



Appeal Decision

Site visit made on 29 October 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/A1720/W/24/3338676

Land between and to the rear of 100 and 102 Kiln Road, Fareham PO16 7UN

- 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 Mr Henry Giles against the decision of Fareham Borough Council.
 - The application Ref is P/23/1008/FP.
 - The development proposed is demolition of existing equestrian stables and erection of 1no. self build dwelling together with detached garage and associated infrastructure and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

1. On submission of the appeal scheme the appellant has provided amended plans¹ in an attempt to address the Council's fifth reason for refusal. The amended plans provide clarification and more detail on the level changes on the site. However, the amended plans also show engineering works and a retaining wall that were not shown on the original plans submitted to the Council. 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 on which people's views were sought. While the Council have seen site of the amended plans as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for the development having regard to development plan policies.

¹ Proposed sketch - 606/P06 rev A
Section - 606/P07 Rev A
Detached Garage plans and elevations - 606/P20 Rev B

Reasons

Location

3. The appeal site lies partly within the boundary of Local Plan Part 3² and also partly within the urban area identified within Fareham Local Plan 2037 (LP). The Council state that only the access is located within the defined urban area outlined within the LP and in this regard they consider the principle of an access to serve residential development to be acceptable.
4. The remainder of the appeal site, including the proposed driveway, dwelling, garage and gardens are located outside of the defined urban area and are within the area allocated for the delivery of Welborne. Policy WEL3 of the Local Plan Part 3 allocates the land for the delivery of a new community of up to 6000 homes.
5. Policy WEL5 of the Local Plan Part 3 identifies the appeal site as a settlement buffer between Welborne and Fareham and permits development subject to certain criteria: i. it does not harm the integrity of the buffer or diminish the physical or visual separation between Welborne and the adjoining settlement, and is either; ii. Consistent with and contributes to the green infrastructure role of that area as set out in Chapter 8 of the Welborne Plan or; iii. Necessary to deliver improvements to the strategic road network.
6. The Council's Welborne Design Guidance Supplementary Planning Document provides guidance on development within settlement buffers and seeks to ensure that they remain of semi-natural character without any formal structures.
7. The development is not necessary to delivery improvements to the strategic road network and therefore criterion iii. is not relevant.
8. The appeal site is a parcel of land that is accessed by an existing track between two properties on Kiln Road. The track slopes down towards the appeal site, which is currently occupied by a stable building, paddock, and mostly open land to the rear.
9. Kiln Road is predominantly residential with mostly detached houses that follow the road in a linear pattern. Most of the houses occupy similar sized plots and have long, straight gardens that extend to the rear. The result of the pattern of houses results in rhythm and uniformity within the street scene and provides a clear line that forms a defined settlement edge to Fareham.
10. I acknowledge that the appeal site consists of previously developed land, and that a stable building already exists on the site. However, the stable is single storey and is hidden from view from Kiln Road by the dwelling at 102 Kiln Road and its garage to the rear. Therefore, views along the track are open and the undeveloped character of land to the rear of Kiln Road is clear.

² Fareham Local Plan – Shaping Fareham's Future – Local Plan Part 3: The Welborne Plan June 2015 Adopted Version

11. While the appeal site is a small parcel of land and therefore only represents a small percentage of the settlement buffer, and while there is already built form, the proposed dwelling would not be located where the existing stable is. Instead, it would be positioned more centrally within the plot and opposite the end of the track. The two storey dwelling proposed in this position would be visible from Kiln Road and would erode the open character and appearance of the site and buffer between settlements.
12. While the motorway provides a physical and visual barrier between settlement boundaries, the open space on either side also contributes to this barrier. The appeal proposal's position behind the existing dwellings on Kiln Road would be obvious when viewed from the road and would upset the rhythm and uniformity by creating a new line of development which would be visible from Kiln Road. The proposed development would therefore conflict with criterion i.
13. The appeal site is identified for the potential delivery of ecological mitigation in the form of a Site of Alternative Green Space (SANG) as compensation for Welborne. The supporting text to policy WEL4 considers the matter of third party landholdings within the Welborne Plan boundary; it notes that there are parcels of land within the Welborne allocation that are not under the control of the main site promoters. The appeal site is one of these such landholdings.
14. Policy WEL42 of the Welborne Plan states that where, due to viability or other reasons, any development, facility or infrastructure required by this Plan, on a particular site or area, is delayed and cannot be commenced within the anticipated main phase, or at the time agreed with the Council, the relevant site shall be safeguarded for the intended use. Therefore, as the development is not consistent with and does not contribute to the green infrastructure role of that area it would be contrary to criterion ii.
15. I note that the appeal site is identified only for potential SANG, and that based on the evidence before me outline planning permission has been granted to deliver Welborne and while the appeal site is included, the outline application is not dependent on it in order to deliver the scheme. However, even if the appeal site is not required to deliver SANG I have still found that the location of the proposed development would harm the integrity of the buffer and diminish the physical or visual separation between Welborne and the adjoining settlement.
16. I therefore conclude that the proposed development would not be appropriately located. It would be contrary to Policies WEL1, WEL3, WEL5, WEL6 and WEL42 of the Local Plan Part 3 and guidance contained within the Welborne Design Guidance Supplementary Planning Document. Amongst other things, these seek to ensure that land between Welborne and Fareham is allocated as settlement buffers, development respects and maintains the physical and visual separation of Welborne and its adjoining settlements, responds to the landscape setting and character area which they sit.

Planning Balance

17. The proposal would be contrary to Policies WEL1, WEL3, WEL5, WEL6 and WEL42 of the Local Plan Part 3. These Policies are consistent with the National Planning Policy Framework (the Framework) in seeking to direct new development within settlement boundaries and ensuring that development will function well and add to the overall quality of the area.

18. The Council is able to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. However, the latest Housing Delivery Test (HDT) results stated that the Council has achieved 55% of its housing target which is substantially below the 75% requirement over three years.
19. Having regard to the areas of harm identified, Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite housing land supply cannot be shown, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
20. The proposed development would contribute to the supply of new homes in a situation where there is a shortfall, and it is more likely to be able to be built out quicker due to its small scale. This attracts significant weight in favour of the proposed development.
21. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. The appeal site would involve the use of previously developed land and is intended to be for a self-build dwelling. These benefits are tempered by the fact that the proposal is only for a single dwelling. However, in light of the Council's HDT position, I give significant weight to the reduced benefit of this single house.
22. In this instance, the inappropriate location for the proposed development would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
23. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts identified above would significantly and demonstrably outweigh the benefits.
24. The appeal site falls within the zone of influence for the Solent coastline and New Forest SPA, SAC and Ramsar sites (protected sites). As the competent decision-making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
25. The Council's fifth reason for refusal relates to the plans being submitted as part of the application being inaccurate in terms of land levels. However, as I am dismissing the appeal for other reasons, I have not taken this matter further.

Conclusion

26. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR