



Appeal Decision

Site visit made on 21 November 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2023

Appeal Ref: APP/L1765/W/23/3317481

Shedding Oaks, Ham Green, Sparsholt, Hampshire, SO21 2PA

- 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 & Mrs E Caldwell against the decision of Winchester City Council.
 - The application Ref 22/01492/FUL, dated 6 July 2022, was refused by notice dated 24 October 2022.
 - The development proposed is the adaptation and conversion of two linked containers to form 1 bed holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the wording of the second reason for refusal on the decision notice, both main parties agree that the site is not within the Solent Disturbance Mitigation Charge Zone. I have no reason to find otherwise, and proceed on that basis.
3. The appellant has provided an amended block plan and amended nitrate budget calculations in support of their appeal. The proposed amendments and alterations include the re-siting of the proposed package treatment plant and a soakaway; the addition of proposed fencing and bund details; and changes to the inputs of the nitrate budget calculations - leading to a different calculation result. However, the Procedural Guide: Planning Appeals – England (the procedural guide) advises that if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council and interested parties at the application stage.
4. Although the amended plans and details do not fundamentally change the amount or type of development proposed on the site, they would evolve the scheme in such a way as to seek to address the Council's second reason for refusal of the application. Furthermore, I cannot be certain that all interested parties have been made aware of the proposed amendments to the scheme. Consequently, the acceptance of the amended details would conflict with the procedural guide and prejudice the interests of the Council and other interested parties. This appeal has therefore been determined based on the plans and details submitted in support of the application, and upon which the Council's decision was made.

Main Issue

5. The main issue is whether the appeal site is a suitable location for the proposed development, with particular regard to the development strategy and the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is in the countryside. It comprises part of a paddock, as well as areas of hardstanding which join the bridleway known as Burrow Road (the road).
7. Policy MTRA4 of the Winchester City Council Winchester District Local Plan Part 1 – Joint Core Strategy - dated March 2013 (the local plan part 1) is a generally restrictive policy, which, with exceptions, seeks to restrict new development in the countryside. One such exception is for the provision of low-key tourist accommodation, which is appropriate to the site, location and setting. The policy also requires that any such development should not cause harm to the character and landscape of the area.
8. The proposed holiday accommodation would be located to the rear of, and except from a small shed-type structure, away from, a collection of buildings sited closer to the road. The evidence indicates that this collection of buildings, which are accessed from the road, are used for a variety of purposes, including a cattery; housing; stables; and holiday accommodation.
9. Trees and hedgerow planting separate the appeal site from a path between the road and Farley Mount Country Park. Notwithstanding the nearby buildings and their uses, the trees on the site boundary, as well as the woodland, agricultural land, and paddocks beyond the appeal site, positively inform the distinctiveness of the area. They also afford the part of the appeal site that the holiday accommodation would be provided on, a rural, verdant, and relatively peaceful and tranquil character and appearance.
10. The single unit of holiday accommodation would be of a small size and scale. It would also be located at some distance from, and with intervening buildings between, the 2 other units of holiday accommodation on the wider block of land under the control of the appellants. As such, both on its own and cumulatively with these other units of holiday accommodation, it would represent a form of low-key tourist accommodation. However, and although there are already 2 containers within the site, both structures would be altered, one would be enlarged, and a link would be constructed between them. The resultant single structure would have a more domestic appearance and be more prominent than the 2 existing containers. Such development and its proposed use, located away from the collection of buildings closer to the road, and separated from them by an area of paddock, would be incongruous within the wider enclosure, and it would degrade the distinctive qualities of this area. As such, and even though the development would be well screened from the adjacent path and road, by trees or buildings, it cannot be regarded to be well designed. Nor would it help to raise the standard of design more generally within the area.
11. The use of the proposed development would undoubtedly increase the amount of vehicular traffic using the road. However, even if most guests were to rely on the use of private cars to access the site, the associated increase in vehicle

movements along the road, would be barely perceptible above that generated from the use of other properties and buildings on the road. This is because the proposal is for a single, small unit of accommodation. The increase in vehicle movements would not therefore cause a harmful reduction to the tranquillity of the area. However, and notwithstanding this consideration, I have found that the proposed alterations and enlargement of the containers to enable them to be used for holiday accommodation, would harm the character and appearance of the area.

12. As such, the appeal site is not a suitable location for the proposed development, with particular regard to the development strategy, as it would cause harm to the character and appearance of the area. Consequently, and in respect of this issue, it would conflict with policy MTRA4 of the local plan part 1, and policies DM15, DM16, DM18 and DM23 of the Winchester City Council Winchester District Local Plan Part 2 – Development Management and Site Allocations - dated April 2017. Amongst other things, these policies seek to ensure that new development responds positively to the character and appearance of the local environment, including the features and characteristics that contribute to the distinctiveness of the area. They also seek to prevent development that would cause harm to the appearance, or character and landscape of the area.

Other Matters

13. The evidence indicates that the appeal site is within the zone of influence of the Solent Special Protection Area (SPA). However, there is no need to further consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
14. The Sparsholt village design statement relates only to the parts of the village within defined settlement limits. Given that the appeal site is outside of the settlement limits, no weight is accorded to this design statement in the determination of this appeal.
15. I have taken into account the positive reviews of the existing holiday accommodation provided by the appellant, and I have no doubt that the proposed development would enable any future occupiers to enjoy the peace and tranquillity afforded by the appeal site and its surroundings. Furthermore, the site is well located in terms of access to the Country Park and wider countryside for walking. In addition, users of the holiday accommodation would be likely to use the range of facilities and services within the nearby village of Sparsholt and beyond, which would help to support the rural economy. The development would also provide opportunities to secure enhancements to the biodiversity value of the site. However, given the small scale of the scheme, these benefits would be minor, and the weight that can be attributed to them is limited.

Conclusion

16. The proposed development conflicts with the development plan when taken as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude that the appeal should be dismissed.

V Simpson INSPECTOR