
Appeal Decision

Site visit made on 12 July 2023

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2023

Appeal Ref: APP/B1740/W/22/3309233

Land at Courtwood Farm, Sandleheath SP6 1QD

- 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 Warren Ings (A2) against the decision of New Forest District Council.
 - The application Ref 21/11722, dated 21 December 2021, was refused by notice dated 27 May 2022.
 - The development proposed is erection of 5 new build houses with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for the appeal scheme having regard to:
 - a) the effect of the proposal on the character and appearance of the area; and
 - b) the potential for future occupants to access services and facilities through means other than by use of cars; and
 - the effect of the proposal on the integrity of European Protected Sites (EPS).

Reasons

Character and appearance

3. The appeal site lies on the west side of Court Hill and forms part of a larger site associated with Courtwood Farm, which includes commercial waste recycling facilities in addition to agriculture and residential uses, including two bungalows.
4. The appeal site occupies a corner position close to a vehicular access from Court Hill, which serves two pairs of semi-detached houses sited to the southwest side of the site. The access becomes an unmade track which also serves the adjacent agricultural activities, with the remainder of the Courtwood

5. Farm complex being primarily accessed from a separate access further northwest off Court Hill. Tanners Lane, an unmade road containing a number of residential properties lies to the south of the appeal site.
6. The site is currently devoid of buildings, and is partially laid to compacted hard core and part overgrown vegetation. It is used for external storage, including bagged items, timber posts, trailers, machinery and a skip, which appear to be in connection with adjacent commercial and farming activities.
7. Whilst the site is relatively flat, due to lowering grounds levels westwards from Court Hill within the immediate vicinity, it has a notably higher ground level than that of much of the neighbouring built development at Courtwood Farm and Tanners Lane.
8. Notwithstanding the existing mix of industrial, residential and agricultural development nearby, the site and its surroundings remain distinctly rural in character. This part of Court Hill Road has no paved footpaths or street lighting and is aligned by treed and shrubbed grass verges. Undeveloped wooded land lies on the opposite side of the road to the appeal site, and also surrounds the Courtwood Farm complex.
9. The adjacent semi-detached houses form part of a wider loose-knit, sporadic, and spacious form of built development which prevails. They sit within wide, spacious plots and there are notable spaces to the sides of each building block. Various single storey outbuildings are sited in an ad-hoc arrangement around the houses. As such, the development fits comfortably within the generally scattered layout of residential development within the site vicinity, where dwellings are spaciouly arranged and interspersed with trees, hedges and soft landscaping around site boundaries and within gardens.
10. Notably, due to a combination of surrounding trees and soft landscaping and decreasing ground levels westwards from Court Hill, the adjacent residential properties at Courtwood Cottages and along Tanners Lane are largely screened from the public realm, and they assume a subservient presence within the surrounding countryside.
11. There are a mix of dwelling types, architectural styles and materials within the locality, including full two-storey dwellings adjacent at Courtwood Cottages. As such, the two-storey brick and tile, traditionally designed, pitched roof architectural style of the proposal would not be out of character with surrounding built development per se. Moreover, the five new dwellings would be sited in a linear arrangement, set back from the site frontage to the shared access track in a similar manner to that of the adjacent houses.
12. However, notwithstanding this, the proposed scale of the new houses, combined with their layout and the amount of new built development on the appeal site, would introduce an incongruously urbanising residential development in this location. This would contrast with the prevailing informal, spacious form of residential development, whereby dwellings sit comfortably within a rural environment without being visually dominant.
13. The new built development would extend across the width of the appeal site, with dwellings sited close to the side site boundaries and to each other, so that there would be insufficient space to provide meaningful new soft landscaping

around the buildings. The result would be an untypically congested and rigid layout of built development for this location.

14. Moreover, as illustrated by the submitted 'Street Scenes' drawing, the scale, height and massing of the new houses in comparison to those adjacent at Courtwood Cottages, would result in the new development assuming an unduly visually dominant and urbanising impact in relation to the built development in the immediate locality and the resulting street scene within which it would be most immediately perceived. This impact would be compounded by the comparably deeper roof height of the new dwellings compared to those adjacent and the higher ground levels of the appeal site in relation to land to the west.
15. Whilst some new landscaping is proposed to the front of units 1 – 3, this would not sufficiently screen the new development, and would not mitigate the aforesaid harmfully urbanising impacts of the proposal in this location. Moreover, I cannot be certain that mature boundary soft landscaping would remain in this position in perpetuity.
16. My concerns in this regard are compounded by the identified cumulative shortfall of 1.5 parking spaces in respect of the three larger houses, against the Council's adopted parking standards¹. This shortfall, having regard to the countryside location of the site and my conclusion in respect of the second main issue of site accessibility below, could reasonably lead to future occupiers of the 3-bedroomed units using this landscaped area for parking, particularly given its convenient location directly in front of these houses.
17. Although there are none on the appeal site itself, there are trees immediately adjacent to the site, including on the highway verge fronting Court Hill, adjacent to the southwest corner of the site, and next to the rear site boundary, where they form a belt of mature trees running alongside Tanners Lane. These trees make a significant positive contribution to the visual amenities of the locality and typify its rural character. They provide a green backdrop and intervention to built development and form part of a screen to the development within Courtwood Farm. They also make a strong contribution to the sylvan character of Tanners Lane, which is an unmade track with a sporadic layout of residential properties along its south side.
18. The appellant has confirmed the intention to protect existing trees and mature landscaping which surround the site. However, these do not lie within the appellant's ownership, and as such, their retention cannot effectively be ensured by means of a landscape planning condition. Moreover, following my site inspection, I am unable to conclude that the new development would be sited sufficiently distant from neighbouring trees, so as not to result in unduly harmful damage to some of them, for example as a result of root compaction or damage to their branches or canopies. This could result in the need for tree works, or even tree removal, which would reduce the amount of landscaped boundary screening of the site, thereby eroding key rural features of the locality and rendering the built development more visible in wider views, including from the street scene along Court Hill.

¹ Parking Standards Supplementary Planning Document (October 2012)

19. The appellant has not submitted a detailed Arboricultural Impact Assessment in accordance with BS5837:2012, or any other substantive evidence to satisfactorily demonstrate that the proposal would not harm adjacent trees. I am not satisfied that the protection of these trees can be ensured by means of a planning condition, having regard to the close proximity of the proposed development to some of those trees, particularly the dwelling on Plot 1 and the rear parking court. In addition, having regard to the orientation of the development in relation to neighbouring trees to the southwest, shading of the rear gardens of Plots 3-5 could also reasonably result in pressure from the future occupiers of these dwellings for future tree pruning or tree removal.
20. For the above reasons, I therefore conclude that the proposal would have a materially harmful effect on the character and appearance of the area. As such, the appeal scheme would be contrary to Policies ENV3 and ENV4 of the *New Forest District Council Local Plan 2016-2036 Part One: Planning Strategy* (2020) (the LPP1). These policies, amongst other things, seek to ensure that all development achieves a high-quality design that contributes positively to local distinctiveness, and creates buildings, streets and places which are sympathetic to the environment and their context in terms of, inter alia, layout, appearance and relationship to adjoining buildings, spaces and landscape features, and to integrate new development into the local landscape context by, inter alia, retaining and/or enhancing landscape features such as trees.
21. For similar reasons, the proposal would be contrary to Policies of the *National Planning Policy Framework 2021* (the Framework) which seek to achieve well-designed places and the conservation and enhancement of the natural environment, as set out in Chapters 12 and 15 respectively.

Access to services and facilities

22. The Council's strategy in respect of new development within the District is set out in LPP1 Policies STR1, STR3, STR4 and STR5. These policies direct new housing to sustainable and accessible locations within the designated settlement boundaries, according to a settlement hierarchy of towns, main villages and small rural villages, whilst conserving and enhancing the open countryside.
23. Exceptions to this strategy include allocated sites in accordance with LPP1 Policy STR5, rural housing exception sites and community-led housing schemes in accordance with LPP1 Policy HOU5, and rural workers dwellings under saved Policy CS21 of the *New Forest District Council Core Strategy* (2009) (the Core Strategy).
24. I find that these policies accord with the Framework objectives of supporting sustainable transport (Paragraph 105), conserving the natural environment (Paragraph 174, promoting a prosperous rural economy (Paragraphs 84 and 85), and supporting housing developments that reflect local needs in rural areas (Paragraph 78).
25. The site is outside the closest defined settlement boundary of the 'Main Village' of Sandleheath. Also, it is too far distant, at approximately 2 km away, from the designated 'Small Rural Village' of Damerham, to be considered as falling within that settlement, notwithstanding that this category of settlement has no defined built-up area. Moreover, there is no evidence before me that the appeal

scheme falls within any of the aforesaid development plan policy exceptions which would permit housing development within the open countryside.

26. Having regard to the accessibility of the site, I have noted that the designated settlement edge of Sandleheath lies approximately 0.25 km from the appeal site and the closest community facility, a convenience store, is about 0.5km away. Notwithstanding the potential for these distances to be readily walkable, the route from the site to the edge of the settlement comprises a stretch of the road which is unlit, with no pavements or cycle lanes, and a roadside grassed verge, that due to variations in width, slope and surface is not well-suited to pedestrian travel.
27. I saw, during my site visit, that the road was subject to regular passing vehicles, and that, despite the speed limit being 30mph between the settlement and a point to the northwest of the appeal site, near the edge of the Courtwood Farm complex, where it changes to the national speed limit, vehicles regularly exceeded this speed whilst travelling past the appeal site in both directions.
28. From my observations of the rural characteristics of the stretch of road within the immediate vicinity of the appeal site, and the behaviour of passing traffic, I find that these factors, together with the distance from the appeal site to the closest, and, on the basis of the evidence before me, limited, facilities and services within Sandleheath, would act as a deterrent to pedestrians, wheelchair users and cyclists, particularly during inclement weather and hours of darkness.
29. Moreover, whilst there are bus stops serving larger settlements, including Fordingbridge and Salisbury, providing access to a significantly wider range of facilities and services than those within Sandleheath, the limited bus timetables and the need to traverse the aforesaid stretch of road to access the bus stops, would combine to deter future occupants of the appeal scheme from using this form of public transport.
30. Accordingly, it is reasonably likely that there would be a heavy dependence upon private car use to access most required facilities and services, both in the nearby settlement and further afield.
31. For the above reasons, I therefore conclude that the appeal site is not a suitable location for the proposed new housing, having regard to the Council's settlement strategy and the accessibility of services and facilities. As such, the proposal would conflict with the aims of LPP1 Policies STR1, STR3, STR4, STR5 and HOUS5 and Core Strategy Policy CS21, in so much as these policies aim to actively manage patterns of growth to make the fullest possible use of alternative means of travel other than the private car, and to protect the character of the countryside.

European Protected Sites (EPS)

32. The Council's fourth reason for refusal relates to the failure of the development to mitigate against potential harm to the New Forest EPS, arising from increased recreational usage, and also as a result of traffic-related nitrogen air pollution. The Council has confirmed that these matters are capable of being satisfactorily addressed by means of financial contributions in accordance with the Council's *Mitigation Strategy for European Sites SPD*, together with an Air

Quality Monitoring payment, all to be secured by means of a Section 106 planning agreement. However, no such planning obligation is before me.

33. In addition, the fifth reason for refusal relates to the conclusion of the Council's Appropriate Assessment (AA) that the development would, in combination with other developments, have an adverse effect on the integrity of the River Avon EPS, due to additional phosphate discharge, unless phosphate neutrality or adequate mitigation is achieved. The Council has confirmed that, since the refusal of the planning application, it has adopted a Phosphorus Mitigation Strategy, and now proposes that this matter be dealt with by means of a Grampian style planning condition.
34. In the context of this appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Were I minded to allow the appeal, I would need to carry out an AA before considering whether the development requires the proposed mitigation measures set out by the Council, since the proposal would be likely to have a significant effect on the EPS. However, as the first two main issues provide clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As a consequence, I do not need to consider these matters further, since any findings on these issues would not change the appeal outcome.

Other Matters

35. I acknowledge that the proposal represents an amended scheme from that which was the subject of pre-application advice, including repositioning the dwellings further forward, reducing forecourt parking and including a rear parking court and more soft landscaping. However, this does not alter my findings in respect of the current proposal, which I must determine on the merits of the appeal scheme before me.

Planning Balance

36. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing sites. It considers that it has a 3.07 year supply, and this figure is not disputed by the appellant. As such, Paragraph 11 of the Framework applies, which states that relevant policies for the supply of housing should not be considered up to date where a five-year housing land supply cannot be demonstrated. Paragraph 11 states that where relevant policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, provides a clear reason for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate that development should be restricted.
37. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Paragraph 60 of the Framework refers to boosting significantly the supply of homes, and five additional dwellings would make a modest contribution towards addressing the Council's housing supply deficit. Moreover, they could be built out relatively quickly, having regard to Paragraph 69 of the Framework. There would be economic benefits as a result of the construction of the dwellings, and economic and social benefits as a result of their future occupation. These considerations weigh in favour of the development, and I

afford them moderate weight, having regard to the modest size of the proposed housing development.

38. The Council has raised no objection to the appeal scheme in respect of matters including highway safety, biodiversity and flood risk and drainage. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the harm that I have identified.
39. I acknowledge the proposed incorporation of sustainable design elements. However, this is a requirement of current national and local planning policies in any case, and does not outweigh my conclusions on the first two main issues.
40. Whilst the deficit in the Council's supply of housing is fairly acute, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development, of fostering well-designed and beautiful places, would not be achieved.
41. Moreover, the proposal also conflicts with the Framework objectives of providing safe, inclusive and accessible places that promote health and well-being, and actively managing patterns of growth to promote walking, cycling and public transport use.
42. Whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified and would not address or outweigh the aforementioned harm that I have identified in respect of the character and appearance of the area and the accessibility of the site.
43. Accordingly, notwithstanding whether footnote 6 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

44. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR