



Appeal Decision

Site visit made on 21 August 2023

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/L1765/W/22/3310426

**Land to the south of Abingdon, High Street, Shirrell Heath, Hampshire
SO32 2JN**

- 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 T Francis of TNF South Ltd against the decision of Winchester City Council.
 - The application Ref 22/01106/FUL, dated 23 May 2022, was refused by notice dated 21 October 2022.
 - The development proposed is 2 no. detached dwellings with detached double garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was updated on 5 September 2023. However, the sections pertinent to this appeal have not materially altered and so I will reference the revised version in my decision.

Main Issues

3. The main issues are whether the appeal site is a suitable location for the proposed development having regard to the spatial strategy of the local plan; and the effect of the proposal on the character and appearance of the area, and Special Protection Areas (SPAs).

Reasons

Location

4. The appeal site is within Shirrell Heath a village within the countryside with no defined settlement boundaries. The site is undeveloped and adjacent to a row of 4 detached dwellings along High Street. On the opposite side of High Street, set back from the road is 'The Barn' a commercial building and beyond that a residential dwelling 'The White House,' both of which are surrounded by open space. The rest of High Street has residential properties on either side including opposite the appeal site. To the rear of the site there are more fields and gardens separating it from the houses on Winters Road.
5. Policy MTRA4 of the Winchester District Local Plan Part 1 (LPP1) seeks to guide countryside development. The proposal would not fall into any of the development types that Policy MTRA4 sets out as permissible within the countryside.

6. However, LPP1 Policy MTRA3 deals with, amongst other things, settlements in the rural area including those with undefined boundaries such as Shirrell Heath. In such settlements this policy limits development to the infilling of small sites within continuously developed road frontages where it would be of a form compatible with the character of the village. The supporting text for this policy identifies the need to limit uncontrolled or sporadic development across the district to ensure the overriding countryside characteristics of the spatial area are retained. Policy MTRA3 and its supporting text does not clarify what specifically should be considered a small site, nevertheless the policy is clear that the site should be within a continuously developed road frontage.
7. The 4 dwellings to one side of the appeal site would constitute a developed frontage and this is largely reflective of the other buildings along High Street. However, to the opposite side of the appeal site there are only 2 buildings set considerably further back from the road within an area of open space larger than the appeal site. In conjunction with the appeal site and the fields behind, this creates a substantial visual and physical gap within the developed road frontage.
8. It is acknowledged the proposal would continue the pattern of road frontage development if viewed in isolation with the 4 dwellings to one side. However, there would not be a similar form of development on the opposite side of the appeal site. Thus, I do not consider it to be within a continuously developed road frontage. It would therefore fail to comply with LPP1 Policy MTRA3.
9. My attention has been drawn to 4 planning approvals within Shirrell Heath. All 4 schemes were similar in form and layout to adjacent properties, and all had a similar pattern of development on both sides which would constitute a continuously developed road frontage. I am not, therefore, persuaded that they are directly comparable to the proposal before me.
10. It is also noted the appellant has sought to refute any similarities drawn between the proposal and a dismissed appeal at The Old Ale House. The Old Ale House is on the opposite side of the open space around The Barn and White House, and the Inspector concluded that the site should be viewed in context with the surrounding open land and did not lie within a continuous built frontage so would not constitute infill. I have drawn similar conclusions in relation to the scheme before me.
11. The appellant considers the appeal site to constitute an extended residential garden within the village of Shirrell Heath. However, the Framework recognises the importance of residential gardens in maintaining an area's prevailing character and setting. It also considers their retention desirable, and recognises that development plan policies should resist inappropriate development of them, encompassed by LLP1 Policy MTRA3.
12. Consequently, the appeal site would fail to comply with the spatial strategies set out in LLP1 Policies MTRA3 and MTRA4. Therefore, the appeal site is not a suitable location for the proposed development.

Character and appearance

13. The properties along High Street are, in the main, detached, and semi-detached 2-storey homes, set back behind front gardens or off-road parking, with a traditional aesthetic. Their frontages are largely maturely planted and

somewhat open with structures predominantly limited to boundary treatments between the main property and road edge.

14. The regularity of development along High Street, and within Shirrell Heath more generally, is relieved by gaps of verdant space provided by, amongst other things, gardens, paddocks, and small holdings which retain the countryside characteristics of the settlement. Aspects identified as important to the area's character within the Council's Landscape Character Assessment and Shedfield Civil Parish Village Design Statement.
15. The appeal site forms part of one such open gap and its development would narrow the width of that gap. Thus, by increment, reduce the positive visual impact the openness of the gap has on the street scene and alter the balance between developed and non-developed space along High Street to the detriment of its overall character.
16. It is acknowledged that the proposed new dwellings would be similarly set back from the road as existing properties in the area. However, the introduction of the proposed garage buildings would enclose the frontages of the new dwellings. They would narrow the perceived set back width and draw development closer to the road which would be out of character for the area.
17. There are a few examples of outbuildings located within the frontage of existing dwellings. However, in general they have low pitched roofs and are reasonably screened by established boundary treatments. Due to the height of the new garages and the limited planting space proposed, I am unconvinced the garages could be suitably screened by landscaping or boundary treatments.
18. Therefore, the incongruous nature of the proposed garages in conjunction with the proposed encroachment into an important visual gap within the street scene would lead to significant harm to the character and appearance of the area.
19. It is appreciated the proposed design of the new dwellings would incorporate energy efficient elements and would be similar in appearance to properties in the locality. Although each dwelling would not be uniquely detailed, the replication of a singular design in isolation would not be so detrimental as to be considered out of character for the area. However, this does not negate the harm identified above.
20. Therefore, I find the proposal would cause significant harm to the character and appearance of the area. It would fail to comply with LPP2 Policies DM15, DM16, DM23 and MTRA3 insofar as they require new development to respond positively to the character, appearance, and distinctiveness of the local and, in this case, rural environment.

SPAs

21. The appeal site is within 5.6km of 3 SPAs, Chichester and Langstone Harbours; Portsmouth Harbour; and Solent and Southampton Water, all of which are particularly important for the over wintering birds and as such are highly susceptible to disturbance. The additional dwellings proposed, whilst modest on their own, would contribute to an increased population in combination with other plans, projects, and developments in the area. Given the proximity of the development to the SPAs, it is likely that its contribution to the increase in

- population could lead to an increase in visitor and recreational pressure within them.
22. The water environment of the SPAs also requires action to be taken in relation to nutrient neutrality. This is due to excessive nutrient input from, amongst other things, residential wastewater. The appellant's nitrogen neutrality assessment states the development's nitrogen budget, with 20% buffer, would be 6.15kg/TN/year which would require mitigation.
23. Given the susceptibility and vulnerability of the qualifying features of the SPAs, it cannot, therefore, be concluded that the development would not adversely affect the integrity of these protected sites in combination with other projects.
24. In relation to the recreational disturbance the Council has a long-standing mitigation strategy. This has been developed in conjunction with neighbouring Councils and Natural England and is supported by a supplementary planning document. This provides developers with the opportunity to make a financial contribution as mitigation for any additional recreational pressure their development would create. The appellant has already made such a contribution, in line with the 1 April 2023 figures.
25. The need for mitigation to secure the nutrient neutrality of the proposed development is not disputed. However, no mechanism to secure such mitigation either on- or off-site has been submitted. It is acknowledged the appellant has agreed to the use of a Grampian condition. Nevertheless, there is nothing before me to show how such mitigation could be achieved or implemented. Therefore, I do not find there is sufficient certainty or clarity in detail to ensure the reasonable use of a condition, negatively worded or otherwise.
26. Consequently, although the proposed development can provide adequate mitigation for the potential increase in recreational pressure, it fails to achieve nutrient neutrality and so could cause significant harm to the SPAs. It would therefore fail to comply with Policy CP16 of the Winchester Local Plan Part 1 (LPP1), as far as it requires new development to maintain, protect and enhance the integrity of protected sites and habitats.

Other Matters

27. That the proposed development received some public support is acknowledged. As is the lack of objection from the Council in terms of the nearby South Down National Park, the size of the proposed dwellings, the living conditions of neighbouring and future occupants, parking, highway safety and drainage. Nevertheless, these matters are insufficient to outweigh the identified harm in the main issues.
28. It is appreciated the appeal site is identified in the Council's Strategic Housing and Economic Land Availability Assessment as being capable of supporting residential development. However, as a standalone technical assessment this does not take account of the specifics of that proposed and its capability to comply with the development plan as a whole.
29. It is noted that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a net increase of 2 homes in a rural village with some community facilities. Along with the associated economic and social benefits, this contribution to the

windfall element of the Council's 5-year housing land supply attracts modest weight, based on the number of houses involved. No weight is given to the appellant's inference that the proposal would provide for a local housing need, as such a need has not been adequately evidenced.

30. Nevertheless, housing provision should not come at the cost of good design or the protection of protected habitats, both positions supported by the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would outweigh the proposed benefits.

Conclusion

31. 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, that would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR