



Appeal Decision

Site visit made on 2 October 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2024

Appeal Ref: APP/L1765/W/24/3337350

Land off of Soake Road, Denmead PO7 6JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Georgina Byng against the decision of Winchester City Council.
 - The application Ref is 23/01689/FUL.
 - The development proposed is described as 'Full Planning permission is sought for the demolition of 1No. agricultural barn and the construction of 1No. 4-bed detached residential property with detached car port and associated hard and soft landscaping'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - whether the site is a suitable location for the proposal having regard to the local development strategy; and,
 - the effect of the proposal on the character and appearance of the area, with particular regard to the settlement gap.

Reasons

Whether appropriate location

3. There is no dispute between the parties that the site is located within the countryside for planning purposes. I have no reason to disagree.
4. Under Policy MTRA4 of the Winchester District Local Plan Part 1 – Joint Core Strategy (March 2013) (LPP1) development within the countryside is restricted to that which has an operational need for a countryside location; proposals for the reuse of existing buildings for employment, tourist accommodation, community use or affordable housing; expansion or redevelopment of existing buildings to facilitate the expansion of established businesses or to meet an operational need; and small scale sites for low key tourist accommodation.
5. The proposal for a new-build market home would not fall within any of these categories and consequently there is a clear conflict with LPP1 Policy MTRA4.
6. It follows that in locational terms, the site is not a suitable location for the proposal having regard to the local development strategy. As such, it conflicts with LPP1 Policy MTRA4, the aims of which I have outlined above.

Character and appearance

7. The appeal site comprises a small group of agricultural barns adjoining open fields to the north beyond which is a builder's yard. The site and buildings are further adjoined by commercial development to the south-west, Soake Road and the rear of residential bungalows to the west and north-west, and by further fields to the east beyond which is the edge of Waterloo. The buildings on the site are single-storey and set back from the road such that they are not highly visible. A track leads from the site entrance off Soake Road to the buildings. From the entrance the site is viewed in association with, and as part of, the wider countryside.
8. The existing buildings on the site are typical of the size, appearance and condition of agricultural structures that are not uncommon or discordant within a countryside location. The other buildings in the immediate area comprise a mix of large commercial units and detached single and two-storey dwellings of a traditional appearance.
9. The landscape within which the appeal site is located forms part of the Denmead – Waterloo Settlement Gap under LPP1 Policy CP18. This policy states that the generally open and undeveloped nature of the defined settlement gaps will be retained and that within these areas only development that does not physically or visually diminish the gap will be allowed.
10. The proposal seeks to replace the single-storey barns on the site with a two-storey dwelling, car port and associated parking, turning and outdoor space.
11. The proposed dwelling would roughly align with the rear gardens to the adjacent bungalows reducing any prominence and harmful visual effect when viewed from the front of these dwellings on Soake Road. However, by reason of its two-storey form, position and associated outdoor space, the proposal would nonetheless be visible from the access off Soake Road.
12. While the dwelling itself would be of an appropriate appearance given the mix of dwelling styles in the immediate area, by reason of its two-storey height, position and the extent of outdoor space and likely introduction of residential paraphernalia, the proposal would have an urbanising effect upon the immediate area causing harm to the generally open and undeveloped nature of this part of the settlement gap. The proposal would therefore physically and visually diminish the gap in comparison to the existing single-storey buildings on the site that have a minimal effect given their small scale, position and agricultural appearance. Albeit limited in extent due to the size of the site and scale of the proposal, for these reasons I find that it would lead to a greater visual and physical coalescence of Denmead and Waterloo.
13. The presence of other two-storey dwellings and commercial units nearby would not reduce the effect of the proposal on the settlement gap in this location. Furthermore, due to the size of the appeal site, a condition removing permitted development rights would not prevent paraphernalia such as seating areas and play equipment from urbanising views of the site from the access.
14. In conclusion on this matter, the proposal would harm the character and appearance of the area with particular regard to the settlement gap. As such, it conflicts with LPP1 Policies CP13 and CP18 and Policies DM15, DM16 and DM23 of the Winchester District Local Plan Part 2 Development Management and Site

Allocations (April 2017). Amongst other things, these seek to ensure that development meet the highest standards of design, make a positive contribution to the local environment, retain the generally open and undeveloped nature of defined settlement gaps, does not physically or visually diminish the gap, conserves or enhances open areas and green spaces, and do not have an unacceptable effect on the rural character of the area.

Other Considerations

15. The appeal must be weighed against the fact that prior approval¹ has been granted for change of use of one of the agricultural buildings on the site to a dwelling. The principle established by the grant of prior approval represents a genuine 'fallback' position. Even in the absence of the start of construction works, there is every prospect that the building would be converted to a dwelling should this appeal fail and a clear intent to develop the site has been demonstrated through the submission of the application and appeal. The prospect of the 'fallback' being developed is therefore greater than theoretical.
16. One of the main purposes of restricting housing development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. The site is a short distance from the nearest services and facilities, but access is via the narrow unlit Soake Road with no pavement. Such journeys would thus generate additional car trips despite the presence of some nearby bus services. However, any harm in this regard would be offset by the fact that the existing building could be used as a dwelling under the consent in place.
17. Whilst the 'fallback' position would allow the conversion of one of the agricultural buildings to a dwelling, the dwelling proposed as part of the appeal would be two-storey in height, in a more prominent position with a larger footprint and a car port. Therefore, and although I acknowledge that the character and appearance of the area would change slightly if the 'fallback' scheme was implemented, and the proposal may represent an opportunity to provide a more comprehensive and coherent development, the extent of change from the 'fallback' scheme would be more limited and less visible and prominent from Soake Road than the appeal proposal. Furthermore, with a lack of outdoor space to the 'fallback' scheme, it would have a less harmful effect on the character and appearance of the area and would not physically or visually diminish the settlement gap to the same extent.
18. While the appeal proposal has the potential to introduce new landscaping, given the open natural character of the appeal site and adjoining field, any such landscaping would appear alien and would highlight the encroachment of the residential outdoor space into the open countryside.
19. The appellant states that the proposal would provide benefits over the 'fallback' position including the provision of a 4-bed property with greater outdoor space to help to respond to local housing needs for families and provide increased quality of life for occupiers. However, LPP1 Policy CP2 states that the majority of homes should be 2 or 3 bed family houses and the proposal seeks permission for a 4-bed house. In light of this, given that the 'fallback' proposal would provide a suitable quality of life, and in the absence of any other clear evidence of a local need for 4-bed houses, this is neutral in my consideration.

¹ 21/01067/PNACOLL

20. I acknowledge that the National Planning Policy Framework (the Framework) seeks an effective use of land and supports the development of under-used land and buildings well-related to settlements. Nonetheless, such benefits would also be achieved through the 'fallback' position. Furthermore, the Framework also requires that proposals are sympathetic to local character and achieve well-designed and beautiful places. For the reasons given above, the proposal would fail to achieve this.
21. I have had regard to the proposal providing a new dwelling, incorporating measures to combat climate change and reduce energy demands, providing some benefits supporting the local economy through construction and associated jobs and spend. However, given the small scale of the proposal and given that the 'fallback' could provide similar benefits, I give these matters limited weight.
22. The provision of a suitable access, drainage, EV charging points, on-site parking provision, lack of harm to trees, lack of harm to living conditions of neighbouring occupiers and compliance with minimum space standards and UK Building Regulations are neutral in my consideration of this appeal as they are requirements of local and national planning policy and guidance.
23. My attention has been drawn to a proposal at St. Michaels, Hambledon Road where a larger dwelling has been allowed. However, I have limited information in relation to this proposal and its planning history and merits and as such I cannot be sure it is directly comparable to the appeal before me. Furthermore, I am required to consider the current appeal on its merits.
24. I have been advised that the site falls within an area where foul water is distributed into European destinations comprising the Solent Special Protection Areas and Ramsar sites. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

25. In light of the above, I conclude that the proposal would conflict with the development plan when taken as a whole. Although a 'fallback' has been identified that justifies the principle of residential development in this location, I have found that the appeal proposal would harm the character and appearance of the area, would not retain the generally open and undeveloped nature of the settlement gap and visually and physically diminish the gap. Furthermore, the 'fallback' position would have a less harmful impact and as a result the appeal proposal would not provide betterment that outweighs the conflict with the development plan, when read as a whole.
26. Material considerations, including the Framework do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

C Rose

INSPECTOR