets out a presumption against new residential development outside the defined urban settlement boundaries, except in a restrictive number of circumstances.
6. The appeal site lies within an area which is outside of the defined urban settlement boundary. The proposal is for the construction of a residential property, which does not constitute a form of development that is essential for agriculture, forestry, horticulture and required infrastructure. There is no suggestion that the proposed dwelling would fulfil an essential need for a rural worker to live permanently at or near his/her place of work. Moreover, the proposed development would not infill an existing and continuous built-up residential frontage, as there currently is a significant gap between Chartwell and the property sited further south.
7. Notwithstanding the above, where the Council does not have a five year supply of land for housing against the requirements of the CS, Policy DSP40 of the LPP2 indicates that additional housing sites outside the urban area boundary may be permitted, subject to a number of cumulative criteria. As detailed in its latest update on the Five Year Housing Land Supply position, which is dated 19 January 2022, the Council can only demonstrate 4.31 years of housing land supply. The appeal scheme relates to the construction of a single dwelling, and it is therefore agreed that the proposal would be relative in scale to the demonstrated 5 year housing land supply shortfall.
8. The site lies approximately 125 metres away from the nearest urban settlement boundary. However, and whilst the proposal would not be considered as an isolated home in the countryside due to its proximity to other dwellings, the new property would appear relatively secluded in relation to most local services and facilities.
9. The appellants suggest that there are bus stops located within 400 metres of the site, but no substantive evidence has been presented regarding the frequency of the services. The Council refers to a twice hourly bus service on weekdays and hourly bus service on weekends. The limited frequency would therefore require future occupiers to plan their journeys in advance, around the bus service.

---

<sup>2</sup> Adopted August 2011.

<sup>3</sup> Adopted June 2015.

10. Furthermore, the nearest railway stations do not appear to be located within reasonable walking distance. In the absence of further information to the contrary, I am also not certain that the surrounding highway network represents an environment in which cyclists would feel particularly safe. Overall, there is a greater likelihood that for the large majority of trips, residents would rely on the private car, which is the least sustainable mode of transport. The proposal would not be sustainably located adjacent to, and well related to, the existing settlement boundaries, and would not be well integrated with the neighbouring settlement, contrary to Policy DSP40ii) of the LPP2.
11. For the foregoing reasons, the proposal would not constitute a suitable location for the proposal, having regard to national and local planning policies which seek to restrict residential development in the countryside. The appeal scheme would consequently fail to accord with CS Policies CS2, CS6 and CS14, but also Policies DSP6 and DSP40 of the LPP2.

### *Character and appearance*

12. The appeal site comprises undeveloped garden land located to the south of the property known as Chartwell. The site lies within a rural area primarily characterised by ribbon development along Brownwich Lane, a private road which is also designated as a public right of way. It provides access to a number of scattered residential properties and farms, which to a large extent are surrounded by woodland and open fields.
13. Whilst the appeal site does not fall within any statutory or nationally defined landscape designations, it is nevertheless located in the Chilling/Brownwich Coastal Plain Character Area<sup>4</sup> which, as a whole, is recognised as being of high sensitivity as a landscape resource. Due to its largely undeveloped nature, the site, which lies within undulating landform, makes an important contribution to the rural and landscape character of the area.
14. In contrast, the appeal scheme would represent a substantial intensification of development on the plot, not only by reason of the massing and footprint of the new dwelling, but also the extensive hardstanding area required for the provision of turning and parking. This would result in an incongruous, overtly urban form of development, which would detract from the prevailing sporadic pattern of development along Brownwich Lane. The proposal would erode the contribution presently made by the appeal site to the rural character of Brownwich Lane and the wider landscape character and appearance of the locality.
15. According to the appellants' Landscape and Visual Impact Assessment<sup>5</sup> (LVIA), the appeal scheme would have a moderate adverse visual effect on the users of Brownwich Lane and the public right of way post construction. Over the longer term, it is anticipated that the magnitude of the harm would be reduced to a minor adverse visual effect, as users would pass the entrance to the site. This is on the assumption that, by that point, the visual impact of the development would be to a large extent softened by maturing vegetation. However, there is no certainty that this landscaping would provide effective screening for the lifetime of the development. Furthermore, the harm caused by the

---

<sup>4</sup> Fareham Landscape Assessment.

<sup>5</sup> Dated December 2020.

development would remain visible within the public realm, from the site entrance.

16. The appeal scheme would, for these reasons, cause unacceptable harm to the landscape character and appearance of the countryside. The proposal would therefore conflict with CS Policies CS14 and CS17, but also Policies DSP6 and DSP40 of the LPP2. Amongst other things, these require development proposals to respond positively to and be respectful of the key characteristics of the area and seek to protect the landscape character, appearance and function of the countryside.

### **Other Matters**

17. The appeal site lies within proximity to the Solent Special Protection Areas (SPAs), which are recognised under the Habitats Regulations as being of international importance for supporting significant numbers of overwintering bird species. The Council considers that the proposed development would have a likely significant effect on the integrity of these sensitive areas (either individually or in combination with other plans or projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. In accordance with the approach taken through the Solent Recreation Mitigation Strategy, residential development proposals are required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation.
18. There are also concerns regarding the high levels of nitrogen and phosphorous which have been found in parts of the Solent water environment, notably as a result of increased amounts of wastewater from additional dwellings. This is causing eutrophication in this sensitive water environment, which could have a likely significant effect on the protected sites. As detailed within the Council's submissions, this issue may notably be addressed by ensuring that the proposed development achieves nutrient neutrality.
19. As I am dismissing this appeal on other substantive grounds, these are not matters which need to be addressed further here. That said, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.
20. The appellants are on the Council's self-build register, and seek planning permission for the construction of a self-build 4-bed dwelling, for which it is accepted that there is the greatest demand, particularly in the Titchfield area. However, no mechanism has been presented to secure this type of housing in planning terms, which limits the weight which can be ascribed to this consideration.

### **Planning Balance**

21. It is agreed by the main parties that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. As noted above, the latest update on the Five Year Housing Land Supply position indicates that the Council currently has 4.31 years of housing land supply, and this is not disputed by the appellants. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, states that the policies which are most important for determining the application have to be considered out-of-date.

Planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

22. The appeal scheme would make a contribution towards housing supply and choice, and support the local economy, notably during the construction phase. These benefits are afforded some weight. However, the proposed dwelling would not be constructed in an accessible and sustainable location, and it would cause significant harm to the landscape character and appearance of the countryside.
23. The policies concerned are broadly consistent with the Framework, in that they seek to promote sustainable forms of development and protect the intrinsic character and beauty of the countryside. Accordingly, the conflict with the Council's spatial strategy and the harm which would be caused to the character and appearance of the area are matters of considerable weight.
24. Overall, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits associated with the proposal, when assessed against the policies in this Framework taken as a whole. Accordingly, the appeal scheme does not constitute sustainable development which the Framework carries a presumption in favour of.

### **Conclusion**

25. The proposed development would be contrary to the development plan and there are no material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*S Edwards*

INSPECTOR