

Appeal Decision

Site visit made on 19 December 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2023

Appeal Ref: APP/Y9507/W/22/3294470

Lithywood Acres, Green Lane, Hambledon, Waterlooville, PO7 4SX

- 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 & Mrs Matthew Darby against the decision of the South Downs National Park Authority.
 - The application Ref SDNP/21/03987/FUL, dated 29 July 2021, was refused by notice dated 22 October 2021.
 - The development proposed is the conversion of the existing structure, The Old Goat Shed, to an independent 4 bedroom dwelling with small western extension for utility and access door, with associated fencing and hedging.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would represent development which would be acceptable in terms of principle and sustainability.

Reasons

3. The appeal site includes a large detached dwelling set within a plot of about 2.5 hectares with land rising steeply to a wooded area to the west. There are two existing access points, with the northern one currently being used to access the main dwelling. There are two outbuildings to the south of the main dwelling and a large parking and turning area. The site lies north of Hambledon village in a stretch of roadside (B2150) countryside which, among open uses, has some intermittent low density individual housing on its west side and is more agriculturally based to the east. The proposal is to convert the larger of the appeal site's outbuildings (the Old Goat Shed) from lawful incidental residential accommodation to an independent dwelling as described above.
 4. In terms of local planning policy, the principal parties agree that the main one to draw upon would be Policy SD25 of the South Downs Local Plan (LP). I would concur. This policy is part of the Authority's aim Towards a Sustainable Future and generally allows for suitable development within named settlements such as Hambledon whilst taking an appreciably more restrictive approach to schemes in the countryside. There is no dispute that the appeal site lies beyond Hambledon and is in the defined countryside. Looking at the policy, and the exceptions which are specified for possible development outside settlement boundaries, there are two factors to consider. These are: (policy section 2b)) whether there is an essential need for a countryside location; or
-

- (policy section 2c)) the scheme is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
5. In my opinion any 2b) argument can be dismissed with brevity. There is no demonstrable need for a further dwelling at this location and in any event this sub-section would generally be taken to refer to change of use of land or new buildings as the alternative, 2c), deals with reuse projects.
 6. Turning to 2c), I would adjudge that the site is not a previously developed site. The phraseology is quite clear that residential gardens (and, logically, buildings within them) are not to be taken as a 'previously developed site'. Clearly in the context of the policy this exclusion applies to gardens in the countryside. I appreciate that this does not appear to align entirely with the National Planning Policy Framework (the Framework) Glossary definition of 'Previously development land' (pdl). The Framework addresses gardens in built-up areas but I see no reason for this to prevent one from reading LP Policy SD25 as it is written. The LP has been through formal scrutiny and adoptive procedures and the policy stands. Furthermore, the LP was issued after an earlier Framework definition of pdl (which has not changed to this day) so this is not a case of national policy subsequently emerging and making a development plan policy questionable or out of date. The LP has been legitimately tailored to meet circumstances within the Authority's area and LP Policy SD25 2c) should be acted upon as it is set out.
 7. Other than family benefits and building re-purposing the Appellants underline a number of aspects which should weigh in favour of the scheme including proximity to Hambledon, an economic benefit, an addition to the housing supply locally, conservation and enhancement of the qualities of the national park, scope for self-build work, social positives within the family and beyond, and more energy efficiency and biodiversity.
 8. Considerable play is made of the proposed dwelling being for the Appellants' family but the fact is any dwelling allowed under the appeal proposal would not be 'tied' and I must assess the scheme as a general market dwelling house proposition. The site is not in a settlement and even although it is relatively proximate to Hambledon, I do not see any justification for moving from the adopted stance that a new dwelling created from an ancillary building within a residential curtilage would not accord with a sustainability-based countryside-protective planning policy base. Additionally, the building in question is not a redundant agricultural building and thus local and national policy on a change from such a building to residential use is not relevant.
 9. From my perspective I would see some social gains and some economic gain albeit the latter would be nominal within Hambledon or beyond. The property would provide the social benefit of a further home in the Authority, although numerically any gain would be minimal. Furthermore, beyond the Appellants' family there is no evidence that a dwelling in this part of the countryside or this size would meet local needs. On the environmental front there could be some erosion of the character of the countryside given inevitable paraphernalia associated with a separate household and more particularly the dwelling would not accord with the LP's or the Framework's aim to achieve sustainable patterns of growth. Finally given limited public transport and other options residents here mainly rely on travel by private car, which would increase with a separate dwelling, with the environmental implications that entails.

10. I have deemed that the scheme would not accord with LP Policy SD25 and I have not seen evidence of any sustainability-lead arguments that might outweigh this objection in principle. Having carefully considered all matters I conclude that the scheme would not represent sustainable development in accord with the purpose of the planning system and the central thrust of the Framework. The adverse impacts on the environmental front would significantly and demonstrably outweigh the economic, social and other benefits including the contribution which would be made to housing land supply.
11. To reiterate, in all the circumstances I conclude that there would be unacceptable conflict with LP Policy SD25 which in effect aims to secure sustainable locations for new housing and to strictly limit new homes outside defined settlement boundaries. The 'exceptions caveats' within this policy would not apply to the appeal proposal.

Other matters

12. I appreciate that there is a degree of local support for the appeal scheme. I also have sympathy for the 3-generation family circumstances which are explained by the Appellants albeit there does appear to be very significant space within the current annex arrangements and presumably internal refurbishment, insulation, etc may be an avenue to explore. Similarly, external enhancement to the building or landscape, further biodiversity in the garden, or matters such as installation of electric car chargers, would theoretically be possible without a new dwelling having to be created.
13. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
14. I confirm that all relevant policies in the Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

15. For the reasons given above I conclude that the proposal would not represent development which would be acceptable in terms of principle and sustainability. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR