
Appeal Decision

Site visit made on 7 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 31 May 2022

Appeal Ref: APP/L1765/W/21/3271075

1 Glebe Villas, Trampers Lane, North Boarhunt, Fareham, PO17 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Messers Keith & Ian Pratt against the decision of Winchester City Council.
 - The application Ref 20/01590/OUT, dated 24 July 2020, was refused by notice dated 17 December 2020.
 - The development proposed is for the erection of a single detached (3 or 4 bed) dwelling to the side of No 1 Glebe Villas, including details of the layout and access to the site, and the installation of a new sewage treatment plant.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a single detached (3 or 4 bed) dwelling to the side of No 1 Glebe Villas, Trampers Lane, North Boarhunt, Fareham, PO17 6BZ in accordance with the terms of the application Ref 20/01590/OUT, dated 24 July 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. The application is in outline with all matters reserved except for access and layout. Where there are details of aspects of the proposal other than access and layout, I have generally considered them to be indicative only.
3. The Council has acknowledged the additional information submitted with this appeal to address the issue of the potential impact to bats as a result of the proximity of the site to the Little Forest SINC and Ancient Woodland. Following the submission with this appeal of a phase 2 survey indicating that the site provides foraging but no roosts for bats the Council states that the reason for refusal No 3 has been addressed and appropriate mitigation can be secured via condition.
4. Due to the important issue with regards nutrients from the proposed dwellings having potential impacts on the Solent international ecology designations (the European Sites), this is a main issue with this appeal.

Main Issues

5. The main issues are (1) whether this is an appropriate location for a dwelling given local planning policy; (2) the effect of the development on the character of the countryside; and (3) the effects on internationally recognised ecology sites.

Reasons

Principle of Development

6. The proposal is for a single new dwelling to the side of No 1 Glebe Villas in North Boarhunt. No 1 and the site fronts Trampers Lane, which is a long road with typically dwellings interspersed with fields fronting this highway giving it a distinct rural appearance. To the northern side of the site is a large plot with what the Council describes as a business with two dwellings, though these buildings are set well back from the road. As such, the line of dwellings appears to end with No 1 Glebe Villas before the site to the north, which has a different more spacious and rural character.
7. North Boarhunt is a small village which does not have a settlement boundary designated to it. Policy MTRA3 of the Local Plan Part 1 states that within settlements with no defined settlement boundary "redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported". As explained above, the plot appears as the end of the row of dwellings to this side of Trampers Lane, with the development to the north of differing character to consider it part of a continuously developed road frontage. As such, it is my conclusion that this proposal would not be filling a gap between dwellings as required by the condition.
8. Whilst not an infill development as set out in policy MTRA3, the proposed dwelling would be positioned within the existing residential unit of No 1 Glebe Villas, replacing some existing sizable outbuildings. As set out in the supporting text to this policy there is a need to retain the character of the countryside and avoid sporadic development in the rural landscape. Given the proposed dwelling would be effectively within an existing residential garden it would not encroach into the countryside and could not be seen as sporadic as it would be adjacent to a long run of houses fronting Trampers Lane. The proposal would not result in the loss of an important gap, as it is effectively part of a residential plot where there are existing large outbuildings.
9. As such, the proposal would not fully comply with policy MTRA3 of the Local Plan Part 1, but the circumstance of this particular proposed dwelling is that it would not be materially harmful to the wider objectives of conserving the character of the countryside from sporadic development.

Character of the Area

10. As set out in the section above, the proposed dwelling would be positioned within the existing residential unit of No 1 Glebe Villas, on a section of garden and replacing some outbuildings. As such, the proposal would not lead to the encroachment of built development beyond the existing plot and nor would it result in an adverse intrusion into the countryside. The housing density would increase to this side of Trampers Lane, but not to any significant or adverse degree.
11. The proposed dwelling would appear, from the layout proposed, as reflecting the dwellings that front Trampers Lane. It would not be sporadic and would not be prominent in this setting. As it would be built on garden land, replacing outbuildings, the wider rural character of the area would be retained and there would be no harmful visual intrusion into the rural landscape. No physical landscape characteristics of importance would be harmed.

12. The proposed dwelling would likely result in some additional traffic, noise and lighting, but this is a single dwelling proposed and so the effects would be minimal, especially given the numerous dwellings along this section of Trampers Lane.
13. In terms of design, the appearance is a reserved matter, but it could reflect the other dwellings within the village. The scale as indicated appears appropriate also.
14. Overall, the proposed dwelling in this location would not result in a harmful intrusion into the countryside or adversely affect the character and appearance of this semi-rural setting. The proposal is therefore in accordance with policy DM23 of the Local Plan Part 2.

International Designated Sites

15. The proposal would introduce an additional dwelling into the area, which is within close distance to the Solent. The Solent is internationally important for its over-wintering birds for example. In recognition of its importance the coast and adjoining estuaries have been designated Special Protection Areas (SPA) and also areas designated as wetlands of international importance under the Ramsar Convention. However, increases in population through house building, such as that proposed with this appeal, are likely to have a significant adverse effect on the Solent through increased recreational pressures. As such, mitigation is required to off-set any such adverse effect.
16. The parties have agreed that a financial contribution is required in line with the Solent Recreation Mitigation Strategy, to mitigate the adverse impacts arising from additional recreational disturbance to the Solent Special Protection Areas. Evidence has been submitted that the required monies have been paid, which has been confirmed by the Council.
17. As set out by the Council, the proposed development is within Winchester District where foul water is distributed into the European designated areas of the Solent SPAs/Ramsar sites via water treatment plants. A net increase in housing development within Winchester District is likely to result in impacts to the integrity of the SPAs due to the prospect of increased levels of nitrates entering the water environment from wastewater from new residential developments. This can result in eutrophication, thereby affecting the status and distribution of key bird species against the stated conservation objectives of the Solent SPAs.
18. As such, without mitigation, the appeal scheme for an additional house presents a likely significant effect upon the integrity of these sites, particularly when the impacts are considered in combination with other residential developments in the wider Solent area. Therefore, it is necessary for me, as the competent authority, to undertake an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations 2017), of the implications for the sites in view of the conservation objectives of the SPAs. I have undertaken this on a proportionate basis with regard to the evidence submitted by the Council and the consultation responses from Natural England.
19. The appellant has submitted evidence that nutrient neutrality is achievable. Details of a scheme that would provide new private treatment plants (PTP) to

serve both the existing and proposed dwellings (replacing the existing facility that serves the existing house), with calculations using the recently issued Natural England calculator, show an overall reduction in nitrates from the site compared to the existing situation. Whilst the Council has questioned some of the calculations, I am satisfied that a new PTP to serve both dwellings would reduce nitrate from the site below existing levels.

20. This may not be the method ultimately used by the appellant, with there being off-site options potentially available also. However, as the competent authority it is clear that likely significant effects on European sites can be avoided. A condition to this effect can be imposed with any approval of this appeal, providing sufficient security that any development would achieve nutrient neutrality.
21. Accordingly, I conclude that the appeal scheme would sufficiently mitigate against any likely adverse impact to the Solent SPA/Ramsar sites, subject to a relevant condition.
22. The proposal would therefore, with this mitigation, accord with Policies CP15 and CP16 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013), which, amongst other things, supports development which has regard to protecting sites of international, European and national importance from inappropriate development, and supporting habitats that are important to maintain the integrity of European sites.

Planning Balance

23. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
24. I have concluded that the proposal would be contrary to policy MTRA3, as it would not be an infill development as described by this policy and would not meet with any of the other situations where a residential development would be acceptable in a village like North Boarhunt, which has no designated settlement boundary. However, although not strictly in accordance with this policy, the proposal would not harmfully encroach into the countryside or result in a sporadic development in the rural landscape. The dwelling would be located adjacent to a continuous frontage of dwellings fronting Trampers Lane, whilst being positioned on what appears to be garden land and replacing sizable outbuildings. Therefore, the harm as a result of the proposed development against the aims of retaining the character of the countryside is minimal.
25. There would be some benefits with the development, such as the provision of a dwelling towards local housing supply. The new house, even within a smaller settlement such as North Boarhunt, can be important and new dwellings can help support local businesses and facilities. Furthermore, the proposal would support the Government's objective of significantly boosting the supply of homes, with the National Planning Policy Framework stating that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Overall, I give modest weight to the benefits.
26. For the reasons set out above, whilst the development of the site would not be fully in accordance with the Development Plan, the benefits would give positive

weight to the balance. In considering all matters raised, including the conflict with some of the Development Plan policies, there are in this case material considerations with the benefits that indicate that this development should be allowed. On balance, the conflict with policy in this case and the limited levels of harm associated with this are outweighed by these positive and beneficial material considerations. These material considerations therefore indicate a decision not in full accordance with the Development Plan policy.

Conditions

27. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
28. I have attached the standard time limit conditions for an outline approval and a plans condition as this provides certainty. There is also a condition requiring the reserved matters necessary which includes further detailed requirements. I have included these where I have agreed them as being necessary at this stage.
29. I have attached a condition for a mitigation package to address the additional nutrient input arising from the development, as set out in the relevant section above. This has been amended from the original proposed condition from the Council, though still requires the mitigation to be agreed prior to occupation.
30. I have imposed a condition requiring details of foul and surface water drainage, in the interests of ensuring a suitable drainage system and to avoid the possibility of flooding where possible.
31. A condition requiring the development to be in accordance with the recommendations set out in the submitted Phase 2 Bat Surveys report is imposed, to safeguard bat species and the adjacent SINC.
32. To safeguard highway safety levels, there is a condition imposed requiring vision splays at the access.
33. To ensure a sustainable form of development there are conditions imposed to limit water usage and for the new house to meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes).

Conclusion

34. For the reasons given above I conclude that the appeal should be allowed, subject to conditions.

Mr S Rennie

INSPECTOR

SCHEDULE – CONDITIONS:

- 1) Details of the appearance, landscaping, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. With the reserved matters there shall be details of the following:
 - details of materials/treatment to be used for hard surfacing
 - provision to be made for the parking, turning, loading and unloading of vehicles
 - provision to be made for the storage and disposal of refuse
 - provision to be made for contractors vehicles parking and plant, storage of building materials
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans, where they relate to access and/or layout: Site plan - WIN551 –PSP1, Location Plan - WIN551 –LP1, Proposed accesses and visibility splays - WIN551/Vis 2.
- 5) The development hereby permitted shall not be occupied until a mitigation package addressing the additional nutrient input arising from the development has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation package shall address all the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation of the development.
- 6) Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the building.
- 7) Prior to commencement of development of the dwelling the accesses as shown on plan WIN551/Vis 2 shall be constructed with visibility splays of 2.4m by 43m and shall be maintained as such at all times. Within the approved visibility splays, notwithstanding the General Permitted Development Order 2015 (as amended) (or any order revoking or re-enacting that Order) no structures, including walls, fences or vegetation, shall exceed the height of 1m above the existing level of the carriageway at any time.
- 8) The development hereby permitted shall not be occupied until a water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development has

been submitted to and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with these details.

- 9) The development shall be carried out in accordance with the measures, conclusions and recommendations set out within 'Phase 2 bat Surveys and Mitigation Strategy: Trampers Lane' by Ecosupport dated June 2021 and 'Preliminary Ecological Appraisal: Trampers Lane, North Boarhunt' by Ecosupport dated November 2020. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.
- 10) Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling would meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.
- 11) Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

End of Schedule