



Appeal Decision

Site visit made on 20 January 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th February 2025

Appeal Ref: APP/C1760/W/24/3342525

Land at Rowan Oak, Craydown Lane, Over Wallop SO20 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Fudge against the decision of Test Valley Borough Council.
 - The application Ref is 23/02926/OUTN.
 - The development proposed is creation of two self-build plots and associated hard & soft landscaping at Land at Rowan Oak, Over Wallop.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline. Matters of appearance, layout and scale are reserved for future consideration ('reserved matters'). I have therefore treated any references to reserved matters in documentation as illustrative.
3. A transport technical note accompanies the appeal submission which provides additional information in relation to highway matters. The Council has confirmed that the further information is sufficient to overcome their third reason for refusal. I therefore do not address this matter in the reasoning below.

Main Issues

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

Reasons

Location

5. Policy COM2 of the Test Valley Borough Revised Local Plan 2016 (LP) sets out a settlement hierarchy for the area and seeks to create and maintain sustainable settlements. The Policy states that development outside boundaries of settlements, such as the appeal proposal, will only be permitted if it is appropriate in the countryside as set out in the LP, or it is essential to be located in the countryside.
6. The appeal site lies outside the settlement boundary of Over Wallop, a village about 300m to the south. Development that may be appropriate in such locations as set out in the LP include affordable housing, community led development and

occupational accommodation for rural workers. Whilst put forward as self-build housing (SBH), none of the exceptions to justify new housing in the countryside apply to this proposal, and no substantive evidence has been provided to demonstrate that it is essential to be located in the countryside.

7. With regards the accessibility of the appeal site to services and facilities, even if there are some other parts of the village that are within the settlement boundary but are disconnected from the main part of the village, the appeal site itself is nevertheless a notable distance from services and facilities.
8. Whilst it is feasible to walk to services and facilities, future occupiers would be required to walk along a rural lane with no street lighting or footpath. Walking from the site, particularly in the dark, inclement weather or in colder months, would therefore be unattractive to most future occupiers. Instead, occupiers would be likely to rely heavily on the use of private vehicles to access those services and facilities that are reasonably required for everyday living. Moreover, given the small scale of the proposal, any benefits in the support for services in the surrounding nearby villages would be minimal.
9. I therefore conclude on this main issue that the site is not a suitable location for the proposal having particular regard to the local development strategy. The proposal would conflict with LP Policy COM2, the purpose of which is outlined above.

Character and appearance

10. The appeal site is an area of paddock that lies within the Thruxton and Danebury Chalk Downland landscape character area (LCA) as defined in the Test Valley Landscape Character Assessment. Whilst there is a small cluster of dwellings to the west of King Lane, and despite being adjacent Rowan Oak, the appeal site is experienced as part of the surrounding open countryside. This is emphasised by the limited amount of development to the east of King Lane with the appeal site positively contributing to the strong rural character of the area.
11. I observed the site from various viewpoints, including those provided within the Landscape & Visual Appraisal¹. As the proposal is in outline form, no final details are before me of the reserved matters. However, the proposed landscape strategy would result in areas of additional native hedgerow, hedgerow repair and native tree and wildflower grassland planting as well as retention of existing hedge boundaries and associated mature trees.
12. Nevertheless, even when landscaping was mature and even if of single storey or room in roof design, residential built form would be evident in glimpse views from King Lane and Craydown Lane, particularly during winter months when some foliage may not be in leaf.
13. The proposal would not appear as an entirely unexpected or incompatible element in the landscape given existing residential development near the appeal site. However, the erection of residential built form in this currently undeveloped area would inevitably result in further sporadic development to the east of King Lane, away from the existing cluster of buildings into open countryside.

¹ DPLC/370/LVA 17 October 2023

14. Even if the effects of the proposal on some of the LCA key valued characteristics would be minor, the proposal would nevertheless result in an urbanisation of the site and reduce the contribution of the appeal site to the rural character of the area.
15. Consequently, the proposal would harm the character and appearance of the area. This would result in conflict with LP policies E1 and E2. These policies seek to ensure, amongst other things, that development is of high-quality design which protect, conserve and enhance the landscape character of the Borough.

Other Matters

16. The appeal site lies within the Nutrient Neutrality Catchment Area of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site; the Solent Maritime Special Area of Conservation; Portsmouth Harbour SPA and Ramsar Site; and the Solent and Dorset Coast SPA (habitats sites). The waters in the habitats sites are internationally important for wildlife and include key marine habitats.
17. Natural England advise that there are high levels of nitrogen and phosphorus entering the water environment and these excessive levels of nutrient are causing eutrophication, resulting in dense mats of green algae impacting on the protected habitats and species.
18. The addition of residents associated with new dwellings which increase the amount of foul water produced in the catchment area will be likely to increase levels of nutrients within the habitats sites. Significant effects from the development are therefore incapable of being ruled out and are considered likely.
19. Nitrate calculations have been provided, and it is suggested that a planning condition could be imposed in order to secure a planning obligation ensuring that an offsetting mitigation scheme is secured to address nutrient neutrality. However, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal.
20. Given my conclusions on the main issues above, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect the habitat sites. Moreover, even if I were to find that suitable mitigation could be appropriately secured, a lack of harm would only be a neutral factor.
21. My attention has been drawn to other appeal decisions relating to SBH. The first appeal² materially differs to the current proposal as it is within a differing local authority area, with differing development plan policies, and relates to a larger number of dwellings resulting in differing benefits.
22. Within the second appeal³, the Inspector found, consistent with my findings, that the proposal would conflict with LP Policy COM2, and also found that the Council's spatial strategy was not out of date and there was no requirement for the development plan to have a discrete self-build policy. That proposal also had differing benefits from the proposal before me, including providing a larger number of dwellings and provision for affordable housing. As such the schemes materially differ and are not directly comparable.

² APP/Y3940/W/23/3317252

³ APP/C1760/W/22/3293740

23. Very limited information has been provided in relation to a further appeal⁴ quoted and I am therefore unable to ascertain any equivalence to the scheme before me. In the fourth case⁵ quoted, although I do not have the decision letter before me, it appears the Inspector in that instance found the development plan to be out of date, thus also limiting its equivalence.

Planning Balance

24. There is no dispute that the Council is able to demonstrate a 5-year housing land supply. However, the appellant states that in the absence of a policy for SBH, there are no relevant development plan policies and the provisions of paragraph 11d) of the National Planning Policy Framework (Framework) should be applied.
25. Whilst there may not be any specific development plan policy concerning SBH, there are relevant Development Plan policies regarding the location of housing and character and appearance. Moreover, I have assessed the main issues in this appeal against these policies.
26. These policies are, therefore, the most important ones for my decision. LP Policy COM2 provides a clear spatial strategy that directs development towards settlements while providing flexibility to promote sustainable development in rural areas. This Policy is generally consistent with the Framework which seeks to promote sustainable development, locate housing where it will enhance or maintain the vitality of rural communities, and which seek to ensure that developments create places that are inclusive and accessible. LP Policies E1 and E2 are also in general accordance with the parts of the Framework that seek to achieve well-designed places.
27. Therefore, when taken as a whole, these most relevant policies cannot be regarded to be out of date for the purposes of this decision, and full weight can be accorded to them. Framework paragraph 11d) is not applicable in this case.
28. The Housing and Planning Act 2016 requires that enough serviced plots of land be granted planning permission to meet the demand for self-build and custom housebuilding. The evidence indicates that the Council cannot demonstrate an adequate supply of self-build plots.
29. However, whilst the proposal is put forward as SBH, I only have a draft heads of terms for a Section 106 agreement before me, thus there is no mechanism before me that would guarantee the scheme would meet the definition of self-build or custom build homes. Nevertheless, even if I was satisfied that the development would be delivered as a form of SBH, two such dwellings would only make a small contribution to reducing the identified shortfall in the area. Therefore, whilst the development would contribute towards the Government's objective of significantly boosting the supply of homes, I afford this moderate weight.
30. The proposal would also contribute towards the local economy, both during the construction period, and from future occupation. However, given the small scale of the scheme, the weight that can be attributed to this benefit is modest.

⁴ APP/G1630/W/20/3250825

⁵ APP/H1840/W/19/3241879

Conclusion

31. For the reasons given above, I find that the proposed development would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR