



Appeal Decision

Site visit made on 13 November 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/C1760/W/24/3340580

**Bough House, Land west of Sandhill Farm, Salisbury Road, Sherfield
English SO51 6JY**

- 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 & Mrs Laura & Simon Green against the decision of Test Valley Borough Council.
 - The application Ref is 22/02408/FULLS.
 - The development proposed is erection of 1no. dwelling house of outstanding design combined with partial change of use from agricultural to residential land, and creation of extensive landscaping scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. Following the decision by the Council on the planning application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. Whilst paragraph numbers have altered, any policies that are material to this decision have not fundamentally changed. Furthermore, with statements submitted following the publication I am satisfied that this has not prejudiced any party. I have therefore had regard to the latest version in reaching my decision.
4. During the course of the appeal a signed and dated legal agreement under S.106 of the Town and Country Planning Act 1990 (as amended) was submitted to mitigate any effects from the proposal on the Solent and Southampton Water European Designated Site and New Forest Special Protection Area. The Council have confirmed that this satisfactorily addresses the second and third reasons for refusal, and as I have no reason to disagree, these matters do not form a main issue in the consideration of the appeal.

Main Issue

5. In light of the above, the main issue is whether the appeal site is an appropriate location for the proposed development with regard to the local development strategy.

Reasons

6. The appeal site comprises an undeveloped field enclosed by mature woodland. It slopes gently down from north to south but is relatively flat at its northern most point.
7. Adjoining the site to the east beyond boundary woodland is a commercial unit accessed off Newtown Road that also serves a small group of dwellings focused on the junction of Newtown Road with Doctor's Hill. This group, along with three other dispersed small groups of dwellings form part of Sherfield English.
8. There is no dispute between the main parties that the site lies outside of the defined boundaries of the settlements identified within Policy COM2 of the Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 January 2016 (LP). I have no reason to disagree.
9. In this regard, LP Policy COM2 states that the scale of development outside of the settlements identified in the hierarchy in the countryside comprise replacement dwellings, reuse of buildings, rural affordable housing sites, employment, small business use or where it is essential for the proposal to be located in the countryside. As the proposal is for an open market dwelling, none of these apply.
10. As such, the proposal is contrary to LP Policy COM2 and the local development strategy for the location of housing that seeks to direct open market housing to the settlements with the widest range and number of facilities.
11. With regard to the accessibility to services and facilities, while some services and facilities are available in the dispersed hamlets forming Sherfield English, to access a greater range would require travel further afield. While I note the presence of two bus services and bus stops located fairly close to the site, the services are very restricted in number and timing limiting their attractiveness and usability.
12. Furthermore, pedestrian and cycle routes from the site to a wide range of services and facilities at nearby settlements are via the unlit A27 with fast moving cars and no lighting or footways with the roads off the A27 close to the appeal site generally comprising narrow unlit roads with limited footpaths. This would make walking or cycling from the site, particularly in the dark or in colder months, unattractive to most people. In light of this, I find that the site is not in a location that is easily accessible by means other than by the motor vehicle, even considering that opportunities for public transport must be assessed differently in rural areas as stated under paragraph 109 of the Framework.
13. The naming of Sherfield English as a 'village' in the Sherfield English Village Design Statement May 2015 (VDS), does not change its status under LP Policy COM2 or change the accessibility of the site. Neither does the presence of a village design statement or the nucleated settlement pattern dictate its status. Furthermore, the VDS simply describes the area and does not set the settlement strategy. As a result, I do not find that these matters represent a strong basis on which to depart from the local development plan.
14. In relation to this I have had regard to paragraph 83 of the Framework supporting development in rural areas that would enhance or maintain the vitality of communities and where development in one village may support

services in a nearby village. However, given the small scale of the proposal for a single dwelling, any benefits in this regard would be very limited.

15. In light of the Framework seeking to encourage sustainable transport including opportunities to promote walking and cycling, I find no conflict between it and LP Policy COM2. Given the consistency with the Framework, given that the Council can demonstrate a five year supply of deliverable housing sites and paragraph 225 of the Framework stating that existing policies should not be considered out-of-date simply because they were adopted prior to its publication, I give Policy COM2 substantial weight.
16. It follows from the above that I conclude that the appeal site is not an appropriate location for the proposed development with regard to the local development strategy. As such, the proposal conflicts with LP Policy COM2, the aims of which I have outlined above.

Other Considerations

17. The main parties agree that the proposal is not an isolated new dwelling in the countryside under the provisions of paragraph 84 of the Framework.
18. Nevertheless, the Framework emphasises the importance of good design generally. Paragraph 139 a) states that significant weight should be given to development which reflects local design policies and guidance. Paragraph 139 b) states that significant weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standards of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
19. In this regard, there is no dispute between the main parties that the proposal generally complies with the relevant Guidance Notes in the VDS. Furthermore, the proposed dwelling is very well designed reflecting its woodland setting. The building would be orientated to take advantage of views of the surrounding countryside whilst minimising its visual impact from outside of the site and being set within a high-quality landscaped setting. It would have a high quality, contemporary appearance responding to tree lines, finished in timber respecting its woodland setting. The dwelling has been designed to benefit from passive solar gains with integrated renewables, rainwater harvesting, high energy efficiency ratings and freestanding photovoltaic panels.
20. The proposal has been assessed by a design review panel, who were impressed with the holistic design approach, care taken by the design team and considered the proposal to be outstanding promoting a high level of sustainability raising the design standards in the area. I have no reason to disagree.
21. Accordingly, the development is of outstanding design quality in that it reflects the highest standards in architecture, a standard the government is seeking to promote. As such, and particularly given the conclusions of the design review panel, this consideration adds significant weight to the proposal.
22. It is common ground that it would be a self-build development because it would be custom built and occupied by the appellants. The self-build nature of this part of the development is secured through an obligation in the legal agreement. That obligation meets the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 and I therefore give it weight.

There is a dispute between the main parties regarding the extent of any shortfall in the provision of self-build housing. Nonetheless, there is a short-fall, and as a result I give this weight in my consideration. However, the proposal is only for a single dwelling, and I have not been provided with detailed evidence establishing that it is essential for self-build housing to be provided in a countryside location. As a result, this reduces the weight I give to the self-build nature of the proposal.

23. The fact that there is no development plan policy specifically covering self-build housing does not mean that paragraph 11 d) of the Framework is automatically engaged given that LP Policy COM2 is a relevant policy for deciding the appeal.
24. The proposal includes a landscape planting and improvement scheme across the whole of the site including the planting of approximately 350 trees. I consider that to be a benefit that would enhance the appearance of the site. However, the site already benefits from a number of trees and appeared maintained to a good standard at the time of my site visit. In light of this, and as any such landscape improvements would be largely out of public view, I give this only limited weight. I do however give some weight to the proposal providing in excess of 20% biodiversity net gain.
25. I have also had regard to the benefits to the appellant's from working at home. Nonetheless, I see no reason why similar benefits would not be possible from an alternative location. As such I give this very little weight.
26. The development would provide an additional dwelling in the area as a windfall, adding to housing supply and choice. It would also provide economic benefits during the construction period and beyond. However, given that the local planning authority can demonstrate a five year supply of deliverable housing sites, and given the small scale of the proposal, this limits the weight I give to these benefits.
27. I have had regard to other proposals nearby and appeals referenced by the appellant¹ and interested parties. However, I do not have full details of these, note that the applications are from some years ago with some of these consents granted under paragraph 55 of the Framework (now paragraph 84), or when the Council could not demonstrate a five year supply of deliverable housing sites. In light of this, I cannot be sure that they are directly comparable to the appeal before me. Moreover, I am required to consider the current appeal on its merits.
28. As the reduction in Nitrates and need to mitigate any likely significant effects upon Solent and Southampton Water European Designated Site and New Forest Special Protection Area are requirements of local planning policy and national guidance, such matters are neutral in my consideration.

Other Matters

29. As I am dismissing the appeal for other reasons, I do not need to consider the legal agreement or likely significant effects upon Solent and Southampton Water European Designated Site and New Forest Special Protection Area and the related duties under the Conservation of Habitats and Species Regulations 2017 further.

¹ 11/02498/FULLS, 06/02942/FULLS, 07/02346/FULLS, APP/X2220/W/18/3206321, APP/K2610/W/20/3259971, APP/J1860/W/22/3294214, APP/T0355/W/22/3309281

Conclusion

30. The proposal has undoubted benefits as outlined above, and particularly in respect of the outstanding quality of the architecture, that carries significant weight.
31. However, even considered cumulatively, I do not find that the considerations set out above outweigh the harm resulting from the location of the proposal and conflict with the local development strategy.
32. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. The appeal is dismissed.

C Rose

INSPECTOR