



Appeal Decision

Site visit made on 12 November 2024

by S Leonard BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2024

Appeal Ref: APP/L1765/W/24/3344776

Offices at Soake Farm, Soake Road, Denmead, Hampshire PO7 6JA

- 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 Eligius Ltd against the decision of Winchester City Council.
 - The application is Ref 23/02481/FUL.
 - The development proposed is demolition of existing office and ancillary buildings on site; conversion of existing industrial warehouse and the construction of 9 No. residential properties consisting of 1-, 2-, 3-bedroom properties, all with associated parking, hard and soft landscaping and amended access.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Following the submission of the appeal, the revised *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have had regard to the latest version in reaching my decision. Whilst paragraph numbers have changed, the policies of the Framework most relevant to the appeal have not altered so substantially as to affect the matters raised by the main parties. Therefore, there is no requirement for me to seek their views on this matter, and I am satisfied that this approach would not prejudice any party's interests.

Main Issues

3. The main issues are:
 - Whether the appeal site is a suitable location for the proposal, having regard to its location within open countryside and the Council's adopted settlement strategy;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of The Coach House, with particular regard to privacy, outlook and light impacts; and
 - The effect of the proposal on highway safety, with particular regard to access design and on-site parking provision.

Reasons

Location

4. The Council's settlement strategy is set out in Policy DM1 of the *Winchester District Local Plan Part 1 – Joint Core Strategy* (March 2013) (the LPP1). This directs new development to within the settlement boundaries of a defined list of settlements. The site lies within open countryside within the designated 'settlement gap' between the listed settlements of Denmead and Waterlooville.
5. As such, LPP1 Policy MTRA4 applies, as it provides guidance for development within countryside locations. This policy restricts development within the countryside to that which has an operational need for a countryside location; proposals for the reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing (to meet demonstrable local housing needs); expansion or redevelopment of existing buildings to facilitate the expansion on-site of established businesses or to meet an operational need; and small-scale sites for low key tourist accommodation.
6. The proposal for 9 new market homes would not fall within any of these categories. As such, I therefore conclude that, in locational terms, the site is not a suitable location for the proposal having regard to the Council's adopted settlement strategy. As such, it conflicts with LPP1 Policy MTRA4, the aims of which I have outlined above.
7. This policy is consistent with the sustainable development and housing aims of the Framework. In this respect, whilst the site comprises previously developed land, I do not find conflict with the substantial weight given within the Framework to the value of using suitable brownfield land within settlements for homes and other identified needs (Paragraph 125 c)) given the countryside location of the site and the market housing nature of the residential development proposed.
8. Having regard to Paragraph 125 d), whilst the site is currently under-utilised, there is no robust evidence before me, to demonstrate that it could not be used for commercial purposes in the future, subject to some investment to make the existing buildings more attractive to future business occupiers.
9. Moreover, there is no cogent evidence before me that housing land supply is constrained within the district. The Council has confirmed that it can identify in excess of a 5-year housing land supply with a 20% buffer, and the 2023 Housing Delivery Test Results¹ confirm that the Council has exceeded its housing requirement over the previous 3 years.

Character and appearance

10. The appeal site comprises a vacant former commercial premises containing 3 buildings arranged around a hard surfaced yard and accessed via Soake Road. A single storey stable block structure runs along the southern site boundary road frontage. There is a single storey office building adjacent to the northern boundary and a taller storage building adjacent to the western side boundary. Previous uses include B1(a) office use of a building, an industrial storage unit and a stable block used for equestrian retail.
11. The site also includes part of the garden of an adjacent residential property which lies within the wider site of Soake Farm located to the north of the appeal site. A single storey residential property, known as The Coach House,

¹ Published on 12 December 2024

- abuts the western site boundary and the stables and store building, having its main orientation facing west, away from the site towards a hard surfaced yard. Beyond the neighbouring properties to the north and west are open fields.
12. The landscape within which the appeal site is located forms part of the Denmead – Waterloooville Settlement Gap under LPP1 Policy CP18. As a result of the extensive coverage of the site with buildings and hard surfacing and its history of commercial use, the appeal site has an existing physical and visual impact upon the gap. As such, I concur with the agreed position by both main parties that the appeal scheme, whilst altering the impact upon the gap, would not significantly physically or visually diminish it.
 13. However, this does not mean that the proposal would not harm the character and appearance of the area. Built development along Soake Road between Hambledon Road and Anmore Road largely comprises sections of frontage residential development with interspersed elements of commercial buildings. A large part of the road lacks any frontage development and is flanked by undeveloped fields, which also comprise the prevailing land characteristic of the wider land to the west and east of the road, so that there is a very distinctive rural 'break' between the built-up urban areas of the settlements of Waterloooville and Denmead.
 14. Whilst there is a wider band of residential development at the northern end of the road, this is sporadically arranged and maintains the low density of residential development which prevails within this part of the settlement gap. Residential properties generally sit within generous plots with associated large areas of outdoor living space. As such, they fit comfortably within their rural surroundings.
 15. The site occupies a visually prominent position within the street scene, being located on a sharp bend in the road and directly opposite the junction with the site access road to a branch of a national chain of builders' merchants.
 16. Whilst highly visible from the public realm the existing buildings on the appeal site fit comfortably within their rural surroundings, comprising a design, scale, height and materials which are typical of rural agricultural and stable buildings. Also, the existing layout of development is akin to that of a farmyard group of buildings. As such, the rural character of the site has been preserved.
 17. Moreover, whilst the evidence before me is that the site has been vacant since November 2019, it has not fallen into such a poor state of repair that it is harmful to the visual amenities of the locality, so that its vacant condition does not justify its redevelopment with the appeal scheme.
 18. The appeal scheme would introduce a significantly higher density of residential built development onto the appeal site than is characteristic of the housing within the locality. Gardens would be small, and in most cases, apart from those of plots 7 and 9, hidden behind the housing, with the area to the front of the houses dominated by hard-surfacing and parking.
 19. Notwithstanding that the existing storage building would comprise a residential conversion, the resulting terrace of individual houses would comprise an unduly cramped form of development having regard to the small rear garden depths in relation to the western site boundary and the awkward and close positioning of

- proposed dwelling no.8 in relation to proposed dwelling no.9 which would be positioned directly in front and within close distance.
20. The proximity of both these units to the existing neighbouring dwelling to the west would further add to the unduly cramped nature of this part of the development. Also, the proposed juxtaposition of units 6 and 8 and their rear gardens would result in mutual overlooking from the upper floor rear elevation windows of each to the rear garden of the other. This is a further indication of the proposed unduly cramped and contrived layout.
 21. The asymmetric footprint of unit 9 would reflect its position hemmed into the corner of the site. Moreover, the positioning of the sole gardens for plots 7 and 9 adjacent to the site frontage and to the front of their respective plots, and in the case of the former, detached from the house to which it relates, indicates that the layout has been contrived to fit within the constraints of the site.
 22. As a result of the above factors combined, the intensely developed site with little space to provide soft landscaping, would assume a distinctly urban appearance which would fail to reflect the prevailing rural character of the site and its surroundings and the looser layout of residential development which typifies the area.
 23. The office building would be replaced by a pair of semi-detached, pitched roof chalet bungalows, incorporating the upper floor accommodation within the roof space served by a series of front-facing hipped roof dormers. The dormers would stretch almost continuously across the front-facing roof slope, extending close to the roof ridge and taking up a large proportion of the roof slope.
 24. As a result, the roof would appear unduly bulky in relation to the ground floor with the dormers giving the front elevation a top-heavy unbalanced and over dominant roof form. This would be exacerbated by the comparatively large size of the dormers in relation to the fenestration on the ground floor below. The series of individual roofs would further draw attention to these roof features which would appear incongruous within the context of prevailing surrounding built development, from which there appears to be no obvious local reference.
 25. The proposed detached chalet style dwelling to replace the stables building would also have first floor accommodation provided solely within a steeply pitched roof. In this case dormers along both side roof slopes would be very apparent in views of the front of the dwelling from the east where they would appear unduly bulky because of their proximity to the roof ridge and eaves. This would result in the upper part of the building assuming an unduly large visual prominence in relation to the ground floor.
 26. Having regard to all of the above, and in the absence of substantive evidence from the appellant to the contrary, such as a design contextual analysis, I am not persuaded based on the evidence before me, and my site visit, that the appeal scheme design would respond positively to the locality.
 27. The appellant has stated a previous willingness to alter some aspects of the scheme design details during the application determination period, including reducing the number of dwellings and altering the design of some upper floor windows, to address some of the Council's concerns. Notwithstanding this, I must determine this appeal based on the appeal scheme before me, since 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 local planning authority, and on which interested people's views were sought.

28. For the above reasons, I therefore conclude that the proposal would materially harm the character and appearance of the area. As such, the development would be contrary to LPP1 Policy CP13 and Policies DM16 and DM17 of the *Winchester District Local Plan Part 2 Development Management and Site Allocations* (April 2017) (the LPP2).
29. These policies, amongst other things, seek to ensure that new development meets the highest standards of design and that it responds positively to the character, appearance, and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout.
30. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework, which seeks to achieve well-designed places, including Paragraph 135 which requires developments to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living conditions

31. The evidence before me is that, whilst historically connected to the appeal site and the wider property comprising Soake Farm, the adjacent single storey residential property known as the Coach House now comprises an independent dwelling. As such, albeit that the appellant has confirmed that it is occupied by a member of the family, the impact upon the living conditions of the current and any future occupants of the property is a material consideration in the determination of this appeal.
32. I saw during my site visit that the window in question is small. It is positioned on the rear of the dwelling, whose main outlook faces westwards. In the absence of substantive evidence to the contrary before me, the window appears to be of a size and design and in a position in relation to neighbouring built development, that means it would be reasonably expected to serve a non-habitable room. It is positioned at the end of a narrow covered 'alleyway' between the adjacent former commercial building and stables block, so that the outlook from the window is currently overshadowed and oppressive. It is also open to noise and disturbance associated with comings and goings to the stable building due to the proximity of alley-facing doors and windows.
33. With the above in mind, I find that the proposed provision of a sufficiently high boundary fence in front of the window would mitigate potentially harmful noise and disturbance and privacy impacts associated with the use of the main front entrance to unit 8. Having regard to the aforesaid current situation, I do not find that this would result in such a significant loss of light or diminished outlook to the rear window of the Coach House such that it would warrant refusal of the appeal scheme.
34. For the above reasons, I therefore conclude that the proposal would not materially harm the living conditions of the occupiers of The Coach House, with regard to privacy, outlook and light impacts. As such, it would accord with the aims of LPP2 Policies DM16 and DM17 in so far as these policies seek to ensure that development does not have an unacceptable adverse impact on adjoining uses or property by reason of overlooking, overshadowing or by being

overbearing, and including the provision of boundary treatments that respond positively to the local context around the site.

35. This is generally consistent with Paragraph 135 of the Framework, which seeks to ensure that developments will function well and promote a high standard of amenity, health, and well-being for existing and future users.

Highway safety

36. Soake Road is a rural single track unclassified road which is subject to a 30-mph speed limit. As such, it is a minor traffic route with moderate traffic speeds. The site lies on a bend in the road and close to a well-used vehicular access serving a builders' merchants on the opposite side of the road.
37. Given this location within the road and having regard to a lack of pedestrian footways and street lighting along the road, the Council is concerned about pedestrian safety within the site vicinity because of the proposed vehicular access being of insufficient width to facilitate 2-way traffic. This, the Council considers to be necessary, to preclude vehicles awaiting entry to the appeal site stopping on the road and potentially blocking access or egress from the builders' merchants opposite, which is regularly used by HGVs which take up the width of the road, leaving no room for pedestrians to safely pass.
38. In considering this issue, I am mindful that the lawful existing commercial uses of the appeal site are traffic generating. Based upon the TRICS data provided by the appellant, which has not been disputed by cogent evidence to the contrary by the Council, the proposal would be likely to generate fewer daily traffic movements than those associated with the existing lawful uses of the site.
39. The appellant has carried out a traffic survey of vehicles using this part of Soake Road which found traffic speeds within the site vicinity to be lower than 30-mph. Visibility from the existing vehicular access is restricted due to the existing site frontage walling and the appeal scheme would reposition the vehicular access further south and provide the required visibility splays corresponding to the measured traffic speeds in this part of the road. As such, there would be potential highway safety benefits associated with the appeal scheme.
40. Moreover, the evidence before me is that based upon the current Hampshire Constabulary records, there has been no recorded history of accidents along the appeal site stretch of Soake Road during the past 5 years. This weighs in favour of the proposal.
41. The Council is concerned that inadequate on-site parking as assessed against the Council's adopted standards, would lead to on-street parking and resulting restricted access and highway obstruction which could harm other road users. In respect of the housing mix as proposed, the Council's adopted parking standards² would require 17.5 spaces based on wholly allocated parking provision. In the case of shared/communal parking the requirement is reduced to allow for a proportion of households not having a car.
42. Based upon the appellant's proposed mix of allocated and unallocated parking, acknowledging that where at least half of the parking provision associated with

² Residential Parking Standards Supplementary Planning Document (December 2009)

the development is unallocated no additional visitor parking need be provided, the proposed 6 allocated and 10 unallocated parking spaces would accord with the Council's adopted parking requirements.

43. As such, I find no conflict with the Council's adopted parking standards based upon the information before me. Notwithstanding that on-street parking is limited within the immediate vicinity of the appeal site, and the location of the site could reasonably result in further occupants having an unpaved and unlit walk to the closest community facilities and services, I find that there is no cogent evidence to demonstrate that the proposed amount of on-site parking would result in danger to highway users.
44. The provision of pedestrian pathways along Soake Road within the appeal site vicinity could potentially alleviate some of the aforesaid Council concerns. These are not proposed by the appellant. Moreover, having regard to the above, I am not persuaded that such provision is necessary to make the development acceptable in highway safety terms, nor that it could reasonably be required as part of the appeal scheme due to complications associated with third party land acquisition and highway safety concerns in regard to any further reduction in the width of the existing narrow road.
45. For the above reasons, and in the absence of cogent evidence from the Council to the contrary, I conclude that it has not been satisfactorily demonstrated that the appeal scheme would result in material harm to highway safety, with regard to access design and on-site parking provision. As such, the proposal would not conflict with the highway safety objectives of LPP1 Policy CP10 and LPP2 Policy DM18.
46. For similar reasons, the proposal accords with Paragraph 116 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development, following mitigation, would be severe, taking into account all reasonable future scenarios.

Other Matters

47. The appeal site lies within the Zone of Influence of a European site (River Itchen SAC, and the Solent SAC, SPAs, and Ramsar Sites), where a net increase in housing development is likely to result in impacts to the integrity of these sites, because of increased levels of nutrients from wastewater entering the water environment. Such impacts would require the inclusion of a package of avoidance/mitigation measures to address these effects.
48. The appellant has confirmed willingness to provide the required mitigation measures and both main parties are content that the mitigation could be secured by means of a Grampian condition.
49. Whilst this matter did not constitute a reason for refusal, within the context of the appeal, the responsibility for assessing the effects of the proposal on the European site falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine the above matters further, including seeking further information from both main parties and, potentially, consulting with Natural England, and to

undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European site.

50. I would need to be satisfied that any mitigation schemes for addressing the foul water impacts of the development are certain at the time of AA, so that no reasonable scientific doubt remains as to the effects of the development on the internationally designated European sites.
51. However, as there are other clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. Therefore, I do not need to consider these matters any further as part of my decision.
52. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social, and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well.
53. It would contribute towards the Council's housing supply, and it could be built out relatively quickly, having regard to Paragraph 73 of the Framework. However, by providing 9 dwellings only, the contribution would be modest.
54. There would also be modest short term economic benefits as a result of the construction of the development, and longer term economic and social benefits from the occupation of the new dwellings.
55. Whilst the Framework encourages the effective use of land in meeting the need for homes and requires the Council to approach decisions in a positive and creative way, this is not unqualified.
56. The Council has raised no objections to the appeal scheme in respect of matters including housing mix, drainage and flood risk and on-site ecology. Moreover, I have found no material harm in respect of neighbouring living conditions and highway safety. A lack of identified harm is a neutral factor in the planning balance.

Conclusion

57. The proposed development would conflict with the adopted development plan when considered as a whole, and there are no material considerations, including the Framework, that indicate that the proposal should be determined other than in accordance with the development plan.
58. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR