



Appeal Decision

Site visit made on 27 July 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal Ref: APP/L1765/W/22/3305130

Land and Buildings at Oaklands Farm, Lower Chase Road, Waltham Chase SO32 2LH

- 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 S Dixon of Dovecoats Property Ltd against the decision of the Winchester City Council.
 - The application Ref 22/00267/FUL, dated 31 January 2022, was refused by notice dated 16 June 2022.
 - The development proposed is the construction of 5 dwellings, following the demolition of 3 agricultural barns with permission for residential use as 5 dwellings (under Class Q conversion).
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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 housing;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether an appropriate housing mix would be provided.

Reasons

Location of development

3. The appeal site comprises a parcel of land occupied by three agricultural barns and an area of undeveloped land. The site is served by an existing track which passes through Oaklands Farm. The position of the site relevant to Oaklands Farm and near to a cluster of established properties along Lower Chase Road is such that it could not reasonably be described as 'isolated' within the terms of paragraph 80 of the National Planning Policy Framework (the Framework). However, the site undisputedly falls outside of any settlement boundary and therefore within the open countryside.
4. Policy DS1 of the Local Plan Part 1 – Joint Core Strategy (CS, 2013) directs new housing to existing settlements in accessible locations. CS Policy MRTA4 sets out some exceptions to development in the countryside, including where there is an operational need to a countryside location, where existing buildings are reused or where the expansion of an established business is proposed.

5. The proposal seeks the demolition of the existing barn buildings and their replacement with five new market dwellings in a countryside location. There is no substantive evidence before me to demonstrate that the proposed development would meet the exceptions of CS Policy MRTA4.
6. My attention has been drawn to a possible fallback position. This is a matter which I return to subsequently.
7. Overall, I conclude that the proposed development would conflict with the relevant provisions of CS Policies DS1 and MRTA4 and Policy DM1 of the Winchester District Local Plan Part 2 (LP2, 2017), which in summary seek to restrict development to within existing settlements.

Character and appearance

8. The appeal site is reasonably self-contained with clear boundaries. Mature landscaping along the edges of the site and intervening land contribute to a rural character in this part of Waltham Chase. The landscaping and position of the site is such that clear views into the site are limited. However, glimpsed views are possible from the site entrance, between gaps in landscaping and from the private vantage points of nearby properties, particularly those fronting Lower Chase Road. Where visible, the site's existing buildings generally retain a simple, low-key agricultural character, appropriate to their form and use.
9. The properties that immediately surround the site are of a varied scale and design, some forming bungalows and others two-storey properties. Despite this variety, there are nonetheless consistent features in this part of Lower Chase Road, with properties generally positioned within large garden plots accessed directly from the lane. The dwelling at Oaklands Farm is positioned up a track, typical of an agricultural unit.
10. Although I acknowledge that the proposed development has been designed with some sensitivity to vernacular building forms and materials, the large scale and position of the proposed properties, set away from Lower Chase Road, and their arrangement in a cul-de-sac style, would be out of keeping with the prevailing pattern of development within the surrounding area. The accompanying domestic paraphernalia including parking areas, road access and likely garden features would all inevitably lead to the creation of a suburban style development here.
11. As there is no substantive evidence before me in respect of the extent of the protected settlement gap in this location, I am unable to conclude that the introduction of additional built form at this site would have a harmful effect on the designated settlement gap between Waltham Chase, Swanmore and Bishops Waltham. Nevertheless, this does not overcome the harm identified in respect of character and appearance above.
12. Overall, I conclude that the proposed development would harm the character and appearance of the area, contrary to the relevant provisions of CS Policy CP18 and LP2 Policies DM15, DM16 and DM23, which in summary seek to ensure a high quality of design in development which respects its context.

Housing Mix

13. CS Policy CP2 requires that new residential developments provide a range of dwelling types, tenures and sizes. The majority of homes should be in the form of 2 and 3 bed houses, unless local circumstances indicate otherwise.
14. The originally submitted proposal sought the provision of 2 x 3 bedroom houses and 3 x 4 bedroom houses. This was amended as part of the appeal submission to provide 1 x 2 bedroom dwelling, 2 x 3 bedroom dwellings and 2 x 4 bedroom dwellings. As a result, the proposed scheme would comply with the requirements of CS Policy CP2 by providing a majority of homes as 2 and 3 bedroom houses.
15. Therefore, I conclude that the proposed development would accord with the relevant provisions of CS Policy CP2, which in summary seek to ensure an appropriate mix of dwellings.

Other Matters

Fallback

16. My attention has been drawn to application reference 20/01256/PNACOU and to appeal decisions on other sites¹. Those other cases are both located within the same district but involve somewhat different proposals. In the case of The Tree Nursery, the proposal was for a single replacement dwelling and in the case of North Winchester Farm, the case was dismissed. I do not consider the examples provided to be directly comparable to the appeal scheme before me.
17. Nevertheless, I accept that the previous approval on the appeal site allowed the change of use of the existing agricultural buildings to 5 market dwellings. I do not doubt the appellant's intention to develop the site and accept that there is a greater than theoretical possibility that the development referred to might take place. This is the fallback position. However, for significant weight to be afforded to a fallback position there needs not only to be a real possibility of it being carried out, but that it would also be equally or more harmful than the appeal scheme.
18. In comparing the fallback position with the appeal proposal, both schemes would result in the introduction of residential development comprising 5 dwellings on a site that lies outside of a development boundary. From that perspective, the two schemes would be comparable.
19. However, the fallback scheme would be confined to the existing structures through the conversion of those existing buildings. The appeal scheme, on the other hand, seeks the demolition of those existing structures and the redevelopment of the site to provide 5 detached dwellings within individual garden plots, arranged around a central access road. The appeal scheme would span a greater area than the fallback scheme, comprise dwellings of a greater scale and would generally be more domestic in appearance. By consequence, as the proposal before me would have a greater effect in terms of character and appearance, I accord the fallback position only limited weight in favour of allowing the appeal.

¹ References APP/L1765/W/19/3239617 and APP/L1765/W/20/3247307

Other considerations

20. I accept that the proposal would provide some economic and social benefits during the construction of the development and once occupied, and would provide five additional homes in the district. However, the nature and scale of the development means that these benefits would inevitably be modest. I also accept that the proposal would accord with other planning policy requirements, including in respect of parking provision and living conditions. Moreover, I do not doubt the appellant's commitment to improving energy efficiency, and that there may be more opportunities to improve on quality of accommodation outside of prior approval schemes. However, these matters are not in dispute between the Council and appellant and, in any case, do not outweigh or overcome the harm identified above.
21. In respect of the Solent Special Protection Area (SPA), I note that a Unilateral Undertaking has been submitted with the appeal, together with evidence to demonstrate that a payment has been made to the Council. This evidence comes in the form of a receipt and Solent Recreation Mitigation Partnership Payment Form. It has been demonstrated that a figure of £3761 was paid to Winchester City Council for 'Solent Recreation Mitigation'. The Council has, during the course of the appeal, indicated that the third reason for refusal, relating to effects on the SPA, has been satisfactorily dealt with. I have no reason to disagree with those findings. Nevertheless, the lack of harm in this respect does not outweigh or overcome the harm identified above.
22. I am also aware of submitted information in respect of nitrates and my duties under the Conservation of Habitats and Species Regulations 2017. However, given my reasoning in respect of the main issues and that the appeal falls on effects of location and design, there is therefore no requirement upon me in that regard, and even were I to find that the proposal was acceptable in this respect, it would be neutral in my overall assessment of the scheme.

Planning Balance

23. The proposal would conflict with CS Policies CP18, DS1 and MRTA4 and LP2 Policies DM1, DM15, DM16 and DM23. I have considered the appellant's fallback position of implementing a scheme under prior approval.
24. However, the effects of the appeal proposal on the character and appearance of the area would be greater than the prior approval scheme. Accordingly, although I find the proposition of the fallback position to be a material consideration, it would not, in this case, justify making a decision which is not in accordance with the development plan.

Conclusion

25. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR