



Appeal Decision

Site visit made on 31 May 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2023

Appeal Ref: APP/M1710/W/22/3309559

Land North West of Fir Tree House, Wield Road, Medstead, Alton

- 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 Mehmari against the decision of East Hampshire District Council.
 - The application Ref. 58482/007, dated 24 July 2022, was refused by notice dated 11 October 2022.
 - The development proposed is erection of a dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be acceptable having regard to planning policies on the location of housing and its effect on the character and appearance of the rural area and wider landscape.

Reasons

3. The parties agree that the appeal site does not fall within the designated Settlement Policy Boundary for Medstead and is therefore located within the open countryside. The Council also acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are therefore out of date. As such, it is also agreed that the tilted balance set out in paragraph 11 d) ii of the National Planning Policy Framework (July 2021) (Framework) is engaged.
4. The Council do contend that the proposal would represent an urban form of development that would be at odds with the established rural character of the area and would not be sympathetic to its surroundings. In support, the Council refer to policy CP20 of the East Hampshire District Local Plan: Joint Core Strategy (May 2014) (JCS) which seeks, amongst other requirements, to conserve and enhance the special characteristics of the districts natural environment including the distinctive and varied landscape that provides an attractive rural setting to existing settlements and whose protection is seen as essential. Also, policy CP29 which seeks, amongst other requirements, to ensure that new development contributes to local distinctiveness and is appropriate and sympathetic to existing built development.
5. The Council have also referred to policy 1 of the Medstead & Four Marks Neighbourhood Plan 2015 – 2028 (January 2016) (NP) which seeks to support

new development, subject to other policies, within the designated Settlement Policy Boundaries, with land outside the latter regarded as being within the open countryside (paragraph 3.3 refers). Reference is also made to the Medstead Village Design Statement (January 2003) (VDS), which is a non-statutory planning document that again seeks to retain and enhance the rural character and landscape setting of Medstead.

6. The appeal site is located on the northern side of Wield Road and comprises an open field that is used for agricultural purposes (grazing animals). There are similar agricultural fields to the west, south and north of the appeal site. To the east is a further open field that is used for equestrian purposes by, I understand, the owners of Fir Tree House, which adjoins this field further to the east. Fir Tree House forms part of a recent development of four houses that extend in a linear form to the south east. On the southern side of Wield Road is a linear development of detached properties. There is also a Public Footpath to the north west of the appeal site.
7. The boundary on the northern side to Wield Road is formed by a mature hedge behind which is a track that provides access to the appeal site and adjoining fields, with access to Wield Road itself obtained via a gap in the hedge/trees adjoining the boundary with Fir Tree House. The appeal proposal would not utilise this existing access but instead a new access would be created within the existing mature hedge. From this access a long narrow road is shown, on the submitted plans, bisecting the open fields either side leading to the main part of the appeal site which would accommodate a detached 3 bedroom house with associated parking and patio area.
8. Within the above context and as I observed on site, in functional, visual and physical terms the appeal site clearly forms part of the open countryside and is separated from the built up boundary to the village (formed by the western boundary to Fir Tree House). As such, the proposed dwelling, together with its associated access, parking and other residential paraphernalia, would be sited in the open and would thus be highly prominent within the local landscape and countryside. It would be visible from various public vantage points from where it would appear as a dominant urban feature that contrasts markedly with the open fields that surround it on four sides.
9. In light of the above I firmly concur with the Council that the proposal would represent an unjustified extension of development into the countryside that would have a significant harmful impact of the rural character and local landscape value of the surrounding area. As there are no adjoining properties or built development (other than small stables), the proposal would result in a development that sits on its own and encroaches into the countryside creating a harmful urbanising effect on an area of open land that sits outside and beyond the designated village boundary. This area and the adjoining fields currently make a positive contribution to the distinctive rural character and landscape setting of the village.
10. The Appellant argues that there is a case for an exception to be made as the proposal raises no ecological, highway or neighbouring amenity objections. However, these are standard development control requirements that all new development must meet. The Appellant also points to the fact that the area does not form part of a designated landscape. However, policy CP20 of the JCS seeks to protect both designated and non-designated landscapes, with, in

terms of the latter, emphasis given to protecting, conserving and enhancing landscapes that are attractive and important to the rural setting of existing villages. That approach is consistent, in my view, with that in the NP and VDS, as well as with some of the overreaching objectives in paragraph 8 of the Framework that seek to protect and enhance the natural environment. It is also consistent with paragraph 174 of the Framework which states that planning decisions should contribute to and enhance the natural and local environment by, amongst other considerations, recognising the intrinsic character and beauty of the countryside. Paragraph 78 of the Framework is of further relevance in that it states that decisions, in rural areas, should be responsive to developments that secure affordable housing to meet identified local needs. As the Application Form confirms the proposal seeks planning permission for market housing and would not meet an identified local need.

11. Further arguments put forward by the Appellant in support of an exception relate to their view that the proposal would represent a logical extension of existing built development. For the reasons set out above, I firmly disagree. The proposal would be physically separated from existing built development and surrounded by open fields. It would not represent the infilling of a gap in an otherwise continuously built up frontage. It would also not represent the rounding off of existing built development. Moreover, the absence of any defined or firm boundaries on the appeal site accentuate the significant impact the proposal would have on the areas openness and its distinctive rural character. In terms of other potential development opportunities there is no evidence before me of any formal proposals to develop the open fields to the south or more importantly to the east, and this consideration cannot, therefore, be accorded any weight.
12. The Appellant has also referred to the personal circumstances of the Appellant, who was granted refugee status in the UK as it was too dangerous to remain in their country of origin. Whilst the Appellant resides in rented accommodation in London they see the proposal as an opportunity to gain a reasonable standard of living in Hampshire. Whilst I sympathise with the Appellant's personal circumstances, these are not, in my judgement, sufficient, even in combination with other benefits, to outweigh the significant harm I have found and conflict with development plan policies. Furthermore, there is no evidence before me to indicate that the proposal represents the only opportunity available to the Appellant to gain a reasonable standard of accommodation in the area and there is nothing to indicate why either an existing property or a new build within an alternative and more acceptable location could not meet those objectives. Moreover, as I confirmed above, planning permission is only sought for market housing.
13. Reference has also been made to the alleged similarities with the 2014 planning permission for four houses to the east, which includes Fir Tree House. However, I do not know the full planning circumstances of this case and it is not possible for me to determine therefore whether it is relevant or comparable to the appeal proposal. The Council state that this proposal was materially different in that it involved a logical extension to the village that was in keeping with the linear pattern of development. I also note from the before and after photographs in the Appellants Statement that the site appeared to have an established boundary of hedging and trees to the open fields to the west. Even so, I have, as is required, considered the appeal proposal on its individual merits having regard to the particular circumstances of this case.

14. For the above reasons, I find that the appeal proposal would result in significant harm to the established rural and landscaped character of the site and its surroundings contrary to policies CP20 and CP29 of the JCS, policy 1 of the NP, the non-statutory guidance in the VDS and the corresponding policies of the Framework.

Planning balance and conclusions

15. As I confirmed earlier the Council acknowledge that they are unable to identify a 5-year supply of housing land and that the relevant housing policies of the development plan are therefore out of date. In these circumstances, paragraph 11 d) ii of the Framework requires planning permission to 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."*
16. The appeal proposal would boost housing supply, but is only for one new dwelling and therefore its contribution would be limited. In addition, the proposal is not seeking to address a specific local need identified in the development plan or provide affordable housing. There would be economic benefits resulting from the construction of the new dwelling, but that benefit would be short term. There may also be social benefits from increased local spend. There would also be the benefit of meeting the personal circumstances of the Appellant. Combined, I would attach moderate weight to these benefits.
17. On the other hand the adverse impacts of the appeal proposal would be significant. The appeal proposal would be located on a site that forms part of the open countryside, surrounded on all four sides by open fields and thus physically, visually and functionally separated from the built up area and designated Settlement Policy Boundary to Medstead. As such, the proposal would represent an urban form that would be significantly at odds with the open rural character of its surroundings and would not protect, conserve or enhance the distinctive and positive rural character of the area or its wider landscape setting. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme, when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the Framework does not apply in this instance. The Framework is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
18. For the reasons given above and having taken all other matters raised into account I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR