



Appeal Decision

Site visit made on 26 June 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Appeal Ref: APP/C1760/W/22/3305787

Land North of Oxlease Meadows, Oxlease Meadows, Romsey SO51 7AB

- 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 Hanslip of Stratland Estates Ltd against the decision of Test Valley Borough Council.
 - The application Ref 21/02715/FULLS, dated 26 November 2021, was refused by notice dated 13 June 2022.
 - The development proposed is the erection of 43 dwellings and apartments, access, parking, landscaping, and associated works following demolition and site clearance.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. During the appeal process the appellant submitted a section 106 agreement which, amongst other things, secures affordable housing provision, and mitigation for any potential impact on the New Forest and the Solent and Southampton Water Special Protection Areas. This agreement has been executed by all relevant parties and the Council have submitted a statement of compliance. I am therefore satisfied the reasons for refusal relating to these matters have been overcome.
3. Therefore, the main issues are whether the appeal site is a suitable location for the proposed development having regard to relevant local policies relating to the countryside; and the effect of the proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is located next to 2 recently completed residential developments, Treviglio Close and Oxlease Meadows. To the north of the site is an area of woodland, and to the west is a disused canal and associated footpath which forms part of the wider Fishlake Meadows nature reserve (FMNR). The main parties agree the appeal site is not designated within the development plan, and beyond any settlement boundaries so constitutes a countryside location.
5. Policy COM2 of the Test Valley Borough Revised Local Plan 2016 (LP) sets out when development outside the boundaries of settlements will be permitted. The proposal is for residential purposes, and it has not been shown that the countryside location is essential for that proposed. Nor has it been shown that

the proposal would comply with any other specific spatial or use policies within the development plan. It therefore does not comply with LP Policy COM2. As such the Council consider it a departure from the LP and the appellant has not contested this point.

6. The appellant has drawn my attention to 4 appeal decisions, Abbotsford (APP/C1760/W/17/3170081), Land west of Cupernham Lane (APP/C1760/W/17/3179932), and Walworth Road (APP/C1760/W/20/3260339 and APP/C1760/W/20/3269880); and a recent planning approval at Oxlease House (21/02635/FULLS). In each case the decision maker had considered the balance between the application of LP Policy COM2 and whether other matters outweighed a lack of compliance with that policy.
7. In the case of Abbotsford and Cupernham Lane the appeal sites fell partly within or adjacent to the settlement boundary. The Inspectors' considered the sites isolated from the open countryside by existing or ongoing development, and that any other harm found was outweighed by the benefits of the individual schemes. Oxlease House is an existing residential property and the officer report in relation to it confirms there is residential development in progress or approved on 3 sides, so considered it directly comparable to Abbotsford.
8. The Walworth Road appeals are based a considerable distance from the appeal site and fall largely or completely within a strategic housing allocation site. In these cases, the Inspector found that the identified harm outweighed the benefits, notwithstanding their conclusions in relation to settlement boundaries, 5-year housing supply and that the Council's housing requirement is expressed as a minimum.
9. The appeal site is not adjacent to or partly within either a settlement boundary or a strategic housing allocation site. Nor is it isolated from the open countryside as it directly abuts the FMNR and woodland to the north. Whilst consistency is important each case must be considered on its own merits, and I am not persuaded that the 4 appeal decisions and planning approval are directly comparable. They do however serve to confirm that each case should be considered carefully on its own merits.
10. Consequently, the proposal would fail to comply with LP Policy COM2, and therefore regarding relevant local policy the proposal is not a suitable land use for the appeal site's countryside location.

Character and appearance

11. The appeal site constitutes a series of fields and an area of woodland which links in with the woodland to the north of the site. The woodland area of the appeal site provides some screening for the Treviglio Close development which is located on higher ground. To the north of the site is a pond and some stables, accessible through the same accessway as the appeal site. It is understood that permission has recently been given to redevelop this section of land with 4 detached dwellings, as indicatively shown on plan 20-062 OXL MHA 00 XX DR A 003 P15. Beyond this is the edge of the Oxlease Meadows development.
12. The FMNR is a key feature of the local area, due to its verdant and natural appearance and open, undeveloped character, and the canal and footpath form

an important part of it visually. The appeal site's boundary with the canal is made up of a range of mature shrubs, trees, and plants. It partially screens the site from the FMNR but there are views across where the boundary vegetation thins.

13. The proposed layout would require some dwellings to face the canal boundary and others to have their side elevation adjacent to it. It would also install a footpath along it for much of the length of the appeal site. This would place development very close to the boundary and would provide significantly less separation than there is between the canal and the properties at Oxlease Meadows, which are set back behind rear gardens. Therefore, although some of the Oxlease Meadow properties can be glimpsed from the canal footpath, the set back distance means they do not dominate the otherwise verdant nature and tranquil character of the canal.
14. This would mean that the proposed development would be more obvious within views from the canal footpath and FMNR, and more prominent than existing development. It would fail to blend into the verdant backdrop of the canal and would have a more prominent impact on its appearance. It would also physically and permanently alter its character by creating active frontage alongside it where there currently is none.
15. The proposal would, therefore, have a permanent and detrimental impact on the character and appearance of the canal which in turn would cause significant harm to the character and appearance of the area, specifically the FMNR.
16. That the existing boundary planting and trees will be retained is acknowledged. However, it is likely with development so close to the boundary, that future pressure to thin vegetation to ensure the path is kept clear or to improve views from the dwellings that would face it, could reduce its screening properties.
17. That the proposed layout and building designs are broadly similar to properties in the vicinity is noted. As is the mix of dwellings proposed, which would add diversity to the types of houses available within the immediate area. Nevertheless, this does not overcome the detrimental impact the proposal would have on character and appearance.
18. It is also appreciated additional landscaping of that boundary could be conditioned. However, I am unconvinced the permanent effect the proximity of development and change in access along the canal corridor would have on the tranquil character of the FMNR could be overcome by landscaping alone.
19. Therefore, I find the proposed development would cause significant harm to the character and appearance of the area due to the impact it would have on the canal and FMNR, both important features within the area. This would be contrary to LP Policy E2 which seeks to ensure new development does not have a detrimental impact on the appearance or landscape character.

Planning Balance

20. The main parties agree that the Council can demonstrate a 5-year housing land supply and that the development plan is not lacking in relevant policies relating to that proposed. Therefore, the tilted balance is not engaged, however the National Planning Policy Framework (the Framework) seeks to boost the supply of homes. The proposal would provide a net increase of 43 homes, 17 of which would be affordable, in a location in proximity to other residential

developments. Along with the associated economic, social, and environmental benefits, including the management of the woodland, this contribution to the windfall element of the Council's 5-year housing land supply attracts moderate weight based on the number of houses involved including those that are affordable.

21. A lack of harm in relation to highway safety, parking, on site woodland and the River Test Site of Special Scientific Interest, protected species, water management, drainage, flooding, archaeology and living conditions of both neighbouring and future occupants is acknowledged. As is the lack of harm to the Special Protection Areas regarding the mitigation secured by the section 106 agreement. However, a lack of harm is, by definition, neutral so cannot weigh for or against the proposal.
22. Nevertheless, housing provision should not come at the cost of good design and harm character and appearance, a position supported by the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.

Other Matters

23. A Council is not bound to accept the recommendations within the officer report related to a specific planning application. Therefore, that the Council's committee members took a view different to that of the officer does not alter my findings. Neither does a perceived lack of consistency by the Council in other decisions, or that the appellant considers that the Council have not acted positively and proactively in dealing with the application.
24. Interested parties have drawn my attention to a new application on the site, reference 22/03321/FULLS, however I am required to consider the scheme before me on its own merits.

Conclusion

25. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR