



Appeal Decision

Site visit made on 22 January 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/L1765/W/24/3350144

Arnewood House, Boyes Lane, Colden Common, Winchester SO21 1TA

- 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 Massey and Dr McGeoch against the decision of Winchester City Council.
 - The application Ref is 23/02585/FUL.
 - The development proposed is the demolition of existing buildings and menage and replacement with a self-build dwelling (Use Class C3), garaging, landscape, biodiversity enhancements and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the publication of the revised National Planning Policy Framework (the Framework) the views of the main parties was sought on the current housing land supply situation. I have taken their submissions into account in my decision.

Main Issues

3. The main issues are a) the location of the proposed dwelling; and b) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Policy MTRA4 of the Winchester District Local Plan Part 1 2013 (LPP1) and Policies DM1 and DM23 of the Winchester District Local Plan Part 2 2017 (LPP2) seek to focus development within the settlement boundaries shown on the Policies Map. Outside of these areas the policies prioritise protection of the character and environment of the countryside. However, there is not a complete prohibition on development outside of these boundaries. New development may be permitted that is consistent with development plan policy or where the need for a countryside location meets certain specified exceptions.
5. The appeal site is not within a settlement boundary. There is no substantive evidence before me to demonstrate that the proposal meets any of the specified policy exceptions or that a countryside location is justified.
6. Consequently, the proposal would conflict with the locational requirements of Policy MTRA4 of the LPP1 and Policies DM1 and DM23 of the LPP2 which seek to control development in the open countryside.

Character and Appearance

7. The appeal site comprises some existing single storey buildings and a menage. It forms part of a larger holding comprising Arnewood, a large chalet bungalow and adjacent field. This is all located on the southern side of Boyes Lane, a narrow road which provides access to a number of dwellings to the west of the appeal site and other uses further to the north and east. The western end of Boyes Lane is within the settlement boundary of Colden Common but the access to the appeal site is some 80 metres beyond it.
8. Despite the proximity of the site to the settlement boundary and of other dwellings on the northern side of Boyes Lane, the area around the site has a mainly rural context. The site is largely surrounded by open fields and land, and the existing dwelling stands within a large plot which in turn positively contributes to the spacious and verdant character.
9. When viewed from Boyes Lane travelling east, the site is well screened. Only a brief glimpse of the northern elevation of the building nearest the lane is visible. However, I observed that when seen from further east on Boyes Lane and looking back towards the appeal site, the buildings are much more evident, as is the menage. Whilst I appreciate that at different times of the year the existing trees and boundary planting may provide greater levels of screening, the site and buildings would no doubt be evident to varying degrees from this viewpoint.
10. As part of my site visit, I also took the opportunity to view the site from Chalk Dell, a residential development to the south of the appeal site. From certain viewpoints, the menage and some of the buildings were clearly visible through the planting along the northern boundary of Chalk Dell. Even with greater leaf cover at other times of the year it seems to me that the site would remain visible from this area.
11. The buildings are sited close to the existing dwelling. Whilst they are clearly visible, given their size and form they are not overly prominent and together with the nature of the use, do not form an uncommon sight in rural locations such as this one. As such, this existing situation does not unduly detract from the wider character and appearance of the area when viewed from Boyes Lane or Chalk Dell.
12. The proposed dwelling and garage would be sited on that part of the appeal site currently used as the menage and so would be positioned away from the existing dwelling. This extends built form onto more open land, and away from the established areas of housing along Boyes Lane.
13. Ostensibly designed to provide single storey accommodation and use external materials intended to integrate with the environment, the proposed dwelling would nevertheless be a significantly more imposing and prominent structure than the buildings and menage it would replace. Furthermore, the nature of a residential property, including such factors as the level of activity, comings and goings as well as artificial light being emitted from the house, would in comparison with the existing use, have a more intense visual impact.
14. Low light transmittance glazing may help mitigate some obtrusive light spill. However, it would not prevent light spill when windows and glazed doors were open, such as during warm evenings.

15. Notwithstanding that the proposed dwelling would have a generous garden and space around it, there would inevitably be a sense of domestication and urbanisation. Although the scheme would lead to the removal of the buildings and the activities associated with the menage, I have not found these to be particularly harmful to the character of the area.
16. Conditions could be utilised to address such matters as supplementary planting and landscaping, external lighting etc. to help to minimise the visual impact of the building. However, these would not necessarily disguise the fact that a large dwelling with the attendant activity and paraphernalia was located on the site. I am also mindful that boundary landscaping would be a form of mitigation of harm rather than an enhancement of the landscape. In any event the purpose of landscaping is to integrate a development into its surroundings, not to hide something which is otherwise unacceptable.
17. Consequently, I find that the contribution which the site makes to the character of the area would be diminished as a result of the proposal. Accordingly, it would be contrary to Policy MTRA4 of the LPP1 and Policies DM1 and DM23 of the LPP2 insofar as they seek to limit development in the open countryside and so not cause harm to the rural character and landscape of the area.

Other Matters

18. The main parties disagree on whether the Council is able to demonstrate a five year supply of deliverable housing land. The Council's Annual Monitoring Report (AMR) before me indicates there to be an 8.7-year supply for the 2024-2029 monitoring period. The Council has a previous record of oversupply and so incurred no consequences from the latest Housing Delivery Test results.
19. However, the appellants note that the Local Plan is now more than five years old. It is also pointed out that the Council's AMR figures are not based on the latest Standard Methodology for calculating Local Housing Need and pre-date the re-instated requirement to include a 5% buffer for choice and competition in the market. Concerns are also raised in relation to using previous over supply to offset against future requirements. Some allocated sites are identified by the appellants as not being deliverable when applying the Framework's definitions. Thus, for the period 2024 – 2029, the supply figure calculated by the appellants is 3.47 years or 3.58 years if the disputed sites are not discounted. The appellants figures indicate a worsening position beyond 2024.
20. The proposed house would be a self-build dwelling. A Unilateral Undertaking has been submitted which would limit the building's first occupier to residing there for a period of at least three years. The first occupier would have had to have had primary input into the design and layout of the dwelling, a requirement with which the appellants are said to comply given that their specific needs have been incorporated into the scheme before me.
21. Whilst the main parties may disagree over the approach and delivery of self-build houses, there is general agreement of an under supply in the area. As such, this is undoubtedly a factor which weighs positively in support of the appeal scheme. However, as the development would provide only a single plot, its contribution would be modest, even if supply is at the levels suggested by the appellants. Consequently, I attach only modest weight to this benefit.

22. Paragraph 124 of the Framework refers to Previously Developed Land (PDL) in relation to strategic policies; Paragraph 125 requires substantial weight to be given to the use of suitable brownfield land within settlements; Paragraph 126 states plan-making bodies should take a proactive role in identifying land suitable for meeting development needs; and paragraph 128 supports alternative uses of PDL where this would help to meet identified development needs. Paragraph 89 is in Part 6 of the Framework, which relates to building a strong, competitive economy. Overall, therefore, even if development of PDL outside settlements is not precluded by these paragraphs, and even if Paragraph 89's encouragement for use of PDL in rural areas applies to housing, the Framework supports a strategic approach to development of PDL.
23. The Council's Draft Local Plan has now reached the Regulation 19 stage. It has allocated land at Colden Common Farm for residential development. This allocation would extend the settlement in this area closer to the site. Thus, the proposed dwelling would be noticeably closer to this part of the village. The appeal site would nevertheless still be outside the village envelope and be sited within land that would clearly be seen as being within the open countryside. The Plan attracts limited weight for decision making purposes at this stage but nevertheless, it is clear that the appeal site, whilst containing existing buildings and a menage, does not form part of the Council's strategic approach to development in the area. As such, even if the site were considered to be PDL, given the above and my previous observations, it is not a factor which weighs heavily in support of the scheme.
24. I have been referred to an appeal decision at Gubblecotes, a property on Boyes Lane, to the west of the appeal site. There are some similarities between the two proposals, including both sites being outside of the settlement boundary. However, crucially, the Gubblecotes site is adjacent to the boundary and situated between existing buildings. Thus, the Inspector in that case concluded that the scheme would be read as infill development, the settlement would not be extended and there would be no loss of countryside or visual intrusion into the landscape setting of Colden Common. Therefore, no harm to the character and appearance of the area was identified.
25. Indeed, the Inspector in the Gubblecotes decision notes that in their opinion the countryside begins to the south of the lane and beyond the Shires. The appeal site is to the south of the lane and is in a more open and visually prominent location than that of Gubblecotes. My assessment of the appeal site's context and the prevailing character of the area therefore accords with this earlier decision and assessment. The current appeal proposal could not be described as infill as it is not positioned between existing buildings but instead extends the ribbon of housing further away from Boyes Lane. Indeed, I have found this to raise sufficient harm to the existing character and appearance for it to weigh against the proposal. I therefore give the Gubblecotes decision limited weight in the context of determining this appeal.
26. The appeal scheme would incorporate various aspects such as solar shading and solar panels which would help ensure a sustainable form of construction, thereby reducing the pressures on energy. Although such measures are becoming more common, they nevertheless can be given a small amount of positive weight.

27. Biodiversity enhancements are included as part of the proposal. The Planning Statement submitted in support of the planning application notes the findings of the Extended Phase 1 Habitat Survey which includes a mitigation method statement for Great Crested Newts, the retention and protection of boundary trees, artificial lighting strategy and enhancements such as grassland creation, bird nesting provision, bee provision and landscaping for the benefit of wildlife. Some of these would appear to be forms of mitigation and so would be expected as opposed to being positive benefits of the scheme. Whilst the proposed enhancements could be addressed through planning conditions, given their likely scale they attract a small amount of positive weight.
28. A package treatment plant (PTP) is necessary for the proposed dwelling, to ensure nutrient neutrality in the Solent catchment. This would comply with the requirements of Natural England and of the Conservation of Habitats and Species Regulations 2017 (as amended). The new PTP would also serve the existing dwelling, replacing its current facility. Whilst the extent of any improved efficiency is not stated, it nevertheless draws a small amount of positive weight.
29. There are some matters such as the effect on neighbours living conditions, flooding and highways/access over which no concerns are raised. Other issues such as drainage could be addressed through planning conditions. The site's location in terms of access to services, facilities and sustainable transport options was not a contentious issue in this appeal, nor was the capacity of the village to accommodate new dwellings. These are therefore all matters where there is an absence of harm. As such, they do not weigh positively in favour of the scheme and so would be neutral in any balance.

Planning Balance

30. The proposal would be outside the settlement boundaries established through the development plan. Furthermore, I have concluded that in terms of the character and appearance of the area the proposal would conflict with the requirements of local policies. As these policies broadly reflect the provisions of the Framework, I give these conflicts substantial weight.
31. Evidence about housing land supply is dynamic. The Council's figures may not accord with the latest requirements of the Framework, but past oversupply does not always need to be ignored. Where there has been a history of continual over supply taking some or all of it into account might not be unreasonable. I am mindful that the Council has not had an opportunity to respond to the appellants' detailed analysis of the disputed sites.
32. Therefore, it may be that the true supply figure lies somewhere between the main parties claims but overall, there is not sufficient information before me to establish with any degree of certainty exactly where it may lie. However, even if I were to conclude that the Council do not have a Framework compliant supply of deliverable housing sites, and Paragraph 11 d) of the Framework was applied, this does not mean that permission must be forthcoming.
33. The Government's objective is to significantly boost the supply of homes, and the provision of a single dwelling would make only a small numerical contribution to the supply of housing stock generally and self-build units in particular. Nevertheless, within a context of under supply suggested by the appellants and

given the contribution windfall sites make locally to overall supply, the proposed house would attract considerable positive weight.

34. The proposal would also lead to some social and economic benefits through the construction of the residential unit and the activities of the future residents of the scheme. However, given the scale of the development I attribute only limited weight to these benefits. There would also be some small positive weight in regard to the PTP, energy saving measures, biodiversity enhancements etc.
35. Conversely, while there is support in the Framework for new housing, this support should not be at the expense of such development being appropriately located or it causing harm to the character and appearance of an area. Such harms can be long lasting and the need to protect them is perennial and in direct compliance with the Framework. As such, they are worthy of substantial weight in this appeal.
36. Overall, the benefits in respect of the appeal scheme would be constrained given the scale of development proposed. Therefore, the harm identified in respect of the main issues would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and having particular regard to key policies for, amongst other things, directing development to sustainable locations and securing well-designed places. As a result, the presumption in favour of sustainable development would not apply in this case.

Conclusion

37. For the above reasons, the proposed development would conflict with the development plan as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR