



Appeal Decision

Site visit made on 5 October 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2023

Appeal Ref: APP/L1765/W/22/3290547

Land to the rear of Larch Cottage, Main Road, Littleton SO22 6QS

- 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 Mrs Beverley Hayes against the decision of Winchester City Council.
 - The application Ref 21/01801/FUL, dated 3 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is replacement of existing agricultural barn with a single detached 4-bedroom self-build house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be a suitable location for new housing, with particular regard to the settlement strategy for the area.

Reasons

3. The appeal site, which primarily comprises a large barn and a number of smaller barns and stables sat within land located to the rear of Larch Cottage on Main Road in Littleton, is located outside the defined settlement boundary for Littleton as set out in the Winchester District Local Plan Part 2: Development Management and Site Allocations (adopted 2017) (DMSA).
4. In such areas, defined as countryside in planning policy terms, Policy MTRA 4 of the Winchester District Local Plan Part 1: Joint Core Strategy (adopted 2013) (JCS) only permits certain types of development. The proposal, for a single detached 4-bedroom self-build house, does not fall within any of the types of development listed in Policy MTRA 4. Hence, the proposal conflicts with the Council's spatial strategy for development in the countryside. Considering that the National Planning Policy Framework (the Framework) provides at paragraph 15 that, amongst other things, the planning system should be genuinely planned, this policy conflict is a matter of considerable importance.
5. As the site is within walking distance of residential development along and emanating from Main Road, the site is not physically separate or remote from Littleton. Accordingly, the site is not isolated with respect to paragraph 80 of the Framework which provides that, amongst other things, planning decisions should avoid the development of isolated homes in the countryside. However, this does not alter the conflict with the adopted development plan, identified above.

6. Although I observed The Running Horse public house and St. Catherine's church on my site visit, and a footpath exists along Main Road, few details have been provided to demonstrate what local services and facilities might be present in Littleton, the distances of any services and facilities from the site, or the ease by which these could be reached by sustainable modes of transport.
7. Similarly, whilst a bus stop is located close to the site on Main Road, and I observed on my site visit that a sign on that bus stop mentioned that a temporary Littleton to Winchester Taxishare service was operating from 25 July 2022 for approximately 6 weeks due to a road closure, the appellant has not provided any details relating to the frequency of any nearby bus services. Accordingly, on the basis of the evidence before me it is not sufficiently clear that the future occupiers of the proposed dwelling would have access to bus services which would enable them to visit the services and facilities in Winchester at reasonably convenient times. Hence, it appears likely that the future occupiers of the proposed dwelling would commonly be reliant on the use of private vehicles to access services and facilities at Winchester.
8. Therefore, whilst I have taken account of paragraph 105 of the Framework which provides that, amongst other things, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, based on the limited information before me I can only conclude that the site is in a location that is poorly accessible to services and facilities by sustainable modes of transport, including those which would be required to meet the day-to-day needs of the future occupiers of the proposed dwelling.
9. As mentioned above, Policy MTRA 4 of the JCS allows for development in the countryside, provided that the proposed development falls within one of the development types specified within that policy. In this regard, whilst the appellant has asserted that the approach of the development plan provides limited opportunities for existing residents to upsize or downsize, and precludes those wishing to move into the area to support the local economy, I have not been able to detect any inconsistency between the adopted planning policies referred to by the parties and the Framework.
10. Furthermore, paragraph 78 of the Framework provides that, amongst other things, in rural areas, planning decisions should be responsive to local circumstances and support housing developments that reflect local needs, and in this respect few details have been provided to illustrate the scale of any local housing need which might exist, or which dwelling sizes are particularly required in the local area.
11. In a similar vein, reference has been made to Policy MTRA 3 of the JCS which provides that, amongst other things, other development proposals may be supported to reinforce a settlement's role and function, to meet a community need or to realise local community aspirations. However, this is subject to the proviso that these should be identified through a Neighbourhood Plan or process which demonstrates clear community support. The evidence before me does not indicate that any clear community support exists. Considering this, and that it is common ground between the main parties that the Council can at present demonstrate a 5 year supply of deliverable housing sites, my findings above remain unchanged.
12. I therefore find that the appeal site would not be a suitable location for new housing, with particular regard to the settlement strategy for the area. The

proposal would conflict with Policies DS1 and MTRA 4 of the JCS, which establish the development strategy for the area. The proposal would also conflict with chapter 9 of the Framework, which seeks to promote sustainable transport.

Other Matters and Planning Balance

13. I have found above that the proposal would conflict with an up-to-date development plan and in these circumstances the Framework advises that planning permission should not usually be granted. It is however necessary to consider whether other material considerations indicate that the plan should not be followed.
14. In this regard, no concerns have been raised by the Council in their decision notice in relation to the effect of the proposal on the character of the wider landscape, the living conditions of nearby residents, the living conditions of the future occupiers of the proposal, the demolition of the existing barn, access, highway safety, the likely number of vehicle movements generated, parking, noise and light pollution, air quality, or refuse and recycling. However, even if I were to likewise reason that the proposal would be acceptable in these respects, with the potential for relevant conditions to be imposed as necessary, these would be neutral factors rather than ones which weigh positively in favour of the proposal.
15. Reference has been made to a potential fall-back position, in relation to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and in this regard I have taken account of the case law referred to¹. Although mention has been made of an application at Oaktree Farm, Sciviers Lane, Upham², as no plans or documents have been provided, its relevance to the proposal is unclear.
16. This permitted development right is subject to a prior approval procedure which entails the consideration of a number of criteria. Additionally, for the right to be exercised, the proposal must meet all the relevant conditions and limitations, and in this respect the evidence is not conclusive as to whether the site was used solely for an agricultural use as part of an established agricultural unit during the relevant period specified under paragraph Q.1.(a) of Class Q. Accordingly, the outcome of any prior approval application would not be certain, meaning that there is not a greater than a theoretical possibility that the right could be exercised. Furthermore, no evidence of a prior approval application has been provided. As such, this matter has been given very limited weight in favour of the proposal.
17. The red line boundary for the site is situated close to the edge of the Littleton Conservation Area (conservation area), and accordingly the proposal would be situated within its setting. The conservation area's significance as a designated heritage asset, as whole, includes its presence as a secluded and isolated historic rural hamlet surrounded on all sides by an open landscape (as identified by the Council's Historic Environment officer), and the presence of several historic dwellings within it which are constructed from traditional materials.

¹ *Hibbitt v SSCLG* [2016] EWHC 2853; *Zurich Assurance v North Lincolnshire Council* (20/12/12); *Samuel Smith Old Brewery (Tadcaster) v SSCLG* (2009)

² 21/00106/PNACOU

18. The appellant has provided evidence demonstrating that major national housebuilders have been keen to promote areas of land around the site for allocation in the development plan for residential development. Considering the extract from Map 1 relating to Policy DG9 of the Littleton Village Design Statement (2009), the spirit of both Policy CP18 of the JCS and Policy DM5 of the DMSA, and the observations of the Council's Historic Environment officer, I note the appellant's desire for the strategic gap to be protected from speculative residential development.
19. Taking account of the case law cited³, and the personal considerations of the appellant in the light of the spirit of Policies DM11 and DM12 of the DMSA, I also note the intention for the proposal to assist in securing the long-term stewardship and physical security of the existing smallholding, including via use of the storage area for the storage of agricultural machinery.
20. In these respects, I have considered the proposed conditions. Although Littleton and Harestock Parish Council have highlighted the existing smallholding, the proposal as stated on the application form relates to a single detached 4-bedroom self-build house, not to a rural workers dwelling.
21. Hence, the proposed conditions, which seek to ensure that the land within the blue line shall be managed by the occupants of the dwelling and shall only be used for the purpose of agriculture or the keeping of horses and shall not be severed from the dwelling, are not necessary or relevant to the development to be permitted. The proposed conditions would not therefore comply with paragraph 56 of the Framework, and cannot be imposed. This greatly limits the weight which can be given to the aims of the proposal with respect to the protection of the strategic gap and the management of the smallholding.
22. The design and layout of the proposed dwelling would respect its largely agricultural context (including by incorporating traditional materials), and due to its substantial set-back from Main Road and the thick bank of tree cover along Main Road, it is unlikely that the proposed dwelling would be visible to passers-by on that main thoroughfare between 'new' and 'old' Littleton. Considering this, and taking account of my findings above with respect to the strategic gap, the proposal would preserve those elements of the setting of the conservation area that make a positive contribution to it. This however is a neutral factor, which does not weigh in favour of the proposal.
23. Although I note the appellant's stated wish to downsize and stay within their community, thereby freeing up Larch Cottage for family use, this would mainly be a private benefit, and furthermore there is no mechanism before me to ensure that Larch Cottage would support any local housing need, which limits the weight which can be given to these matters.
24. The proposal relates to an intended self-build dwelling, and as such the proposal would contribute to the Government's objective of significantly boosting the supply of homes, including by way of adding to the choice and mix of housing in the local area, in line with footnote 28 of the Framework which provides that, amongst other things, local authorities must give enough suitable development permissions to meet the identified demand for self-build and custom house building. I also note the policy support that central

³ *Westminster CC v Great Portland Estates* (1985)

government gives to self-build housing, such as through the Self and custom build action plan.

25. However, the Council has provided evidence to demonstrate that the Council has met its duty in respect of the first 3 base periods in relation to the Self-build and Custom Housebuilding Act 2015 (as amended). Additionally, whilst the appellant has referred to an unmet local housing need arising specifically from Littleton, including with respect to the lack of any planned new development or opportunities for self-build, few details have been provided to illustrate the scale of any such need which might exist, which limits the weight which can be given to these considerations.
26. The proposed dwelling would incorporate methods to minimise energy use and maximise renewable energy production, thereby supporting the Council's carbon neutrality aims in the context of the declared Climate Emergency. This aspect of the proposal would thereby conform to Policy DM16 of the DMSA which provides that, amongst other things, development which accords with the development plan will be permitted provided it utilises the principles of energy efficient design.
27. A condition could be imposed to secure the implementation of a planting scheme, with the planting scheme potentially acting to enhance biodiversity at the site. However, few details have been provided to illustrate the scale of any biodiversity enhancements that could be achievable on site.
28. All of the above-mentioned matters would be in compliance with a number of the Council's development plan policies, and relevant paragraphs of the Framework. In this regard, the scale of the positive impacts of the various economic, social, and environmental benefits as summarised above would be directly linked to the limited quantum of development involved in this appeal. It is also the case that the Council can at present demonstrate a 5 year supply of deliverable housing sites. I therefore consider that all these benefits, when considered cumulatively, provide only modest support for the proposal. As such, they would amount to no more than moderate weight in favour of the proposal.
29. I have found on the main issue that fundamentally the proposal would not constitute an appropriate location for the proposed development, due to its countryside location, which is in direct conflict with the Council's spatial aspirations for the area. Given that the planning system should be genuinely plan-led, this conflict with the development plan has been given significant weight.
30. Taking all of the above into account, and noting the expressed support for the proposal from interested parties and the lack of objection expressed by Littleton and Harestock Parish Council, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.
31. As mentioned in the second reason for refusal in the Council's decision notice, the Council considers that the proposal has the potential to have a significant effect on the Solent Special Protection Areas, by way of increased discharge of nitrogen and phosphorous into the Solent. In this regard, the Council has proposed a condition relating to a potential mitigation package, and the

appellant has agreed to this condition being imposed. However, as I am dismissing the appeal for other reasons, there is no need to consider the potential implications of the proposal in this respect. I therefore make no further comments on this matter.

Conclusion

32. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR