
Appeal Decision

Site visit made on 2 August 2023

by Liam Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/C1760/W/22/3310742

Land at Dunwood Manor, Danes Road, Awbridge, Romsey SO51 0GF

- 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 Clydesdale Group Ltd against the decision of Test Valley Borough Council.
 - The application Ref 21/02409/FULLS, dated 10 August 2021, was refused by notice dated 5 October 2022.
 - The development proposed is erection of 2 x detached dwellings, associated parking and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above has been taken from the appeal forms. This reflects the change that occurred during the application process and the appeal has been dealt with accordingly.
3. The proposal is in proximity to several designated sites, including the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI), Mottisfont Bats SAC and SSSI and Solent and Southampton Water SPA.
4. A Screening Direction issued by the Planning Inspectorate under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) established that the development is not EIA development. The appeal has been considered accordingly.
5. In addition to the EIA Regulations dealt with by the Screening Direction, the proposal needs to be considered in the context of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). I have dealt with this matter later in my decision.

Main Issue

6. The main issue is whether the proposal is in accordance with the spatial strategy of the development plan, and whether any material considerations indicate a decision should be taken otherwise than in accordance with the development plan.

Reasons

7. The site is located outside the settlement boundary defined in the development plan. It is therefore within the countryside for the purposes of applying the spatial strategy.
8. Policy COM2 of the Test Valley Borough Revised Local Plan 2016 is clear that proposals for housing in the countryside should not be approved unless certain policy exceptions are met.
9. The proposal is for market housing and therefore does not meet any of the policy exceptions within the development plan and is in conflict with the spatial strategy.
10. There is no evidence before me demonstrating that a settlement boundary in the development plan cannot be a rigid policy tool, or that it needs to be applied flexibly in and of itself.
11. Moreover, defined settlement boundaries have been devised through a statutory process which has considered the qualities of settlements and the countryside, in terms of development pattern and spatial needs.
12. I appreciate that through the passage of time patterns of development and spatial needs can change on the ground. As such, a proposal's relationship with a defined settlement boundary and the distribution of new development may need to be considered in a flexible manner.
13. However, there is no evidence that things have changed on the ground to the extent that the defined settlement boundary should be applied differently, or that spatial strategy policies are out of date¹. As such, the spatial strategy within the development plan should be given significant weight.
14. The proposal would deviate from the development plan's spatial strategy and undermine the distribution of development across the local planning authority area.
15. The Council identifies that the site is physically remote from the nearest settlements and is isolated². As such, there are concerns about future occupiers' reliance on private vehicles to access services.
16. Without evidence to the contrary, it appears the location of the site is such that future occupiers would not have a genuine choice of transport modes and would have an almost complete dependency on the private car.
17. In considering all of these factors, deviating from the spatial strategy would generate significant harm and conflict with Policy COM2 of the Test Valley Borough Revised Local Plan 2016 and is something I give the highest level of significance in my assessment.
18. Paragraph 80 of the National Planning Policy Framework (the Framework) makes clear that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances exist.

¹ Whether in relation to housing land supply, inconsistency with policies in the Framework, or otherwise.

² Something not in dispute and dealt with later in the context of Paragraph 80 of the Framework.

19. It is a very specific matter within the wider ambit of residential development in the countryside and should not be conflated with residential development in the countryside more broadly.
20. Therefore, any finding on the proposal's compliance with Paragraph 80(e) of the Framework merely indicates that this should be weighed in the planning balance.
21. There is no evidence to suggest that compliance with Paragraph 80(e) creates a presumption in favour of the proposal when weighed against the harm derived from conflict with the spatial strategy policies in the development plan.
22. In this context, Test Valley Design Review Panel were impressed with the level and quality of details submitted for the construction and planning of the round houses.
23. Among other things, I note the sustainable construction techniques including circular design and the use of a glulam frame with hempcrete are considered unusual and promote substantially reduced carbon footprint compared to mainstream housing designs.
24. I also acknowledge the appellant's submissions that sustainable design is integrated in all aspects of the proposal's construction, from materials through to the form of the building, and not achieved by add on technologies.
25. The panel identified concerns about some elements of the layout including parking that restricts the aspect and southern amenity of the northern unit.
26. The Council also raised concerns, including the circular shape of the dwellings on a rectangular parcel of land, one of the dwellings requiring a cutting into an embankment on the western boundary, amount of hardstanding and fragmentation of garden space.
27. However, I am satisfied that these would be minor elements of the layout in terms of scope and would not detract from the overall design and focus on sustainable construction techniques.
28. Moreover, in terms of addressing the critiques, it is not clear what viable alternatives exist. For example, the appellant has described the limitations of the site, and how on balance the layout is the best available option.
29. It is also unclear why some of the critiques, such as those associated with the amount of hardstanding, could not be mitigated by additional landscaping, and why this could not be potentially secured by condition.
30. Altogether, I am satisfied that the layout critiques do not represent fundamental flaws in the overall design and should not detract from the broad facts, that the proposal is exceptional in many aspects and deserves support.
31. The Council suggest that some of the key components of the proposed design can be found elsewhere in the UK and give examples of other developments in the vicinity. These other developments are said to include technologies similar to the proposal in this case.

32. However, I note the criteria under Paragraph 80(e) of the Framework does not mention innovation. It relates to exceptional quality, which ordinarily means unusual and does not necessarily mean completely new or unique in nature.
33. As such, the presence of other development in the vicinity using similar technologies does not necessarily mean that the proposal is not of exceptional quality. Indeed, the proposal's design is far from ubiquitous, and is truly outstanding³ compared to the vast majority of mainstream housing designs⁴.
34. The proposal follows similar high architectural standards of these other examples⁵, including in relation to sustainable construction techniques. It follows that the proposal should also be regarded in a similar fashion and therefore I am satisfied it can be regarded as truly outstanding.
35. It also follows that the proposal would help raise the standards of design more generally in the rural area⁶ it is located and significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, which is defined by mainstream housing designs⁷.
36. Whilst there would be limited views of the site from the eastern boundary, due to the availability of views from other public vantage points, the proposal would still have sufficient positive visual impact on its surroundings.
37. Given my findings on Paragraph 80(e) of the Framework and that the proposal would be of exceptional quality, it follows that the proposal would also comply with Paragraph 134(b) of the Framework.
38. Among other things, this paragraph provides significant weight in support of proposals that are of outstanding designs that promote high levels of sustainability or help raise the standard of design in an area more generally.
39. I note Paragraph 134 of the Framework provides and/or criteria and therefore it is not necessary to satisfy every single criterion listed under that paragraph when determining whether a proposal benefits from the significant weight of policy support.
40. In regards whether the site is previously developed land, it is clear from evidence and from my site visit that the remnants of hardstanding are still apparent, despite somewhat restricted views and not being stark in the landscape.
41. Therefore, I cannot agree with the Council's conclusion that the previous fixed surface structure has blended into the landscape to a sufficient degree. On this basis, the site should be regarded as previously developed land and, as it currently presents itself, does not positively contribute to the area.
42. By virtue of my findings in relation to Paragraphs 80(e) and 134(b) of the Framework, the proposal would clearly represent an improvement over and above the existing run down appearance of the site.

³ Clearly very much better than what is usual – Cambridge Dictionary

⁴ I note the appellant's evidence about the proportion of dwellings with Passivhaus accreditation in the UK.

⁵ Such as that considered under appeal APP/C1760/A/12/2170755

⁶ Noting the relatively modest cost in delivering dwellings of this nature and potential as a viable template

⁷ The complimentary nature of the proposal to the mainstream housing designs adjacent is not disputed.

43. However, notwithstanding the benefits in appearance terms, Paragraph 120 of the Framework only requires substantial weight to be given when dealing with suitable previously developed 'brownfield' land within settlements. As such, given the countryside location, I have given limited weight to the reuse of previously developed land in spatial land use terms.
44. The Council's appeal statement cites Sherfield English Village Design Statement 2015 as an additional document for consideration, but it appears their position remains unchanged in that they do not dispute the proposal's compliance with Paragraph 134(a) of the Framework. As such, whilst the appellant has addressed the document in their own submissions, it has not been necessary to engage with it in reaching my decision.
45. Altogether, there is clearly significant policy support derived from Paragraphs 80(e) and 134(b) of the Framework, in that the proposal is of exceptional quality and outstanding design.
46. However, the development plan's spatial strategy is functioning as intended⁸ and the proposal would undermine the distribution of development across the local planning authority area by delivering inappropriate development in the countryside, where such a location is not essential. It would also deviate from the settlement hierarchy and therefore services would be inaccessible, creating an overreliance on the private car.
47. On this basis, I have given conflict with the spatial strategy the highest level of significance in my assessment, and on a fine balance there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan.
48. Overall, the proposal would deliver dwellings in the countryside, which would not meet any of the identified policy exceptions. Consequently, the proposal is inconsistent with the spatial strategy and would conflict with Policy COM2 of the Test Valley Borough Revised Local Plan 2016, which among other things seek to control inappropriate development in the countryside.

Other Matters

49. Whilst I am mindful of the Habitats Regulations, I am dismissing the appeal for other reasons alone and it has not been necessary to consider the potential impact of the proposal on the designated sites concerned or make a finding on any associated planning obligations or other mitigation, including the merits of accepting late evidence under the appeal.
50. To be clear, it has not been necessary to assess the effectiveness of the willow bed system in relation to nitrates⁹. Nor has it been necessary to assess the innovative credentials of such a system given my findings in relation to other aspects of the proposal's design when concluding it was of exceptional quality. Consideration of the willow bed system would make no difference to my conclusions in this regard.

⁸ There is no evidence that the most important development plan policies are out of date or inconsistent with the Framework.

⁹ Or explore nitrate credits.

51. Outside the context of nitrates and designated sites, any general biodiversity benefits derived from such a system would be limited. This is because of the limited scale of the system. As such, the matter has carried correspondingly limited weight in my assessment.
52. The appellant refers to the use of the site for vehicle storage. However, I note the Council's point that whilst an application¹⁰ for planning permission for vehicle storage has been submitted, it is yet to be determined. Accordingly, I have given the matter limited weight in my assessment.
53. There would be social, economic and environment benefits resulting from the proposal. These would relate to new mid-range housing stock, local community enhancements, construction jobs and local spending, and biodiversity enhancements¹¹ among other things. However, given the limited scale of development, these benefits would be similarly limited and would not be determinative in the planning balance.
54. Acknowledging that the proposal is a product of specialist collaboration, such collaboration is not something that has factored into my assessment in and of itself. This is because there is no evidence¹² indicating that this should be a matter weighed in the planning balance.

Conclusion

55. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR

¹⁰ 22/03287/FULLS

¹¹ Including a net gain for habitat units and hedgerows

¹² Policies or otherwise