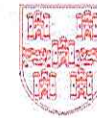
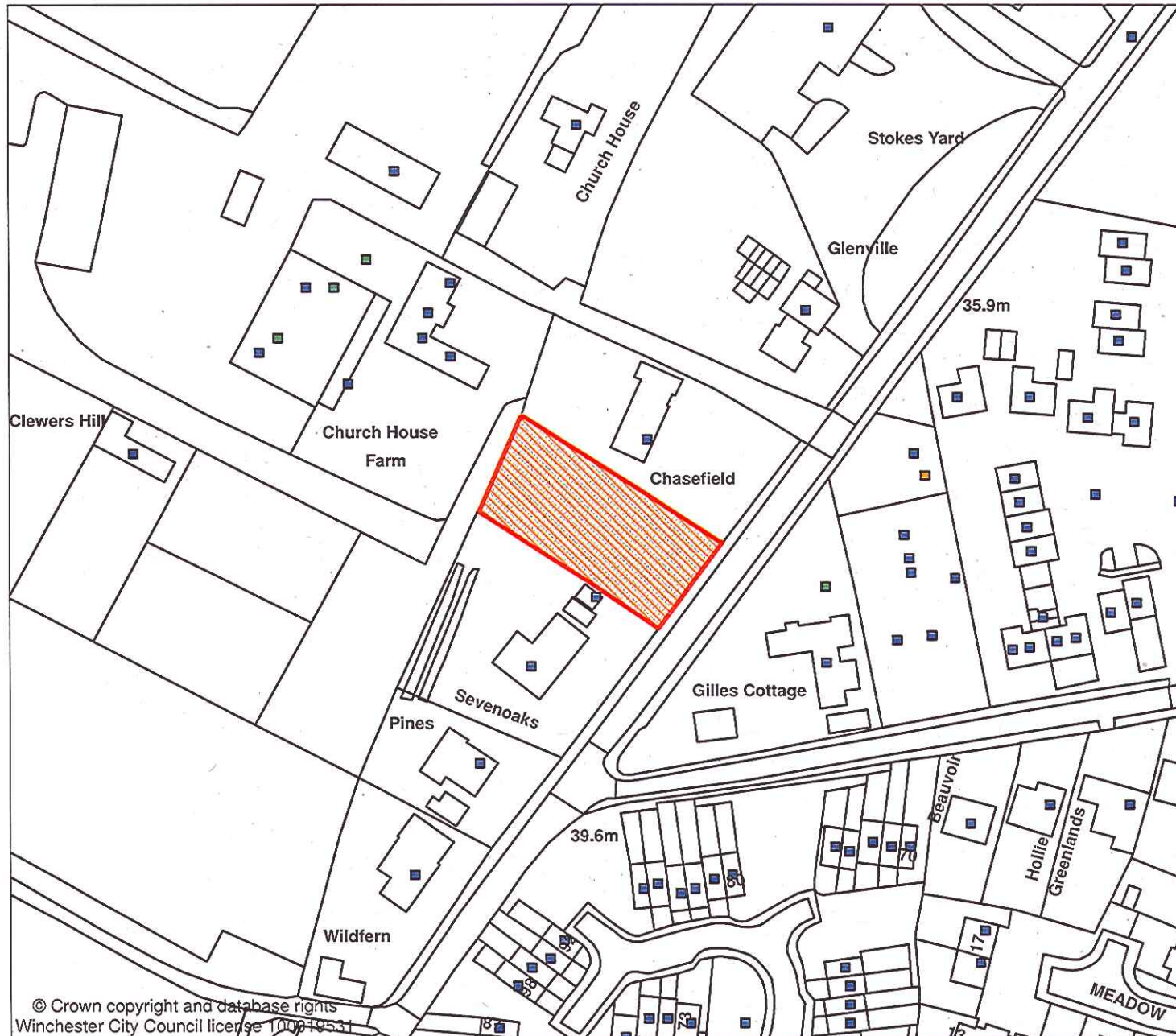


Land Adj to Seven Oaks, Clewers Hill, Waltham Chase, SO32 2LN

17/00707/OUT



Winchester
City Council



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Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	Winchester City Council
Department	Winchester GIS
Comments	1:1250
Date	11/07/2017
PSMA Number	100019531

Item No: 06
Case No: 17/00707/OUT
Proposal Description: Erection of a single detached 'self-build' dwelling and garage with all matters reserved
Address: Land Adjacent To Seven Oaks Clewers Hill Waltham Chase SO32 2LN
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Mr & Mrs Farminer
Case Officer: Ross Leal
Date Valid: 10 March 2017
Site Factors:

Contaminated Land Consultation
Solent Disturbance and Mitigation Zone

Recommendation:

Refuse

General Comments

This application is reported to Committee because of the number of support letters received.

Site Description

The application site is part of Waltham Chase to the north west side of Clewers Hill, on the village's north- western edge.

It currently forms part of the curtilage of the dwelling, Seven Oaks on Clewers Hill and is a broadly rectangular parcel of land which forms a gap between residential properties with mature hedges and trees surrounding it.

There are dwellings immediately to the north, east and the south, and commercial premises to the west. Housing on this side of the road is lower in density than the development across the road, as it borders the rural area to the north west.

Proposal

The application is for outline planning permission for one new dwelling (self-build) and garage with access for Clewers Hill.

Relevant Planning History

01/02363/OUT Erection of a detached dwelling and garage (OUTLINE) appeal dismissed 13.06.2002 (see appendix).

Consultations

Engineers: Highways: No Objection

Representations:

Shedfield Parish Council

Shedfield Parish Council object strongly to this application as follows:

- The site lies outside the Waltham Chase settlement boundary as defined by LPP2 (adopted in April 2017)
- The location is therefore "defined as countryside and subject to policy MTRA4 of Local Plan Part 1" (LPP" paragraph 4.10.3), and the current application is not permissible.
- In recent cases concerning sites in Clewers Lane, Winchester City Council have supported the definitive nature of the settlement boundary in deciding planning cases.
- It would set the very worst precedent to allow development in the local gap, outside the settlement boundary.
- Shedfield Parish Council supports the principle of self-build and would look sympathetically at a self-build application elsewhere in the Waltham Chase settlement or on an appropriate site within Shedfield or Shirrell Heath where infilling might be permitted under MTRA3.

2 letters received objecting to the application for the following reasons:

- Outside the settlement boundary
- Other sites available no need to build in gap
- Traffic and access

Reasons aside not material to planning and therefore not addressed in this report

- Schools are over subscribed

7 letters of support received.

- Ideal for developing
- No impact on other properties
- On going development in the area
- Self build
- Provide needed housing
- Well contained site, character would be retained
- Sustainable

Relevant Planning Policy:

Local Plan Part 1 Joint Core Strategy: DS1, MTRA2, MTRA3, MTRA4, CP18, CP20.

Local Plan Part 2 DM: DM1, DM23.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Supplementary Planning Guidance

High Quality Places

Planning Considerations

Principle of development

The site is located in Waltham Chase just outside of the settlement boundary identified in MTRA2 as one of the larger villages. There is a presumption against residential development in the countryside and therefore development is managed through Policy MTRA4 of the Winchester Local Plan Part 1.

This policy lists certain criteria which would justify development in the countryside. These include there being an operational need for the development in the countryside for agriculture, forestry or horticulture, reuse of existing rural buildings for employment generation or affordable housing, and small scale tourist accommodation. None of the criteria are relevant to this proposal which is for a single new dwelling in the countryside (outside a defined settlement boundary).

Policy MTRA3 covers development within settlement boundaries (for the smaller settlement) and those with no clearly defined boundary where infilling of a small site within a continuously developed road frontage may be supported if in a form compatible with the village character. The application site does not fall within this settlement category under MTRA3 and therefore the dwelling does not accord with this policy providing housing for the smaller or undefined settlements listed.

Outline planning permission for the erection of a detached dwelling and garage was refused in December 2001 for reasons including:

- no overriding justification for an additional dwelling in an area of countryside
- an intrusion into an area, which is intended to be retained as a Local Gap between Bishops Waltham-Swanmore-Waltham Chase.

This decision was reached in the context of the WDLPR (1998). Since this time, it is contended that the policy, physical and legislative context has significantly changed. It is contended that the appeal decision pre dates a raft of new planning policy and legislation and therefore the appeals decision is outdated. This includes:

- the publication of the National Planning Policy Framework in March 2012 which sets out the Government's planning policies for England; promotes the achievement of sustainable development, and is a material consideration in decision taking;
- the adoption of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (LPP1), in 20th March 2013; and
- the Self-Build and Custom Housebuilding Planning Practice Guidance (April 2016).

The appeal decision remains a material consideration however it is agreed that the cited list of policy is more up to date than the policies that the appeal was considered against. Since the outline application was submitted Winchester City Council has adopted its full Local Plan including Part 2. LPP1 was already adopted at the time of submission with the MTRA policies above considered above. LPP2 has therefore allocated sites for Waltham Chase and WC2 is opposite the proposal site and so there is no overriding need for this site to be allowed to assist housing numbers.

The most recent appeal decision dismissing new housing outside of the settlement boundary is Land at Church Lane, Colden Common 16/00819/OUT on the basis of the adopted local Plan policy MTRA4. The Inspector concluded

"The appeal site is not located within the settlement boundary and does not fall within any sites allocated for housing in LPP2. Accordingly and for development plan

purposes the site is within the countryside and does not appear to fall within any of the exceptions identified as being acceptable within Policy MTRA4. The proposal would therefore conflict with this policy."

The applicant also cites a number of new developments in the Winchester District in their planning statement in addition to two appeal decisions in Essex however none of these permissions and the reasons for the permissions are considered to be a precedent or outweigh the policy consideration for this site.

The site is also designated as Settlement Gap considered under policy CP18 of LPP1. This was considered in the appeal decision and so as the purpose of the gap remains and is carried through into the new local plan that the application should again be refused on this ground. It is considered that the development of this site will undermine the undeveloped nature of the gap and will both physically and visually diminish it.

Highways/Parking

The proposal is for a new dwelling from Clewers Hill with all matters reserved. The principle of the proposal is considered and the access in this instance. Clewers Hill is subject to a 30 mph speed limit and adequate visibility can be achieved at the site access, in accordance with advice contained within Manual for Streets. The site will also be able to accommodate adequate car parking and turning area.

There has been some objection raised on increased traffic and pedestrian activity. This application is for just 1 additional dwelling and the increase in traffic will be di Minimis. Therefore no highway objections to the application are raised.

Other Matters

The proposal is for all matters reserved and so there are no considerations of design, layout, landscaping or residential amenity.

Local Planning Authorities in the more southern areas of Hampshire have adopted a strategy to mitigate the impact of development on a Special Protection Area (Solent Disturbance Mitigation Project). A second reason for refusal is recommended as the site is in the zone identified where a fee is levied for the mitigation however in this case there is no Unilateral Undertaking in place to secure this contribution and therefore the scheme will cause harm in accordance with the strategy.

Recommendation

To refuse the application for the following reasons:

Refusal Reasons

- 01 The proposed development is unacceptable in that the site is located outside defined settlement boundaries and is not an infill site within a continuously developed road frontage. As such the proposal represents unjustified and unsustainable residential development in an area of countryside, which will also undermine the undeveloped nature of the Settlement Gap both physically and visually diminishing it. The proposal is therefore contrary to Policies DS1, MTRA2, MTRA3 and MTRA4 and CP18 of the Winchester District Local Plan Part 1 and DM1 and DM23 of the Winchester District Local Plan Part 2 and paragraph 55 of the National Planning Policy Framework.

- 02 The proposed development is contrary to Policy CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone.

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 Joint Core Strategy: DS1, MTRA2, MTRA3, MTRA4, CP18, CP20.

Local Plan Part 2 DM: DM1, DM23.

2. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service and,
 - updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.



Appeal Decision

Hearing held on 28 May 2002

by **Michael Aldous** B.A(Hons), Dip Mgt, M.R.T.P.I

an Inspector appointed by the Secretary of State for Transport,
Local Government and the Regions

The Planning Inspectorate
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Temple Quay House
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Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date **13 JUN 2002**

Appeal Ref: APP/L1765/A/02/1081152

Land adjoining 'Seven Oaks', Clewers Hill, Waltham Chase.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs Warren against the decision of Winchester City Council.
- The application (Ref.W10536/01), dated 1 October 2001, was refused by notice dated 7 December 2001.
- The development proposed is the erection of a detached dwelling and garage.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application was in outline form with all matters, other than the principle of development, to be determined at a later date.
2. At the hearing it was agreed that a planning obligation dated 28th May 2002, submitted by the Appellants concerning a financial contribution towards the funding of public open space, satisfactorily overcame the Council's concerns in this respect. As a result reason for refusal number 3 was not at issue at the hearing. The discussion therefore concentrated on the issues arising from reasons number 1 and 2.

Main Issue

3. I consider the main issue in this case to be the effect of the proposal on the character and appearance of the surrounding area, with particular regard to prevailing policy concerning housing in the countryside and in relation to designated 'Local Gaps'.

Planning Policy

4. The development plan comprises the Hampshire County Structure Plan 1996-2011 (Review) adopted in 2000, and the Winchester District Local Plan which was adopted in 1998. Structure Plan policy C1 indicates that outside defined built-up areas countryside policies will apply. Within such areas attention will be focussed upon promoting the conservation and enhancement of the countryside. Policy C2 indicates that within countryside areas permission will normally only be granted for development essential for agriculture, forestry or other development needing a rural location or for the re-use or adaptation of existing buildings particularly to aid the rural economy. Policy H10 concerns residential development outside built-up areas. Such development might be acceptable in the form of replacement dwellings, if essential for the running of an agricultural or forestry holding or in the form of conversions where there is no more suitable use and the qualities of the building are retained.

5. With regard to the local plan proposals C1 and C14 indicate that general development and housing respectively within the countryside will normally be restricted, other than as provided for by other proposals of the plan. At the hearing it was agreed that the appeal proposal did not conform to any of the proposals listed in the local plan. Proposal C2 sets out criteria with which development that is considered acceptable in principle, must comply. These include the siting of development. Proposal C4 concerns identifies 'Local Gaps'. Within such areas development that would physically or visually diminish a local gap, thereby undermining its function, will not normally be permitted. Proposal H3 states that residential development outside defined policy boundaries and development frontages as set out in Proposals H1 and H2 of the plan will not normally be permitted.
6. I have also had regard to the various passages from Planning Policy Guidance Note 1 – General Policy and Principles (PPG1), and Planning Policy Guidance Note 7 – The Countryside- Environmental Quality and Economic and Social Development (PPG7), that have been specifically drawn to my attention.

Reasons

7. The appeal site forms part of the side garden of 'Seven Oaks' which is a detached dwelling on the western side of Clewers Hill to the north-east of the settlement of Waltham Chase. 'Seven Oaks' forms part of a ribbon of mostly residential development along Clewers Hill, and also has light industrial buildings at the Church House Farm complex to the rear.
8. It is not disputed that the appeal site lies outside of a defined built-up area or a defined development frontage as set out in the local plan. Similarly it is not disputed that the site lies within an area defined as a 'Local Gap' on the Proposals Map of the local plan. In this instance the local gap is defined in order to maintain the physical and visual separation between Waltham Chase and Bishops Waltham and Swanmore, which lie to the north and north-east respectively.
9. No countryside related justification for an additional property has been advanced, although the Appellants have indicated that Waltham Chase is a generally sustainable location benefiting from public transport connections and a broad range of services and facilities. In addition, as the site is part of an existing residential curtilage, the appeal site can be considered to be previously used land.
10. I accept that the appeal site is close enough to the substantial settlement of Waltham Chase for potential occupants to access its services and facilities on foot and by bicycle. I also noted that bus services to Winchester and elsewhere are available close to the appeal site. Furthermore I accept that no greenfield land would be used to the development proposed. Notwithstanding these arguments, given its location outside of a defined settlement or development frontage, and in the absence of an agricultural or other countryside related justification, I consider the proposal to be contrary to the requirements of policies C1, C2 and H10 of the structure plan, and proposals C1, C2, C14 and H3 of the local plan.
11. In support of their case, the Appellants argue that the proposal represents reasonable infilling as the site is physically capable of providing adequate space for a detached dwelling, and is well contained by existing development on three sides. I accept that the site is well defined and of sufficient size to accommodating one additional house.

12. The Appellants also cite extracts from PPG7 as supporting their case. That document does indicate that the sensitive infilling of small gaps within small groups of houses in the countryside can be acceptable, but it also indicates that much depends in such instances upon the character of the surroundings. Furthermore, it confirms that the pattern of development in rural areas should be established via the development plan process, and that the fact that a single house on a site would be unobtrusive is not by itself a good argument; it could be repeated too often.
13. In my judgement the sporadic group of houses and other buildings along Clewers Hill do not comprise a discreet or well defined small group. These buildings are physically separated from, and not well related to, the main part of Waltham Chase. The area has the character of a country lane and has no street lighting or footpaths. The houses and other buildings form a loose ribbon of development away from the village, and are separated from each other by gaps of varying size. I formed the view that they do not form a continuously built up frontage, and as such do not represent a location where further infilling should be encouraged. I also consider it significant that in preparing the local plan the Council deliberately considered and identified built-up frontages on a district-wide basis, where infilling could be visually and physically acceptable. This location was not identified in those terms. Accordingly, I conclude that the proposal is not justified in terms of the provisions of PPG7.
14. In my view, this conclusion is lent considerable weight by the location of the appeal site within a defined 'Local Gap'. This area has been carefully drawn, and has specific well defined intentions given the proximity of settlements in this area and the strong pressure for further housing development. Large tracts of open countryside in agricultural usage, with occasional long established farms, individual or small groups of houses typify the gap in question. I consider the objective of resisting the general spread of residential development in such areas to be important and worthy of support. The construction of another house in the manner proposed would in my judgement be harmful to these aspirations. It would physically reduce open character of this area, albeit to a limited degree, and would consolidate an existing sporadic ribbon of development within the local gap, thereby undermining the prime objective of keeping such areas free of development unrelated to acceptable countryside activities. On this basis I also conclude that the proposal does not accord with policy C4 of the local plan.
15. The Council is also concerned that to allow the proposal would encourage similar proposals elsewhere, leading to the damaging cumulative erosion of rural character. Each case must be considered on its own merits within the context of contemporary planning policy individual site characteristics and other material considerations, and that is what I have done in this case.

Other Matter

16. Both parties have made reference to other appeal decisions that, in their judgement, support their respective positions. In particular the Appellant has cited a case at Dodds Lane, Swanmore as being apposite to this case (T/APP/L1765/A/99/1026887/P7). I do not have the full facts relating to this case, but did visit the site. It seems to me that there are significant differences between the appeal site locations. The site at Swanmore featured an unused parcel of land that formed part of a well defined cluster of development just outside the main village. It was not part of a linear ribbon of development, and was not within a

defined 'Local Gap' area. In these circumstances I consider that there are marked differences between the cases, and accordingly whilst I have read and noted the previous decision, I do not consider that it has a significant bearing on the case before me.

Conclusions

17. For the reasons set out above, and having had regard to all other matters raised, I conclude that this appeal should not succeed.

Formal Decision

18. In exercise of the powers transferred to me, I dismiss the appeal.

Information

19. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Michael Ades

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr R Tutton BSc (Hons), M.R.T.P.I	3 The Potteries, Wickham Road, Fareham, Hampshire PO16 7ET
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Mr D Warren	Appellant
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Mrs F Warren	Appellant
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FOR THE COUNCIL

Miss E Norgate BSc (Hons), MSc	Planning Assistant, Winchester City Council
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Mrs A Budge	Senior Planning Officer, Winchester City Council
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DOCUMENTS

Document 1	List of people attending the hearing.
Document 2	Council letter giving notification of the hearing.
Document 3	Planning Obligation dated 28 th May 2002.
Document 4	Suggested Conditions (revised 28.5.02) by the City Council.

PLANS

Plan 1	Plan showing general location of appeal site.
Plan 2	Application site plan.