



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/22/3310078

The Alpines, School Lane, Headbourne Worthy, Hampshire SO23 7JX

- 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 Senna against the decision of Winchester City Council.
 - The application Ref 22/01617/FUL, dated 19 July 2022, was refused by notice dated 7 October 2022.
 - The development proposed is the erection of a detached two storey four bedroom dwelling, and associated access and landscaping.
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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 character; the effect of the proposal on the Solent Special Protection Area (SPA); and whether it would provide adequate surface water drainage.

Reasons

Location

4. The appeal site is located at the edge of Headbourne Worthy and is part of the grounds associated with The Alpines, a recently redeveloped dwelling. Also to the front of the site is another dwelling which has recently been given permission for substantial redevelopment. These properties form part of the loose residential development along School Lane, with Wellhouse Lane running up the side of the appeal site. The properties in the area are generally large, detached houses on reasonably sized plots and are individual in character and appearance.
5. To the rear of the site is an area of open space known as Barton Meadows. Between Wellhouse Lane and the appeal site is a heavily tree lined, and steep bank, and the site is separated from Barton Meadows by a tree studded hedge.
6. The Council considers the appeal site as both within Headbourne Worthy and the countryside. 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.

7. LPP1 Policy MTRA3 deals with settlements in rural areas. It defines Headbourne Worthy as such a settlement with an undefined boundary. This policy limits development in these types of settlements 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, amongst other things. The supporting text to this policy identifies the need to ensure the spatial area retains its overriding characteristics of being in the countryside and that it would not be appropriate to allow uncontrolled or sporadic development across the district.
8. The proposal would not front a road, nor would it be located between existing development. Spatially from both School Lane and Wellhouse Lane it would constitute an end plot with development only on one side. Consequently, the appeal site cannot be considered as being within a continuously developed road frontage, so the proposal would fail to comply with Policy MTRA3.
9. It is, however, appreciated that there are existing properties to the front and side of the appeal site, and a defined boundary to the rear, which the proposal would not extend beyond. Therefore, the proposal would not encroach into the visual and physical gap created, in part, by Barton Meadows. As such it would maintain an important gap between developed areas and not harm that gap's open and undeveloped nature, as required, amongst other things, by LPP1 Policy CP18.
10. It is acknowledged that the trees along the rear boundary and bank create an attractive feature and enhance the rural character of the area, so should be retained where possible. The submitted plans show there would be a reasonable area of open space between the proposed development, the bank, and rear boundary. Also taking account that many of the trees in the bank are beyond the appeal site boundaries, I am satisfied that in this instance appropriate tree management and landscaping schemes could be conditioned. Therefore, the proposal would comply with LPP1 Policy CP20, insofar as it seeks to maintain the positive impact trees have on character.
11. The Council stated some trees had been removed from the site prior to the application submission and have referred to Policy DM24 of the Winchester District Local Plan Part 2 (LPP2). This seeks to protect special trees, important hedgerows, and ancient woodlands, as defined within the supporting text of that policy. However, there is nothing before me which confirms any features within the appeal site or bank, would fall into these categories, or are otherwise protected.
12. The proposed form and design of the new dwelling would also be compatible with the character of this part of Headbourne Worthy as it would constitute an individually designed, detached residential dwelling on a plot similarly sized to those surrounding it. As such, and in conjunction with the contribution the trees have on the rural character of the area, the proposal would retain this part of Headbourne Worthy's sense of place, in accordance with LPP2 Policy DM23, and not harm the overall character of the area.
13. Nevertheless, the proposal would fail to accord with the spatial strategy set out in LPP1 Policies MTRA3 and MTRA4. Therefore, the appeal site is not a suitable

location for the proposed development, and the lack of harm in relation to character would not overcome this.

SPA

14. The appeal site falls within the catchment area for the SPA. It is an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality, specifically in relation to nitrates and phosphates. This increase in nutrients causes eutrophication which impacts the habitats protected by the SPA, and these are important resources for key bird species in terms of resting and feeding.
15. The proposal would introduce 1 additional dwelling and thereby increase the pressure in terms of foul water treatment, which is related to increases in nutrients, as identified by the annual load calculations submitted by the appellant. Given the vulnerability of the SPA it cannot, therefore, be concluded that the development would not adversely affect its integrity.
16. There is no site-specific scheme of mitigation before me nor any details of potential off-site mitigation which could be secured by the appellant. Although the Council may have mitigation schemes which could be contributed towards, there is nothing to secure such obligations. Therefore, in this case, without specific details of mitigation measures or how those measures would be actioned, there is insufficient certainty or clarity in detail to ensure the reasonable use of a condition, negatively worded or otherwise.
17. Consequently, without any method of securing the mitigation against the harm to the SPA, the proposal would fail to comply with LPP1 Policies CP15 and CP16, as far as they require new development to maintain, protect and enhance the integrity of protected sites and habitats.

Surface water drainage

18. The access from School Lane to the appeal site is shared by 2 other properties including The Alpines accordingly the first part has already been built. It is however appreciated the proposal would extend the access and depending on its finish could create a substantial area of hard surfacing which could channel surface water towards School Lane and surrounding development.
19. Nevertheless, the Council's drainage engineer considers that surface water could be dealt with by on-site sustainable drainage methods such as soakaways. The proposed layout including the space around the access would allow the installation of surface water drainage methods which could be secured by condition, as could an appropriate permeable finish to the access.
20. Accordingly, I am satisfied the proposal could provide adequate surface water drainage in compliance with LPP1 Policy CP17, insofar as it seeks to ensure surface water drainage is installed to service new development.

Planning Balance and Conclusion

21. There is a dispute between the parties as to whether the Council can demonstrate a five-year supply of housing. The appellant, after undertaking their own assessment using Council issued figures and considers the housing land supply to be 4.46 years. The Council have had opportunity to respond and there is nothing before me to contradict this. Therefore, taking the appellant's

housing land supply figure on face value, it would represent a modest shortfall. As such, it is necessary that paragraph 11 d) ii of the Framework be applied.

22. LPP1 was adopted in 2013 and LPP2 adopted in 2017, but the weight to be attached does not hinge on their age. Rather the Framework makes it clear that due weight should be given to the development plan as the starting point for decision-making, in accordance with their degree of consistency with the Framework. The countryside is not protected for its own sake by the Framework, but its intrinsic character and beauty is recognised, as is the importance of maintaining a sense of place, and the conservation, restoration, and enhancement of priority habitats. Accordingly, the aims of LPP1 Policies MTRA3, MTRA4, CP15 and CP16 are consistent with the Framework. Therefore, the conflict between the proposal and these policies should be given significant weight.
23. I have taken account of the Framework's objective to boost significantly the supply of housing and the Council's perceived housing land supply shortfall, as well as the appellant's position that a residential garden in a countryside location should be considered previously developed land. This along with the social and economic benefits of the proposal would attract limited weight.
24. That the Council consider the proposal acceptable in relation to the design of the proposed new dwelling, impact on the South Downs National Park, the living conditions of future and neighbouring occupants, parking and highway safety is noted. However, these would constitute an absence of harm and so would be neutral in the planning balance. This would also be the case regarding the lack of harm I have identified in terms of the character of the area and surface water drainage.
25. In these circumstances, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.
26. 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