
Appeal Decision

Site visit made on 8 February 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2022

Appeal Ref: APP/A1720/W/21/3278200

Hollam Farm 74 Bridge Street, Titchfield, FAREHAM, PO14 3QL

- 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 Mr Colin Bell, Ms Helen Bell, Mr Adrian Bell and Ms Rachel Kirby against the decision of Fareham Borough Council.
 - The application Ref P/20/0103/FP, dated 4 February 2020, was refused by notice dated 14 January 2021.
 - The development proposed is for the demolition of existing buildings and the erection of two dwellings and garages, and ecological enhancement of Hollam Farm Fields.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the following:
 - Whether the location of the proposed dwellings is appropriate given the countryside location, distance from settlements, and relevant planning policy.
 - The effect of the development on the character and appearance of the area and landscape, including the Strategic Gap.
 - The effect of the development on the integrity and qualities of ecological designated sites.
 - Whether the proposal can provide a biodiversity net gain/enhancement.

Reasons

Location of Development

3. The site is located on what appears to be a former farm site between the village of Titchfield and Fareham. Although there are large urban areas in the wider area, the site has a distinctly rural appearance. The site is close to the River Meon to the west, with the area either side of this river close to the site generally open countryside with sparse built development.
4. The proposal would replace many of the existing structures of agricultural appearance with two connected dwellings and a detached garage for parking. The associated dwelling to this site, No 74 Bridge Street, would remain adjacent to the proposed new dwellings.

5. The site is outside of any of the nearby settlements, with the village of Titchfield being closest. As such, this would be a form of development outside of settlements, therefore being in the countryside. Policy CS14 (Development Outside Settlements) states that "built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function." Policy DSP6 of the Local Plan Part 2 also states that there is a presumption against new residential development outside of the defined urban settlement boundary. There is no specific justification given with this proposal as to why the proposed two dwellings would not conflict with these policies.
6. The proposed market dwellings would be in a clear countryside location, given the rural nature of the landscape it is positioned within, without particular justification for this in terms of need for rural workers for example.
7. The proposal is therefore contrary to policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. These policies require that built development outside defined settlements to be strictly controlled to protect the countryside, amongst other things.
8. However, I am aware that the Council cannot demonstrate a five year housing land supply. Policy DSP40 is relevant in this regard as it allows for additional housing sites outside of urban areas where there is a lack of a demonstrable five year housing land supply, but this is subject to criteria. Additional housing sites outside the urban area boundary may be permitted if a proposal meets all five of the specified criteria (i) to (v). This is very similar to emerging policy HP4 of the Fareham Borough Local Plan 2037.
9. With regards to the criteria of policy DSP40, I would consider that a proposal for two dwellings is relative in scale to the current housing supply shortfall. I have no substantive reason to consider that the proposed two houses could not be delivered in the short term if this appeal were allowed. The traffic generated by the proposed dwellings would not, from the evidence before me and my own observations, result on any harmful highway implications.
10. In terms of being sustainably located, the site is within walking distance to Titchfield which has some services and bus stops. I recognise that there would need to be some crossing of roads to be able to walk on footpaths, but I do not consider this likely to dissuade people from walking. Whilst separate from Titchfield, the close proximity means it is not unsustainably located with regards to the proximity of settlements nearby.
11. However, the criteria of policy DSP40 also requires consideration of environmental and amenity impacts, along with the need to minimise any adverse impact on the countryside and the Strategic Gaps. These issues will be considered in the following sections.

Character and Appearance – Visual Impact

12. The site is within an area of generally rural character, being a largely undeveloped corridor between settlements and part of the Lower Meon Valley. Whilst of rural character, the attractive natural landscape is narrow between Fareham and Titchfield. There are dwellings scattered within this valley, but not

to the extent that the prevalent rural character has been lost between these two settlements.

13. The existing structures are mainly single storey and of a height that means they are not prominent in the countryside landscape. If viewed, they would appear as low profile agricultural buildings within the countryside, which is common within this rural setting. The existing buildings are not all in a good condition with some derelict but given their modest size do not have a material adverse visual impact beyond the site itself.
14. In contrast, the proposed dwellings would be mainly two storey (albeit with low eaves with the use of dormers, for example) with a considerable volume. This will be added to with a sizable four bay garage block. The proposed design incorporates a rural approach, but they would still be apparent as new dwellings introduced into the landscape, with a more prominent built form than existing. They would also have an urbanising effect, with likely features such as typical domestic paraphernalia to be introduced. This would significantly change the character of the site from its current general agricultural appearance.
15. The planting of landscape screens, together with existing landscaping which is to remain, would reduce the visual impact of the proposed dwellings, but I am not satisfied that they would be screened to the extent that any visual harm would be sufficiently negated, with views still likely from Bridge Street and Titchfield Road, and also from the wider area.
16. This part of what has been described as the Meon Valley has an attractive rural landscape in an otherwise wider urban area. The openness of this area, which contributes positively to this rural landscape, would be eroded to some extent by the proposed development. This may be a modest scale development, but it would have an adverse effect on this landscape with the introduction of new dwellings, even with the rural design approach.
17. There are other houses near the site, such as Nos 74 and 76 Bridge Road, but these appear old dwellings likely built prior to current planning policy. In any case, the proposal would introduce two further dwellings, thereby increasing the residential and urban nature of this area of the site, resulting in a larger group of dwellings in this location. This alters the balance of the site area from predominantly rural to a more semi-urban character.
18. I acknowledge the findings of the submitted Landscape and Visual Appraisal, but from the proposals and my own observations on site I would anticipate a more significant visual and landscape impact than that concluded within the submitted document. As raised in the Landscape and Visual Assessment, the adjacent by-pass highway (B3334) does erode some of the rural character of this valley, but this should not be compounded by the adverse effects of the introduction of two additional large dwellings into the landscape as proposed. Furthermore, the replacing of the non-native species and other ecological enhancements/mitigation measures are not sufficient to outweigh this adverse impact.
19. In terms of the Strategic Gap, policy CS22 states that proposals will not be permitted where it significantly affects the integrity of the gap and the physical and visual separation of settlements. The proposal is for two dwellings only and whilst this will have a visual impact within the landscape it is of a scale which

would not significantly affect the integrity of the gap between Titchfield and Fareham.

20. Overall, on this main issue, the proposal is contrary to policies CS14 and CS17 of the Core Strategy due to the harmful impacts the proposed dwellings would have on the rural character and openness of the site and wider area. These policies require that development does not adversely affect the landscape character and appearance, respond positively to and be respectful of the key characteristics of the area, including landscape, amongst other things.
21. Furthermore, the proposal would not sufficiently minimise any adverse impact on the countryside. The proposal is therefore not in accordance with criterion iii of policy DSP40.

Ecology Designated Sites

22. The Council's reason for refusal e) relates to the failure of the proposal to mitigate against potential harm to the integrity of the Solent Coastline SPAs, arising from increased recreational usage associated with new residential developments. The proposal would introduce two additional dwellings. Therefore, in line with the biodiversity policies of the Framework and policies such as DSP15 of the Fareham Local Plan (LP) Part 2: Development Sites and Policies 2015 in particular, mitigation would likely be required to make the appeal development acceptable.
23. There are also the potential impacts to the New Forest international nature conservation designations (SPA/SAC and Ramsar) through recreational use. This is an issue raised at appeal stage due to a recent change in the 'Zone of Influence' areas which the site now falls within.
24. The appellant has indicated that they intend to make a sufficient contribution to mitigate any potential likely impacts to these protected sites, which could be in accordance with policy DSP15. However, there is no finalised legal agreement before me, but understand that this could follow soon with discussions ongoing between the parties and Natural England.
25. Further to the above, a significant effect on the European sites would likely occur from the proposed increase in residential development alone, or in combination with other plans and projects, in an area where increased nutrients (phosphates or nitrogen) from wastewater entering the Solent European Protected Sites would exacerbate eutrophication. In turn, this would be harmful to habitat and species within the European sites.
26. The appellant has proposed a reed bed on site to intercept the discharge from the package treatment plans for the new dwellings to achieve nitrate neutrality. There would also be a package treatment plant for No 74 Bridge Street. There has been negotiation over these matters with Natural England, who have required more details to demonstrate nutrient neutrality. Whilst there is no formal approval before me from Natural England, with regards the proposed methods, from the current evidence it seems likely that these details could be agreed and the development demonstrate nutrient neutrality.
27. In the context of this appeal, the responsibility for assessing the effects of the proposal on the designated sites falls to me as the competent authority. The proposals would be likely to have a significant effect on the European Protected Sites as a result of increased dwellings introduced to the area. If I was minded

to allow the appeal, I would need to carry out Appropriate Assessments (AA) and consult Natural England on the final details before considering the proposed mitigation set out by the main parties to address the issues set out above. However, as the previous main issue provides clear reasons for dismissing the appeal, I have not had cause to complete appropriate assessments. I recognise that discussions are still ongoing but for the purposes of this appeal I do not need to consider this matter further, since any findings on this issue would not change the appeal outcome.

Biodiversity Net Gain

28. The proposal would result in the loss of an area of woodland, such as that along the eastern boundary of the site. To help compensate for this it is proposed that there could be some replacement planting along this boundary. There is also a proposal to enhance part of the Meon Valley Meadows and Woodland Site of Importance for Nature Conservation (SINC), known as the Hollam Farm Fields. This is designated for supporting various marshy and fen plant communities. Proposed improvements include the removal of non-native and invasive Himalayan balsam, with overall improved management.
29. The Council do not consider that the proposals are sufficient to compensate for the adverse impacts of the proposals, particularly the tree loss. The Council also states that the proposed seeding of the fields would be damaging and would devalue the SINC.
30. Revised proposals have been prepared by All Ecology Ltd and submitted by the appellant for this appeal. However, the appellant has stated that the proposal cannot compensate directly for the loss of woodland as mentioned above, being that tree planting within the SINC is not considered suitable. Nonetheless, there is extensive ecological benefits proposed through enhanced management and monitoring of the land within the SINC, along with additional planting. The appellant has stated that this would result in a small net gain.
31. Whether an overall net ecological benefit could be achieved, in accordance with policies CS4, DSP2 and DSP13, has not been agreed with the Council. The Council would seek replacement woodland (off-site if necessary) and also question whether the management of the SINC would be a benefit or just maintain its current quality. From the evidence before me it does suggest there would be some level of net gain overall, with previous Natural England comments indicating that it would be clearly beneficial to secure the appropriate management of the SINC with the necessary funding also. Nevertheless, if I was to allow this appeal, I would seek calculations based on the latest Biodiversity Metric and obtain a copy of a completed legal agreement (relating to the wetland/reedbed for example) before making a conclusive decision on this main issue. However, as previous main issues provide clear reasons for dismissing the appeal, I have not pursued this matter further.

Planning Balance

32. For the reasons set out above, the proposal would not meet all the criteria of LP Policy DPS40, as it would not accord with criterion iii which requires that development minimises any adverse impact on the countryside, for example. Since all five criteria must be met, a failure on any one criterion means that the proposal does not accord with this policy overall. However, even with policy DSP40 the Council still is unable to demonstrate a five-year supply of

deliverable housing sites. As such, Paragraph 11 of the National Planning Policy Framework (the Framework) applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated.

33. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
34. The harm I have identified to the character and appearance of the rural area would be significant. As a result, the social objective of sustainable development, as set out in the Framework, of fostering well-designed and beautiful places, would not be achieved. The Framework (paragraph 174) also requires development to recognise the intrinsic character and beauty of the countryside.
35. There would be benefits from the development, such as the provision of two dwellings towards housing land supply in a reasonably accessible location. There would potentially be biodiversity benefits, with proposed new landscaping also. There would be an economic benefit from the construction process and the added support future occupants could bring to local businesses. The development would replace derelict or redundant buildings. However, as only two dwellings are proposed the benefits would be limited.
36. Therefore, when assessed against the policies in the Framework taken as a whole, even if there is the shortfall of housing delivery as suggested by the appellant, the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

37. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR