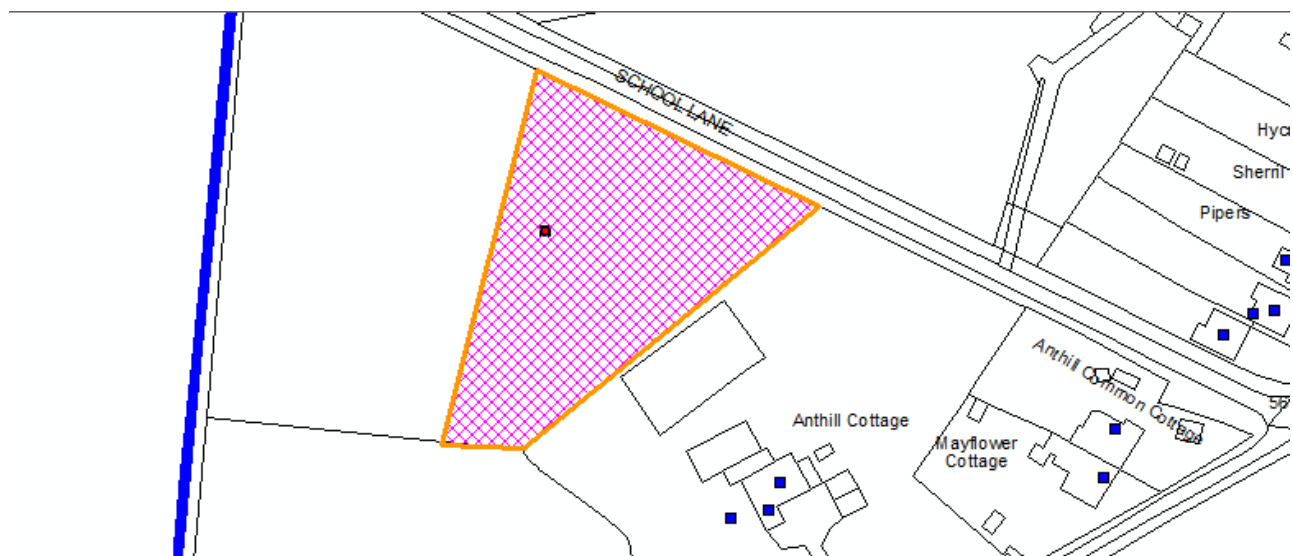


Case No: 23/01908/OUT
Proposal Description: Outline application for the phased development of up to 6 self-build and custom housebuilding plots with all matters reserved except for access
Address: Land South of School Lane, Denmead, Hampshire
Parish: Denmead
Applicants Name: Mr and Mrs Hopkins
Case Officer: Liz Young
Date Valid: 08 August 2023
Recommendation: Refuse
Pre Application Advice No

Link to Planning Documents

23/01908/OUT/

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



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Reasons for Recommendation

The application site is outside of a settlement boundary and the proposed development would conflict with policies in the Development Plan which define the area as countryside. In addition to this, the proposal is contrary to policies DM15, DM16, DM23 and DM24 of the Winchester District Local Plan Part 2 in that the proposal would fail to respond positively to the character of the area resulting in visual and physical harm to the surrounding countryside and would be detrimental to trees and other natural features within and adjacent to the site.

General Comments

The application is reported to Committee due to the number of supporting representations received contrary to the Officer recommendation.

In terms of background, this application is the resubmission of two previously refused applications under case References 22/00722/OUT and 21/00465/OUT. These previous applications were refused by the planning committee on the 17 August 2022 and 20 of July 2021 respectively. The previous decisions to refuse were not appealed by the applicant.

There were no differences between the previous two schemes, which both sought outline consent for 5 self-build dwellings for Custom/Self Build housing'.

Both predecessor applications were determined under the same development plan. In the case of the most recent decision the main reasons cited in the reason for refusal are summarised as follows:

- Would result in new dwellings in a countryside location with no justification.
- Would fail to respond positively to the character of the area
- Harmful in combination impacts from increased nutrient input into the water environment of the Solent SPA
- Inadequate vehicular access arrangements

6 plots are now proposed as part of this current application and the internal layout / plot sizes have also been adjusted. A parameter plan has also been included and this details a proposed sustainable drainage feature on the front boundary of the site. Additional supporting documentation has also now been included as part of this latest application submission. This includes:

- Statement of Community Involvement
- Self-Build and Custom Housing Assessment
- Alternative Suitable Sites Assessment
- Affordable Housing Statement

The content of these various documents have been considered throughout the report, alongside the Council's latest position in relation to meeting the identified need for custom and self-build housing.

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Site Description

This application relates to a triangular parcel of equestrian land of approximately 0.4 hectares. The land slopes upwards away from the north boundary towards areas of higher ground (open fields) which lie to the south. The site is accessed from School Lane (which adjoins the north boundary) by a field gate. The south east boundary of the site is adjoined by Anthill Cottage, a detached property set within a spacious plot. This boundary is enclosed by a number of mature trees which are prominent features in the wider area. The site lies in open countryside, outside the defined settlement boundary of Denmead (which lies approximately 60 metres to the east). The site forms part of the network of fields which make up the wider rural area which wraps around the western extent of Denmead. A public right of way (PROW) lies just over 60 metres to the west of the site and a site of Importance for Nature Conservation (SINC), Hill Barn Meadows lies approximately 20 metres to the north across School Lane. This stretch of School Lane is narrow and of a rural character, enclosed on both sides by hedgerows.

Proposal

Outline planning consent (with all matters reserved except for access) is sought for the phased development of up to six self-build and custom housebuilding plots. Information which accompanies the application states that five of the six plots will initially be exclusively marketed for a period to be agreed with the Council through a Sales and Marketing Strategy to individuals or households that have a local connection through living and/or working in Denmead Parish, or by having close family living in the Parish. The sixth plot is to be occupied by the applicants.

Three of the six plots (50%) are to be provided as Discounted Market Sale serviced plots for affordable homeownership to be sold at a discount of at least 20% below local market value with provision in place to ensure the housing remains at a discount for future eligible households.

An illustrative plot layout along with a parameter plan have been included with the application submission. These show two larger plots, one to the rear and one to the front of the site, four smaller plots on the west boundary and an internal access road running down the centre of the site towards a small area of open space. The plans also indicate a Sustainable Urban Drainage (SuDS) feature adjacent to the front boundary of the site. The existing access is proposed to be re-positioned (and widened) so that it would be approximately half way along the road frontage of the site.

Relevant Planning History

- 22/00722/OUT – Facilitation of Land into Five serviced plots for Custom/Self Build housing – Refused 17.08.2022
- 21/00465/OUT – Outline application for 5 self-build dwellings – Refused 20.07.2021
- 14/00370/LDC – Continued use for equestrian purposes – Permitted 15.04.2014

Consultations

Service Lead – Natural Environment (Trees) – Objection raised on the grounds that the proposal is likely to have a significant impact on the trees on the site and that there has been no tree related information submitted.

Service Lead – Engineering (Drainage) – No objections subject to conditions relating to surface and foul drainage

Service Lead – Natural Environment (Ecology) – No objections subject to conditions

Service Lead – Built Environment (Strategic Planning) –The application site falls outside of the settlement boundary, the proposal would help to meet the need for specific types of housing identified in the custom and self-build register and the Strategic Housing Market Assessment.

Service Lead – New Homes Delivery (Housing Enabling Officer) – The proposed 20% discount market housing would meet the NPPF definition of affordable housing

Hampshire County Council (Highway Authority) – No objections raised

Hampshire County Council (Rights of Way) – Provide general information, with no comments specific to application

Representations:

Denmead Parish Council: wishes to raise a **STRONG OBJECTION** with a request that, should the officer be minded to permit the application, that the application is considered by Winchester City Council's Planning Committee on the following grounds:

- The application is contrary to Policy MTRA4 of the Winchester District Local Plan Part 1 and the Denmead Neighbourhood Plan as it would result in new dwellings in a countryside location with no justification, or operational need identified.
- The application does not meet the criteria of Policies MTRA2 or MTRA3 as the proposal would be outside of the settlement boundary, is not a small infill development along a continuously developed road frontages within settlements that do not have a clearly defined settlement boundary and does not meet a community need. Denmead's settlement boundaries were established in 2017 in the adoption of the Winchester District Local Plan. It is considered that self and custom build are not affordable housing as defined within the Local Plan and are considered market housing. The site is Greenfield land and should not be prioritized over land within settlement boundaries as per the current Denmead Neighbourhood Plan. It should also be noted that Denmead Parish Council is actively supporting self and custom builds through the current revision of its Neighbourhood Plan, where these are in sustainable locations and a local connection test can be applied.
- The application planning statement admits that Policy MTRA4 is not met, but states that it complies with Policy MTRA2 for the reason that there is no suitable alternative site within the settlement boundary. This is factually incorrect and there are several suitable sites available within the settlement boundary (one example being the land at Green Lane which has been accepted as a future development

site, as it does not have a care home on it as stated by the applicants' planning consultant).

- The application is contrary to Policies DM15, DM16 and DM23 of the Winchester District Local Plan Part 2 as the general character of the area is for large dwellings in generous plots.
- The proposed layout and density of the application is akin to development within the settlement boundary rather than a rural development. It would introduce a suburban and incongruous form of domestic development in a rural location which would cause significant and substantial harm to the character and visual amenity of the area. It would also set a precedent for other landowners to apply to develop their land in a similar way.
- There is a public right of way nearby, and it is considered that this application could not be satisfactorily mitigated entirely by planting and would result in a permanent adverse visual impact on the countryside resulting in physical and visual harm to the rural area.
- It was not d that affordable housing should be almost indistinguishable from the surrounding housing; whereas the 3 plots designated for affordable housing on the proposal's layout plan are significantly smaller.
- It was further noted that a Facebook poll does not constitute effective consultation with the local community. Several nearby residents have commented to the effect that they were not consulted in any way.
- The application does not accord with the national government sustainable location policy, which states that new development should be within 15-20 minutes walking distance from amenities. The site is a considerable distance from the village centre along non-pedestrianised lanes at around a 30 minute walk each way for a mobile adult.
- Lastly, it is important to note that the applicants' interpretation of Winchester City Council's self-build numbers is factually incorrect. Denmead is not in a position to allocate a self-build site until the Denmead Neighbourhood Plan is updated, and only then if the Winchester Local Plan is amended from its current policy of no development on greenfield land until at least 2031.

Representation from the agent for the application in response to the Parish Council concerns making the following points (summarised):

- Proposals are considered to be compliant with the relevant components of the Development Plan when taken as a whole
- Although the proposals are located outside the settlement boundary, there are no other suitable alternative sites available
- Proposal clearly needed to address the substantial shortfall in delivery of serviced plots for self-build and custom housebuilding in the district
- Policy MTRA3 is not relevant
- The wording of MTRA2 does not require that development outside settlement boundaries also be compliant with MTRA4, it merely requires there to be a demonstrable need or community need. Any conflict with MTRA2 and MTRA4 would be outweighed by the substantial weight that must be attributed to the provision of six serviced plots for self-build and custom housebuilding
- Paragraph 11(d) of the NPPF makes clear that the presumption in favour of sustainable

development applies where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date (reference made to appeal decision on another site)

- The Parish Council do not acknowledge the unmet need for custom and self-build housing
- The NPPF includes Discounted Market Sale affordable homeownership In its definition of affordable housing
- The proposals will respect the qualities, features and characteristics that contribute to the distinctiveness of the local area
- The two previously refused schemes did not raise any specific concerns in relation to impacts on the Public ROW
- The proposed Design Code will ensure a high quality development.
- It is relevant to consider the extent of membership across the five Facebook groups in which the application proposals were publicised which shows the scale of the consultation exercise undertaken in terms of the number of local people reached.
- The Parish Council themselves have utilised Facebook groups as a means of promoting elements of the evidence base to their emerging Plan.:The Suitable Alternative Site Assessment demonstrates there are no suitable available sites within the Denmead settlement boundary
- There is no objection on sustainability grounds, or any other grounds for that matter, from County Highways
- The site location in sustainability terms is no worse than the majority of the housing that already exists in the Anthill Common Area of Denmead

21 representations received (from different addresses) supporting the proposal on the following grounds:

- The application site is well related to existing development
- The site is close to local amenities
- Proposal would not amount to overdevelopment
- Proposal would assist with meeting housing targets, especially in the self-build sector
- Proposal would diversify housing provision and contribute to self-build opportunities

84 representations received from 83 addresses objecting to the proposal on the following grounds:

- Inappropriate location in open countryside contrary to Policy MTRA4
- Would set an unwanted precedent for other residential development in open countryside
- There are other sites allocated for development within the settlement boundary
- Would be harmful to the character of a quiet rural lane and also local character and distinctiveness in general
- Proposal lies in a highly sensitive landscape
- Proposed vehicle movements resulting from the proposal have been understated
- The proposed units would not be genuinely affordable for the majority of local residents
- Unsafe access for vulnerable road users
- Proposed measures to encourage cycling unlikely to be effective

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- The site is not sufficiently close to the village centre and its location would not discourage travel by private car
- The applicant has previously been advised than any more than 3 dwellings on the site would be harmful to the character of the area
- Significant size difference between the affordable and open market plots
- Overall the plots are too small
- Self-build is not a necessity and there are plenty of existing houses available in the area as well as build plots
- The existing sewage main is already over capacity
- The proposal does not have the support of the local community
- School Lane is not designed to accommodate two way traffic
- Increased traffic will impact upon highway safety and recreational users along School Lane
- The need for custom and self-build housing is overstated
- 6 units would amount to overdevelopment of the site and is an increase from the previously refused schemes
- Impacts from construction traffic on roadside verges and ecology
- The site is not well served by public transport
- Inadequate drainage provision
- Brownfield sites should be prioritised for development
- Other appeal decisions referred to are not comparable to the site of the current proposal
- Proposal would put a strain on local services / infrastructure
- Harmful impact on trees and ecology
- Harmful impacts arising from increased nutrient inputs to the Solent European sites
- The proposal would have an urban layout which does not reflect the pattern of development in the area.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (2023):

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Sustainable Homes

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-designed and Beautiful spaces

Chapter 15 – Conserving and Enhancing the Natural Environment

Planning Practice Guidance:

Self-Build and Custom Housebuilding (February 2021)

Winchester Local Plan Part 1 – Joint Core Strategy (2013) (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

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Policy CP1 – Housing Provision
Policy CP2 – Housing Provision and Mix
Policy CP4 – Affordable Housing on Exception Sites to Meet Local Needs
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 (2017) (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 - Special Trees, Important Hedgerows and Ancient Woodlands

Denmead Neighbourhood Plan 2011 – 2031 (made 2015)

Policy 1 (A Spatial Plan for the Parish)
Policy 2 (Housing Site Allocations)
Policy 3 (Housing Design)

Supplementary Planning Documents

National Design Guide (2019)
High Quality Places (2015)
Residential Parking Standards (2009) Denmead Village Design Statement (2016)
Affordable Housing SPD (2008)

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. LPP1 Policy DS1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

The proposal would involve the introduction of 6 new dwellings outside the settlement boundary of Denmead. LPP1 Policy MTRA2 allows for development within settlement boundaries of the Market Towns identified within the policy, of which Denmead is one.

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Because the proposal would be outside of the settlement boundary it is not considered that the proposal would meet the criteria of this policy. Countryside policies would therefore apply.

Policy 1 of the made Denmead Neighbourhood Plan states that development proposals outside of the Denmead Settlement Policy Boundary will be required to conform to development plan policies in respect of the control of development in the countryside.

Specifically, LPP1 Policy MTRA4 seeks to limit development to that which has an operational need for a countryside location, re-use of buildings, expansion of existing businesses and low-key tourism development. The proposal to introduce 6 dwellings on the site would not meet these criteria and would therefore be contrary to the requirements of this policy.

Having regard to this identified policy conflict it would be necessary to have regard to other material planning considerations (including the case being put forward by the applicant).

The most recent assessment of housing land supply is set out in the 2022 Authority Monitoring Report. That document states that as of 31 March 2022 the Council can demonstrate 6.1 years supply of housing land, with an anticipated 5.6 years supply as at 31 March 2023.

The applicant in this instance makes the case that notwithstanding the policies outlined above and the fact that WCC can demonstrate a 6.1 year supply of housing land, there is an identified overriding need to develop the site to provide self-build plots. This is the same argument put forward in the case of the previous submissions. The main points put forward by the applicant in this latest submission are summarised as follows:

- There are no other potentially suitable sites for 6 self-build plots within the village
- There is a shortfall of 311 plots within Winchester District
- The Council must now consent a further 65 plots by October 2023 to meet demand arising from within base period 5
- 50% of the homes are to be delivered as Discounted Market Sale
- The 2020 Strategic Housing Market Assessment acknowledges the need to provide 123 affordable homes per annum between 2019 and 2036 (including discounted market sale housing)
- Pre-application engagement with the local community has established a clear need for the development.
- There is no requirement for the development to demonstrate accordance with LPP1 Policy MTRA 4 as this is not stipulated by LPP1 Policy MTRA2
- The proposal would contribute towards the District Council/s housing targets over the plan period
- The site is within walking distance of local amenities

As identified at the time of the predecessor applications, self and custom build are not affordable housing as defined within the local plan and therefore would need to comply with general policies specific to open market housing. Notwithstanding this, it is acknowledged that self and custom build is a growing area of development that central government is keen to expand. As such it is expected that a policy for self and custom build will be incorporated within the forthcoming Local Plan.

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It is acknowledged that three plots are to be provided as Discounted Market Sale serviced plots at a discount of at least 20% below local market values and that the NPPF includes discount market sales homes within the definition affordable housing. Policy CP4 of the adopted Plan allows by exception the provision of affordable housing to meet the specific local needs of particular settlements, on land where housing development would not normally be permitted. However, it is considered that the inclusion of 50% of the homes for sale at a discount does not meet the criteria required by this policy. Specifically, in this case it has not been demonstrated that the proposal has community support, or that it would meet community aspirations identified through a Neighbourhood Plan. Furthermore, none of the proposed homes would be made available for rent which is at odds with the policy requirement for providing no less than 70% of homes to meet priority local affordable housing needs. Additionally (as set out in detail further below in this report and as identified in predecessor applications), the scheme is not of a design and character appropriate to its location and does not avoid harm to the character of the area or to other planning objectives (including ecology and trees).

In considering the points put forward by the applicant in relation to custom and self-build plots, there is no requirement for the council to have a policy in respect of self and custom build, although a % policy is being proposed in the emerging Local Plan which would require sites in excess of 50 dwellings to provide 6% as serviced plots, this is consistent with the evidence base (the Strategic Housing Market Assessment). LPP1

Policy CP2 promotes the provision of a range of types of housing, which can include self-build, and so has a relevant policy which applies to proposals that satisfy planning policies for residential development (i.e., which do not provide for housing outside settlement boundaries other than agricultural workers accommodation, the conversion of existing buildings in certain circumstances, or 'exception sites' for affordable housing).

Notwithstanding the fact that WCC is considered to have an up to date Development Plan, the position in relation to self-build provision is capable of being a material consideration.

The council maintains a self and custom build register which covers the part of the Winchester District that falls outside of the South Downs National Park (SDNP). As of 30 October 2023, 407 individuals had registered an interest on the register since it was launched on 1 April 2016. The Council has an obligation to permit sufficient dwellings to meet the level of need within three years of being recorded. By 30 October 2020, 272 individuals had recorded an interest, and the total delivery by 30 October was 202 dwellings. Therefore, as of 30 October 2023 there was a shortfall of 70 dwellings against the need recorded in the register up to 2020. National planning practice guidance states that the registers that relate to the area of a local planning authority and the duty to have regard to them are likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

In conclusion, while the application site falls outside of the settlement boundary, the proposal would help to meet the need for specific types of housing identified in the custom and self-build register and the Strategic Housing Market Assessment. It would therefore be necessary to have regard to the benefits of the proposal in terms of delivering custom and self-build plots whilst also considering the extent to which the development would meet any relevant policies within the Development Plan (and any other relevant material planning considerations). As this decision is required to take account of all relevant planning matters, a conclusion on this matter is reached at the end of this report.

Impact on character and appearance of area

Planning policy acknowledges that when considering the impacts of development in rural areas it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2 policy DM23 in particular) as essential components of rural character. As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. It states that the cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals which are not located within defined settlements should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

The Winchester Landscape Character Assessment (LCA) places the application site within the Forest of Bere Lowland Character Area which it describes as an undulating landscape with a '*distinctive pattern of small irregular fields*' (recognised as being of historical interest). The landscape type assigned to the site and its immediate surroundings is open farmland and woodland. The document states that the narrow hedged roads give a remote and enclosed feel to much of the area and the various landscape strategies listed include the need to ensure proposals retain the rural character of these roads. The Denmead Village Design Statement describes the area west of Denmead as consisting of '*attractive mixed countryside with field, hedges and trees*'.

The undeveloped nature of the application site along with its hedged roadside boundary to School Lane is reflective of these characteristics. It is therefore closely associated with the network of fields and woodland to the south and west as opposed to the built-up residential area of Denmead to the east. The residential properties which lie immediately east and further to the south also contribute to this rural character on account of their set back from the highway, their dispersed nature and spacious plots. As such they contribute positively to the gradual transition between the built up area of Denmead and the open countryside. The proposal to introduce 6 residential properties on the application site would be at odds with these characteristics as it would fail to reflect the dispersed pattern of development which prevails in the immediate locality and would significantly alter the balance between built development and open countryside. The submitted Design and Access Statement fails to provide any specific analysis of the established pattern and grain of development in the immediate locality and the degree of encroachment of built development southwards into the site would also fail to reflect the established pattern of development identified within the Denmead VDS which references the WW2 ribbon development along School Lane. Properties in the immediate locality front directly onto the highway and the proposal would be at odds with this typical layout. The proposal would therefore be contrary to guidance contained within the High Quality Places SPD which seeks to ensure the development is well integrated with and complements the neighbouring buildings and local area in terms of scale, density and layout.

The impact of the proposal would be further exacerbated by the intention to now introduce an additional unit in comparison to that of the scheme previously refused in 2022 (22/00722/OUT) which was also concluded to be unacceptably harmful to the character of

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the area despite proposing more robust planting along the north west boundary of the site than the landscaping arrangements now proposed.

Importantly, LPP2 Policy DM23 recognises the scope for traffic intrusion to adversely affect the character of the area due to numbers of trips. The supporting text to this policy states that the suitability as well as the capacity of rural lanes should also be considered, as physical re-modelling of rural roads along with, visibility splays and entrances necessary for the development may have an unacceptable impact on the landscape and rural character. It also states that rural lanes are a particular characteristic of the District that have historic as well as landscape significance.

Having regard to this it is considered that both the increased physical presence of built development of the scale proposed and the associated increase in domestic activity (particularly vehicle movements and impacts from external lighting) would significantly undermine the sense of seclusion experienced along School Lane and from adjacent public rights of way. The proposal to widen the access (as indicated within the submitted Transport Assessment) would further exacerbate the impact of the development as a result of the reduced sense of enclosure and the increased prominence of built development within the site.

Overall, it is concluded that the siting, scale and layout of development proposed would introduce a harmful level of visual intrusion and loss of tranquillity to the rural landscape contrary to the requirements of LP2 Policy DM23 which seeks to ensure intrusion would be minimised, and that proposal have regard to the effect on the setting of settlements. As a result, the proposal would therefore create a more urbanised feel to the settlement edge of Denmead which would be at odds with the pattern of development in the immediate locality. This would also be contrary to the requirements of LPP2 Policies DM15, DM16 and DM23 which require proposals to respond positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout.

Development affecting the South Downs National Park

The application site is located just under 900 metres south of the South Downs National Park boundary.

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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

Due to the nature of surrounding topography and the presence of intervening vegetation there would be no intervisibility between the development and the National Park designation. Additionally due to the scale of development proposed the proposal would not lead to increased levels of vehicular activity or recreational pressure with the potential to impact adversely upon the national park.

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

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting. Therefore, no impact is demonstrated.

Neighbouring amenity

Based upon the proposed site layout plan which accompanies the application, there would be a minimum distance of 10 metres between the proposed dwellings and the boundary with Anthill Cottage (the only residential property which adjoins the site) to the southeast. Having regard to this and the boundary screening which exists on this boundary the proposal would not give rise to an unacceptably harmful impact upon the amenities of neighbouring residents subject to ensuring an acceptable detailed design to the scheme.

Sustainable Transport

Paragraph 109 of the NPPF states that the planning system should actively manage patterns of growth and that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The application site lies approximately 1.5 km from the village centre but is situated immediately adjacent to the settlement boundary of Denmead. The site is not linked to the village centre by pavements and the section of School Lane which runs past the site is not street lit, the lane also narrows once it leaves the built-up area of Denmead to reflect the rural surroundings. Notwithstanding this, the site lies within walking distance of the village centre and the issue of the sustainability of the application site was not raised as a specific concern whilst the previous application was under consideration. The applicant states that in order to assist with encouraging the use of non-car modes of travel, the applicant proposes in the draft Heads of Terms that each plot purchaser is provided with a Travel Pack which includes a bicycle voucher of equivalent value for every resident of the completed dwellings to encourage sustainable travel.

With regards to highway safety considerations, the application site lies just to the west of a 30-mph zone. The posted speed limit at the point of the proposed site access is subject to the National Speed Limit. The application has been accompanied by a Transport Assessment (TA) and Hampshire County Council (the Highways Authority) have been consulted in relation to the proposal.

The existing vehicular access to the site is proposed to be repositioned from its current location so that it would be approximately mid-way along the roadside boundary.

It is acknowledged that a number of third party concerns have been raised in relation to impacts upon highway safety and also that the previous application (reference 22/00722/OUT) was turned down due to concerns over inadequate visibility. The previous concerns related primarily to the fact that the full extent of the splays were not shown on the submitted plans. In the case of this earlier proposal the access was to be retained in its current location.

The submitted TA sets out that, utilising a 2.4m X distance, a Y distance splay in excess of 157.0m can be achieved to the south east which is stated to be the more critical direction. This equates to a vehicle speed of some 52mph. Having regards to typical speeds along this part of School Lane, the Highway Authority have confirmed that they are satisfied with the visibility proposed on the access. They state that the level of visibility proposed would be very close to being in line with the relevant Hampshire County Council Technical Guidance Note.

With regards to vehicular activity, the TA states that the development would generate around 3 vehicular traffic movements in each of the peak periods and some 29 traffic movements over a 12-hour day. Both third parties and the Highways Authority raise concern that the overall trip rate resulting from the development has been underestimated.

However, it is considered that having regard to the number of units proposed and the fact that no highway objections were raised previously in relation to this issue (in the case of the proposal for 5 units), the likely overall trip rate which would be generated by the development is unlikely to be significantly greater than that stated in the applicant's assessment.

With regards to parking provision the overall number of bedrooms per unit have not been specified and it would therefore not be possible to establish the overall parking requirement for proposed development. However, the plans submitted indicate that there would be space within the site to accommodate the required level of provision set out within the Parking Standards SPD.

Paragraph 115 of the NPPF recognises 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 on the road network would be severe.

In this case, it is concluded that notwithstanding the impacts increased traffic and the provision of a wider access would have upon the rural character of the area, the development would allow for access to, and movement within, the site in a safe and effective manner as required by LPP2 Policy DM18. As such the proposal would not give rise to any significant adverse impacts on Highways Safety.

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Ecology and Biodiversity

With regards to local ecological interests, the application site does not lie within or adjacent to any statutory nature conservation sites. The application has been accompanied by an ecology survey and the WCC Ecologist is satisfied that subject to appropriate conditions the development could reasonable avoid adverse impact upon local biodiversity.

With regards to the water environment, the proposed development is within Winchester District where foul water is distributed into the European 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 (overnight accommodation) within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates.

The application was originally accompanied by two alternative nutrient budgets, a foul drainage assessment and a nitrogen budget note. One nutrient budget indicated that the proposal would be served by a package treatment plant (PTP), resulting in a total annual nitrogen load to mitigate of 5.41kg/TN per year. The second nutrient budget indicated that the proposal would be connected to the mains sewer, resulting in a total annual nitrogen load to mitigate of 7.71kg/TN per year. Whilst the nutrient budget report made reference to both options, the foul drainage report stated that the intention is to connect to the mains sewer.

Whilst the site has not been previously developed and is effectively classed as agricultural land both budgets described the use of the existing site as 'open urban land'. This did not appear to accurately reflect the existing land use.

Having regard to the above, there was concern over insufficient information submitted in respect of nutrient impacts associated with the proposal (and also the absence of any formal confirmation that the applicant would be willing to provide the appropriate level of mitigation in relation to additional nutrient impacts resulting from the development). As such it would not have been possible (based upon the information accompanying the original application submission) to rule out harmful in combination impacts upon the water environment of the Solent sites in the case of either option.

To address this concern, the agent submitted a revised nutrient budget and updated nutrient note (email dated 27 December). The revised calculator uses lowland grazing as the existing land use and it has been confirmed that the intention would now be to connect to the mains sewer.

The revised budget indicates that the development will result in a total annual nitrogen load to mitigate of 5.56kg /TN per year

The applicant has also confirmed that in the event that a favourable recommendation were to be made they would be willing to accept a Grampian condition to address additional nitrate impacts resulting from the development.

This mitigation would (in the event that consent were to be forthcoming) would ensure the development would meet the requirements of LPP1 Policy CP16, paragraph 186 of the

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NPPF and the requirements of the Conservation of Habitats and Species Regulations (2017 as amended).

Trees

A significant proportion of the application site is enclosed by trees and hedgerows (including the roadside boundary). Alongside the contribution these features make to the intrinsic character and distinctiveness of the site and the locality, they are of notable value to public amenity, particularly views from School Lane.

Paragraph 180 of the NPPF states that proposals should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including trees and woodland. LPP2 Policy DM23 reflects these requirements and states that proposals should protect and enhance the key characteristics of the landscape and should avoid the loss of key features. With regards to trees and woodland in particular Policy DM15 states that proposals should conserve or enhance trees, hedgerows and corridors which contribute to local distinctiveness. Similarly, Policy DM24 states that development should not result in the loss or deterioration of important hedgerows or special trees and the space required to support them in the long term. The supporting text to this policy states that ‘special trees can include notable trees in their local environment (for example because they are large by comparison with other trees around them).

As identified by the Tree Officer, there is a notable oak tree of 1.4m in diameter on the south east boundary of the site. The application has not been accompanied by any form of arboricultural assessment. Whilst no specific concerns were raised in respect of trees at the time of the previous application, the current scheme proposes an amended layout with a greater number of units. It is also evident that the access road into the site and also the drainage runs proposed would encroach within the root protection area of the tree. The development is therefore likely to lead to damage to the tree which would in turn impact upon its health and scope for retention in the longer term, contrary to the requirements of Policies DM15 and DM24.

The proposal would also necessitate the removal of a significant amount of hedgerow (in excess of 20 metres) at the site entrance to provide adequate visibility around the access). This hedgerow currently provides a very strong sense of enclosure to the site and makes a positive contribution towards the rural character along School Lane and the loss of this would significantly undermine these characteristics in addition to opening up views towards the proposed development and increasing its overall prominence and impact. Overall, it is considered that the proposal would fail to safeguard the natural features and key characteristics within and adjacent to the site and would therefore be contrary to LPP2 Policies DM15, DM23 and DM24.

Sustainable Drainage

Policy 2 of the Denmead Neighbourhood Plan states planning applications must be accompanied by a Drainage Strategy. The application in this case has been accompanied by a Sustainable Urban Drainage System (SuDS) Strategy and Foul Drainage Assessment.

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With regards to surface water drainage, the application site does not lie within or adjacent to a Flood Zone 2 or 3. The proposed development seeks to incorporate Sustainable Urban Drainage Systems (SuDS) into the development design and the WCC is supportive of this in principle subject to infiltration rates being verified. The Drainage Officer is satisfied that the proposal would not give rise to any harmful drainage impacts subject to appropriate conditions being imposed.

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.

Planning Balance and Conclusion

The proposed development would conflict with policies in the Development Plan which defines the area as countryside. These policies resist built development other than for necessary rural activities and do not make an exception for self-build residential development (unless it would comply with policy CP4 as an affordable housing exception scheme). As identified above, the Council can demonstrate a five year housing land supply, and there is no shortfall of housing land to be rectified.

The applicant makes the case that because the Council has no adopted policy to address self-build and custom housebuilding and has an identified unmet need for both self-build and custom housebuilding plots, the tilted balance would be engaged.

Paragraph 11(d) of the NPPF states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

It is considered that the existing adopted plan policies provide an appropriate framework for determining applications for self and custom build housing. In particular, adopted Policy CP2 states ‘*development should meet a range of community housing needs and deliver a wide choice of homes*’, and other policies provide a basis for considering the benefits and impacts of all housing proposals including custom and self-build proposals. This approach is continued in the emerging plan, with the addition of emerging Plan policy H7 which seeks the inclusion of self and custom build housing on larger development sites – but does not set out specific criteria for self and custom build housing. Therefore, it is not considered that a tilted balance assessment is required and paragraph 11d is not

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engaged. However, it is valuable to acknowledge that the proposal would not meet the requirements of paragraph 11d in any event and an assessment is made below which demonstrates that adverse harm is caused.

As identified above in this report, a further consideration is that the proposal would fundamentally alter the intrinsic character of the site from open grazing land to a residential cul de sac which is not reflective of the dispersed pattern of development on the settlement edge. This would significantly alter the established balance between open countryside. The proposal fails to draw a distinction between the built up area of the village and the surrounding countryside. Having regard to these impacts, along with the harmful impacts upon trees and hedgerows on the site boundaries and the fact that the proposal would undermine the adopted policies within the Development Plan without appropriate justification, the level of harm would significantly and demonstrably outweigh any benefits associated with the introduction of additional custom and self-build plots contrary to the provisions contained within Paragraph 11(d)ii of the NPPF.

Whilst the provision of Discounted Market Sale properties is acknowledged, this does not meet the requirements of policy CP4 (for the reasons set out earlier in this report) and does not outweigh the material planning harm identified.

Whilst the benefits of the proposal in terms of delivering 6 custom and self-build plots are acknowledged this benefit would not in this instance outweigh the harmful impacts identified in relation to the significant conflict with the development strategy contained within the Local Development Plan and the character of the area.

It is therefore recommended that planning permission should be refused.

Recommendation

Refuse for the following reasons:

1. Having regard to the harmful impacts of the development, the provision of self-build plots and Discounted Market Housing is in this case not considered to be suitable justification for additional residential units in a countryside location.

Therefore, the proposal (which lies outside the settlement boundary of Denmead) is contrary to policy MTRA4 of the Winchester District Local Plan Part 1 (2013), Policy DM1 of the Winchester District Local Plan Part 2 (2017) and the Denmead Neighbourhood Plan as it would result in new dwellings in a countryside location, giving rise to significant harm to its character with inadequate justification.

2. The proposal is contrary to policies DM15, DM16 and DM23 of the Winchester District Local Plan Part 2 (2017) along with the High Quality Places SPD (2015) in that it fails to respond positively to the character of the area by virtue of its location, scale, suburban form and layout, and would not conserve the established hedgerows along the site boundary, resulting in visual and physical harm to the surrounding countryside.

3. The siting and layout of the proposal is such that it would give rise to unacceptably harmful impacts upon a prominent oak tree on the south east boundary of the site. This tree is recognised as being of significant value to public amenity and the proposed development would therefore be contrary to Policy DM24 of the Winchester District Local Plan Part 2 (2017).

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Informatives:

1. In accordance with paragraph 39 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.

In this instance a site meeting was carried out with the applicant.

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

Winchester Local Plan Part 1 – Joint Core Strategy (2013) (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 CP4 – Affordable Housing on Exception Sites to Meet Local Needs
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 (2017) (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

Denmead Neighbourhood Plan 2011 – 2031 (made 2015)

Policy 1 (A Spatial Plan for the Parish)

Policy 2 (Housing Site Allocations)

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Policy 3 (Housing Design)

3. This permission is refused for the following reasons:

The development is in in not accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be refused.