

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/01106/FUL
Proposal Description: 2 no. detached dwellings with detached double garages.
Address: Land To The South Of Abingdon High Street, Shirrell Heath, Hampshire
Parish, or Ward if within Winchester City: Shedfield Parish Council
Applicants Name: Mr T Francis
Case Officer: Jordan Wiseman
Date Valid: 20 May 2022
Recommendation: Refuse
Pre Application Advice: No

Link to Planning Documents

22/01106/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for refusal as it is considered that the proposal is contrary to policy MTRA3 of the Winchester District Local Plan Part 1 and DM15, DM16, DM23 of the Local Plan Part 2 as the development is not considered to be infilling a small site within a continuously developed road frontage and would result in the loss of an important visual gap, resulting in unacceptable visual intrusion to the detriment of the rural character of the area. The proposal is contrary to policy MTRA4 of the Local Plan Part 1 (Joint Core Strategy) in that it results in undesirable additional dwellings with no operational or essential need for a countryside location.

The proposed development is contrary to Policy CP15 and 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. As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

The proposal is also contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have a likely significant effect on a National protected site through an increase in nitrate input which has not been addressed.

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General Comments

The application is reported to Committee due to the number of support comments received contrary to the officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The application site comprises a large open parcel of land. To the north lies a cluster of 4 dwellings and there are collections of rural outbuildings to the south. The site is the start of a large opening between built form which provides views across and into the countryside. The site is bounded by hedgerows along all sides.

Proposal

The proposal seeks the erection of 2.no detached 3 bedroom dwellings, on an existing undeveloped piece of land.

Relevant Planning History

None

Consultations

Service Lead for Engineering: Drainage

No Objection

Hampshire County Council Highway Authority

No Objection

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Representations

Shedfield Parish Council:

Object - (See Appendix 1)

1 objecting representation citing the following material planning reasons:

- Contrary to policy MTRA3 of the WD LPP1
- Contrary to the village design statement

14 supporting representations received from different addresses citing the following material planning reasons:

- In keeping with the character of the area
- Good quality design
- Accords with policy MTRA3 of the WD LPP1

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

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Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles
Policy MTRA1 – Development Strategy Market Towns and Rural Areas
Policy MTRA2 – Market Towns and Larger Villages
Policy MTRA3 – Other Settlements in the Market Towns and Rural Area
Policy MTRA4 – Development in the Countryside
Policy CP1 – Housing Provision
Policy CP2 – Housing Provision and Mix
Policy CP10 – Transport
Policy CP11 – Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP14 – The Effective Use of Land
Policy CP15 – Green Infrastructure
Policy CP16 - Biodiversity
Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

Policy DM1 – Location of new development
Policy DM2 – Dwelling Sizes
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM23 – Rural Character
Policy DM24 – Important Trees and Hedgerows

Supplementary Planning Document

National Design Guide 2019
High Quality Places 2015
Residential Parking Standards December 2009
Shedfield Village Design Statement

Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020-2030
Statement of Community Involvement 2018 and 2020
Biodiversity Action Plan 2021
Historic England Guidance
Constructive Conservation in Practice 2008
Constructive Conservation Sustainable Growth for Historic Places 2013
Conservation Principals Policies and Guidance 2008
Historic Environment Good Practice Advice in Planning: Published 30 June 2020
Winchester Future 50 Conservation Area Project 2018-2020

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Planning Considerations

Principle of development

The site is outside of a defined settlement boundary where additional residential units are resisted to protect the countryside setting.

Policy MTRA3 of the Local Plan Part 1 allows for development which consists of the infilling of small sites within a continuously developed road frontage where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas. Shirrell Heath is listed as a settlement where this policy applies.

In this case, the site cannot be described as 'the infilling of a small site' due to the substantial gap of 46 metres which exists between the residential dwelling at 'Abingdon' and the commercial property 'The Barn'. A larger gap exists between the two nearest residential dwellings, 'Abingdon' and 'The White House', at 87 metres.

In addition to this, built form in the area visibly terminates at 'Abingdon', leaving the gap of 46metres before meeting 'The Barn'. 'The Barn' which is a commercial property, is to the south of the application site and is set some distance back from the road (around 37 metres) and as already highlighted it is 46 metres away from the nearest residential dwelling to the north 'Abingdon'. It is therefore considered that 'The Barn' is an isolated building and does not form part of a continuously developed road frontage for the purposes of policy MTRA3. Following this, the area opens up to countryside for 108 metres before meeting sporadic and small scale development in the form of 'The Old Ale House'.

Within this 108 metre gap between built form sits another very isolated dwelling, 'The White House', which is set some 51 metres back from the road and again is considered an isolated dwelling which in no way is considered to form part of a continuously developed road frontage. The application site cannot therefore be described as being part of a continuously developed road frontage due to the substantial breaks in built form which contribute to the rural characteristics of the area.

The application site and the substantial gap it is within plays an important role in upholding the rural characteristics of the area and forms part of the character of this part of the village. The proposal to development part of this gap would therefore not be compatible with the character of the village and would degrade the role of an important gap, contrary to policy MTRA3

Policy CP2 of LPP1 requests the majority of new development to be in the form of 2 or 3 bedrooms. The proposal shows two 3 bedroom dwellings which complies with this policy.

Therefore, the principle of development under policy MTRA3 of LPP1 is not demonstrated and the development represents unjustified new residential development in a countryside location, contrary to policy MTRA4 of the LPP1.

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Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The surrounding area maintains a rural character which is supported by the open green and rural land surrounding the site, the sporadic development in the site's immediate vicinity and the general grain of development consisting mainly of larger detached dwellings which is a characteristic commonly found within rural locations. The application site itself (in its current undeveloped form) does contribute to the rural characteristics of the surrounding area, and the presence of mature hedge rows and various other green vegetation around the site is considered to enhance its contribution towards the character of the area. The gap between 'Abingdon' and 'The Barn' functions and plays a role in easing the transition between countryside and the cluster of dwellings within this area of Shirrell Heath and provides a significant visual relief from built form before reaching 'The Barn' and 'The Old Ale House'.

This is partly achieved by allowing direct views to the countryside beyond the application site. Upon travelling along High Street in either direction, the gap provides a clear sense of rural environment and character and is an important local feature.

The development and construction of dwellings on this site will degrade this function and role, and highlights that the development would result in the loss of an important gap between developed areas (Abingdon & The Barn), contrary to policy MTRA3 of LPP1. As a result, the proposal also interrupts a key feature in the landscape and results in a negative effect on the setting of Shirrell Heath, creating unacceptable visual intrusion in this rural area, contrary to policy DM23 of LPP2.

It is acknowledged that there are a mix of dwellings within the surrounding area in terms of their architectural designs and appearances and so in terms of architectural built form, there is no one set character to follow.

The proposed dwellings on the site are in the form of two storey detached dwellings, along with detached garages forward of the principal elevations. Both have a suburban appearance and use the same design which results in a duplication on the street scene. Whilst the architectural designs/appearances of the proposed dwellings are not indifferent to those seen within the more modern development seen at the north eastern end of High Street, the introduction of two identical large dwellings which lack in rural character would be at odds to the character of the area which uses individual designs. The positioning of the detached garages is also uncommon in the area and results in built form close to the roadway, which is uncharacteristic for the area where set-backs within each plot contribute to the rural environment.

Based upon the above assessment the proposed development is contrary to policies MTRA3 of the LPP1 and DM15, DM16, and DM23 of the WD LPP2.

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Development affecting the South Downs National Park

The application site is located 0.85km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Whilst within 1km of the boundary, this distance includes other properties and intervening features and the proximity is not considered adversely harmful.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

The works do not affect a statutory listed building or structure including its setting and there is no adverse harm on a Conservation Area, Archaeology or Non-designated Heritage Assets including their setting.

Neighbouring amenity

Abingdon is to the north of the site and is the only nearby residential dwelling likely to be impacted by the proposed development. A gap of approximately 8 metres is demonstrated between the development and this residential amenity.

An impact on overshadowing or overbearing cannot be demonstrated. Windows facing this direction are largely at ground floor only, with one small window serving a bathroom located at 1st floor level. Based on this there is no adverse impact considered to be demonstrated by way of overlooking.

The proposed development therefore complies with policy DM17 of the WD LPP2.

Sustainable Transport

The proposed dwellings would be accessed via the creation of two new individual vehicular accesses off of High Street. The submitted transport assessment demonstrates the correct visibility splays for each of the new accesses and therefore no significant adverse harm can be demonstrated upon highway safety. Should the application have been recommended for approval, an informative would have been included reminding the developer of the need to obtain a separate permission from Hampshire County Council Highway Authority for the installation of dropped kerbs.

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As both proposed access points will require culverting the ditch on highway land, ordinary watercourse consent would also have been required and should the application have been recommended for approval an informative would have been included reminding the developer of this.

Each dwelling makes provision for two allocated parking spaces as demonstrated within the proposed site plan. The development would therefore accord with the Council's parking standards SPD.

The proposed development therefore accords with policy DM18 of the WD LPP2 and the parking standards SPD.

Ecology and Biodiversity

This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional disturbance will affect the birds' survival unless mitigation measures are put in place. Bird Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership, which is made up of 19 organisations (local authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The planned mitigation measures are set out in the Interim Solent Recreation Mitigation Strategy. The main one is a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance. Additional work is taking place to encourage responsible dog walking and visits to less sensitive parts of the coast. This work is particularly important as research shows that around 40% of bird disturbance occurs as a result of interactions with dogs. In addition the Bird Aware Solent team have secured Local Growth Deal funding which has been spent on creating or enhancing alternative local green spaces for some people who would have otherwise visited the coast. The effectiveness of the Strategy's measures are also being monitored. The Interim Strategy is due to be replaced by a Definitive Strategy later this year.

The Council's Supplementary Planning Document relating to the SDMP states that Developments of one or more dwellings within a 5.6km radius of the SPA will be required to provide financial contributions of £735 per each 3 bedroom dwelling towards the SDMP in order to prevent additional disturbance to the SPA/ Ramsar site.

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In this instance the application is not accompanied with the requisite contribution to mitigate the harm caused to biodiversity in the affected area as set out above, failing to comply with policies CP15 and CP16 of LPP1.

The proposal is for development within, bordering or in close proximity to a National Protected Site and is for overnight accommodation affecting Nitrates.

The proposed development is within Winchester District where foul water is distributed into the National designated areas (Solent SPAs/Ramsar sites) via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy, a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has not been conducted in relation to this and therefore it is not possible to assess the proposed developments potential of achieving nitrate neutrality and in the absence of such a nitrate calculation it is not possible to ensure that in the case of additional nitrates being created that appropriate mitigation is secured; because of this, it is considered that the proposal will have likely significant effect on a National protected site though an increase in nitrate input.

The proposal is therefore contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have a likely significant effect on a National protected site though an increase in nitrate input which has not been addressed.

Sustainable Drainage

The application site is located within flood zone 1 and has a very low risk of flooding from surface water.

No specific details have been provided however with regard to how surface and foul water drainage will be dealt with on the site. Therefore, should the proposed development have been recommended for approval, standard pre commencement conditions requesting this information would have been included within the decision in order to ensure that no adverse impact is demonstrated.

Other Topics

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

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Planning Balance and Conclusion

In conclusion, the principle of development on this site is not acceptable as it is not considered to be infilling a small site within a continuously developed road frontage and would not be a form of development which is compatible with the character of the village.

The construction of dwellings on the site also detracts from the rural characteristics of the area and the loss of an important gap in the area, contrary to policy MTRA3 and MTRA4 of the Local Plan Part 1 (Joint Core Strategy) and DM15, DM16 and DM23 of Local Plan Part 2 (Development Management and Site Allocations).

In addition, policy CP16 and the Habitat Regulations have not been addressed in terms of the Solent Recreation Mitigation Zone and the nitrate issue in the Solent region.

Recommendation

Refuse for the following reason(s):

1. The proposal is contrary to policy MTRA3 of the Winchester District Local Plan Part 1 and DM23 of the Local Plan Part 2 as the development is not considered to be infilling a small site within a continuously developed road frontage and would result in the loss of an important visual gap, resulting in unacceptable visual intrusion to the detriment of the rural character of the area.

The proposal is therefore contrary to policy MTRA4 of the Local Plan Part 1 (Joint Core Strategy) in that it results in undesirable additional dwellings with no operational or essential need for a countryside location.

2. The proposal is contrary to policies DM15 and DM16 of the Local Plan Part 2 as the design of the dwellings and layout of the garages does not respond positively to the local environment and results in a suburban duplicated design which conflicts with the rural character of the area.

3. The proposed development is contrary to Policies CP15 and 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.

The proposal is also contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have a likely significant effect on a National protected site though an increase in nitrate input which has not been addressed.

As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

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Informative:

1.

In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2.

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

Local Plan Part 1 - Joint Core Strategy: CP2, MTRA3, MTRA4, CP15, CP16, CP18.

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM23, DM24.

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Appendix 1 – Shedfield Parish Council

Shedfield Parish Council wish to object to this application as follows:

The applicant's planning statement lists some successful applications (these are not relevant to this application) but does not mention any of the other applications that went to Appeal and were dismissed, some are only 100m away from this application site. All these appeal cases are relevant today.

Policy MTRA 3, contained within the Winchester City District Local Plan Part 1 - Joint Core Strategy adopted in 2013, is of direct relevance to the principle of development here.

Policy MTRA 3 states:

'..... within the following settlements, which have no clearly defined settlement boundary, development and redevelopment that consists of infilling of a small site within a continuously developed road frontage may be supported, where this would be of a form compatible with the character of the village and not involve the loss of important gaps between developed areas –

In this application there is not a continuous developed road frontage. Any form of development in this particular area would not be compatible with the Character of the village. Under the Local Plan 1 and 2, Shirrell Heath is unsustainable for development. There are no facilities or amenities. In the new Sheela examination, Shirrell Heath is not included in the hierarchy statement.

Shedfield Parish Council also note that this site has been put forward as a Sheela site and has been given the reference number of SH06. A total of 7 houses have been put forward. The present policy of Winchester City Council is that all houses in the forthcoming new Plan will be built within the settlement boundary of Waltham Chase, as Shirrell Heath is still classed as unsustainable. Having this policy in place counteracts

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any future build within Shirrell Heath.

Shedfield Parish Council would ask the case officer to read the below 3 cases which are relevant in the refusal of this application.

Appeal Case 1,

19/0477/FUL APP L1765/W/19 323 6095 (land adjacent to this application)

Decision 1. The appeal is dismissed.

Procedural Matter 2. The address of the appeal site identified on the application form used 'Land adjacent to Prince of Wales'. Given this public house is no longer present and the existing dwelling is called 'The Old Ale House' I have amended the address to that used by the Council in the decision notice which is a more accurate description of the appeal site address.

Main Issue 3. The main issue is whether the site is a suitable location for housing having regard to the spatial strategy of the development plan including the effect on the character and appearance of the surrounding area.

Reasons 4. The appeal site is a parcel of land located at the end of a line of properties on the eastern side of High Street in the village of Shirrell Heath. The site is separated from the adjacent dwelling to the south by a shared drive and to the northeast the site borders an area of open land with an associated dwelling set back some distance into this open area. The village has a general linear pattern of development with typically large, detached houses fronting the road. This linear form is punctuated by green gaps between areas of housing which contributes to the rural character of this area.

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5. Shirrell Heath lies in the countryside without a defined settlement boundary. Policy MTRA 4 of the Winchester District Local Plan Part 1 (2013) (Local Plan) sets out the limited circumstances where development in the countryside will be permitted. The proposal does not meet any of these identified circumstances. However, Shirrell Heath is one of a number of villages without Appeal Decision APP/L1765/W/19/3236095 <https://www.gov.uk/planning-inspectorate> 2 defined settlement boundaries identified in Policy MTRA 3 of the Local Plan whereby development that consists of infilling of a small site within a continuously developed road frontage may be supported. However, this would need to be compatible with the character of the village and not involve the loss of important gaps between developed areas. The supporting text to the policy in paragraph 6.26 identifies the need to ensure the spatial area retains its overriding characteristics of being countryside and that it would not be appropriate to allow uncontrolled or sporadic development across the district.

6. The site is grassed land with vegetation around its northern and eastern boundaries and hence it is free of built development. Whilst there is existing built development to the south of the appeal site with the converted public house, the site itself is grassed leading to a large open area to the northern boundary which separates the site from a further area of built development along High Street to the Hospital Road junction. Therefore, the proposal does not lie within a continuous built frontage and would not constitute infill in this regard, but rather would have the effect of extending built development into this currently open area. I have considered the previous appeal¹ on the wider site and would thus agree that the proposal would not constitute infilling under the definition of Policy

MTRA 3.

7. I note the previous Inspector considered as part of that proposal that two houses to the frontage of the site would not appear out of keeping with the local pattern of development and he concluded that the open area to the north is substantial in size and its contribution to the rural character of this part of the village would not be materially diminished by the addition of the two proposed frontage dwellings. Since that decision, the public house has been converted to a dwelling and as part of that permission the appeal site was required to be grassed in order to improve the visual amenity of the area.

8. Considering the existing character of the dwellings along High Street, I recognise that a single dwelling would be more in keeping with the character of the village than the previously proposed pair of semi-detached houses. However, since the previous decision the appeal site is now of an undeveloped appearance as opposed to the surfaced car park that was previously in place. Thus, the circumstances and visual appearance of the site has changed since the last decision. The existing dwelling to the south is angled toward the road and considering the appearance of the appeal site now as an undeveloped parcel of land the existing dwelling provides visually a natural boundary to terminate the built form along this side of High Street. This leads me to conclude that a dwelling on this plot would not form a logical extension of the built form along High Street.

9. Given the change in appearance when viewed from the street scene the appeal site is viewed in context with the surrounding open land which constitutes an important gap between developed areas and is a key feature contributing to the rural character of this area. This undeveloped parcel is now viewed to my mind as a transitional site from the built form to the south to the open land to the northeast and would represent an extension of built form into the countryside and the dwelling would encroach visually into this open character. This would cause harm to the character and appearance of the area. ¹ APP/L1765/A/13/2196913 Appeal Decision APP/L1765/W/19/3236095 <https://www.gov.uk/planning-inspectorate> 3

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10. Therefore, for the reasons outlined above I consider the proposal would conflict with the spatial strategy of the Local Plan and thus would not be a suitable location for housing and would harm the character and appearance of the surrounding area. The proposal would for the reasons above be in conflict with Policies MTRA3 and MTRA4 of the Local Plan and Policies DM15 and DM23 of the Winchester District Local Plan Part 2 (2017). Amongst other matters these policies seek to promote infill development only within a continuous built frontage, seek to protect the character of the area and not have an unacceptable effect on the rural character of the area through visual intrusion.

Other Matters 11. I acknowledge the aims of Paragraph 78 of the National Planning Policy Framework which recognises that in rural areas housing can enhance or maintain the vitality of rural communities. Whilst an additional single dwelling would contribute to such objectives, the effect would be limited. In any event this would not outweigh the conflict with the development plan.

12. I have considered the appeal decisions² referred to by the appellant which were dismissed based on the Inspectors consideration they did not amount to infill. These are different to the appeal before me given they both represent backland development behind existing linear development. Accordingly, they are not comparable to the scheme before me.

13. In respect of the recent planning decisions by the Council³ referred by the appellant, in both cases I find both sites to be surrounded by development adjacent to its boundaries and would to my mind constitute infilling of a continuous built frontage. This is not the case in the appeal before me and therefore these do not alter my view that the appeal proposal does not represent infill under the definition of Policy MTRA 3.

14. I acknowledge the appellant's reference to the pre application response (18/01787/PREDIP) in which it was identified it may be possible to demonstrate a single dwelling may be acceptable subject to other considerations, but any proposal would need to be assessed on its own merits. Whilst I acknowledge this, pre application advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of an application. I acknowledge the submitted costs decision⁴ but this does not present the same set of circumstances as the pre application advice in this case. In any event for the reasons set out in this decision I have found the proposal to be unacceptable.

Conclusion 15. For the reasons above, the appeal is dismissed.

S Thomas INSPECTOR
Appeal case 2,

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16/00591/OUT

The Planning Inspectorate dismissed the Appeal

Amongst other reason for dismissal.

10. However, the purpose of Policy MTRA 3 is to allow a limited amount of development within the named settlements, to meet local needs. This is consistent with paragraph 55 of the National Planning Policy Framework which says that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

11. The extent of such development within the named villages is limited by the number of opportunities that exist for infilling. To permit development outside of the scope of the policy would open the door to uncontrolled development, contrary to the purpose of the policy. The policy does allow for growth within the named settlements where it is to meet a community need or to realise local community aspirations, but only where these are identified through a Neighbourhood Plan or process which demonstrates clear community support. There is no plan or process here which allows of such an exception.

12. There is no suggestion that the Council cannot demonstrate a 5-year supply of housing land plus an appropriate buffer, and therefore the relevant policy cannot be considered to be out of date. I therefore conclude on the main issue Appeal Decision APP/L1765/W/16/3162655 3 that the proposal would not accord with the Council's housing strategy for the area, and would thus be an unsuitable location for the development proposed.

Appeal case 3

Refused planning on Appeal for two 3-bed houses and one 4-bed house.

The case has a reference number of APPL1765/A/13/2196931.

The report conclusion is below.

Conclusions

15. I have concluded above that the appeal scheme would provide an appropriate mix of housing and that, subject to a condition, appropriate levels in the Code for Sustainable Homes would be achieved. However, these matters are outweighed by the scheme's conflict with the Local Plan spatial strategy and Appeal Decision APP/L1765/A/13/2196931 www.planningportal.gov.uk/planninginspectorate 4 the unacceptable harm that would be caused to the character of the village and surrounding countryside. I have considered all the other matters raised, including both the scheme's contribution to the local supply of housing and the opportunity to secure the future of the public house, but none change my overall conclusion that the appeal should not succeed.

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General

Reference should also be made to Shedfield Parish Council Village Design Statement, which amongst other issues details loss of green space within the villages.

We therefore ask that this application should be refused.

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Control if this section completed)

If minded to approve this application, Shedfield Parish Council would request that it is considered by committee.

Signed: T S Daniels
Planning and Projects Officer

Date: 25 July 2022