

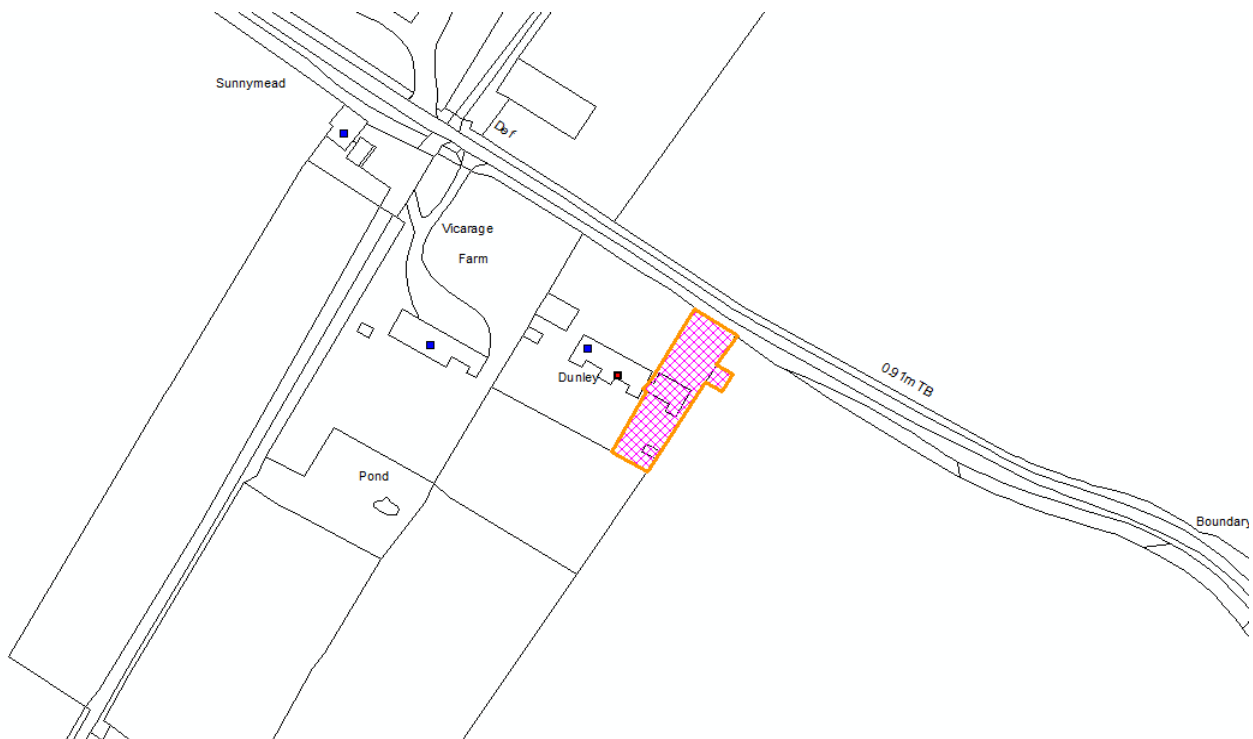
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/02838/FUL
Proposal Description: Demolition of the existing link between the main chalet bungalow and the annex to create two separate residential planning units; extensions to the newly-created dwelling.
Address: Dunley Vicarage Lane Woodmancott Winchester Hampshire
Parish: Micheldever Parish Council
Applicants Name: Mr & Mrs Milsome
Case Officer: Liz Young
Date Valid: 19 January 2024
Recommendation: Refuse
Pre Application Advice: No

Link to Planning Documents

23/02838/FUL

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



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Reasons for Recommendation

The location of the site on the south eastern edge of existing residential development is such that the proposal would not amount to the infilling of a small site for the purposes of Policy MTRA3 of the Local Plan Part 1 (Joint Core Strategy) (2013) (LPP1). The development would therefore result in the introduction of new residential development into

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the open countryside for which no justification exists, contrary to Policies MTRA 3 and MTRA 4 of the LPP1. The material considerations put forward by the applicant are not considered to have sufficient weight to outweigh the identified conflict with the Development Plan.

General Comments

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

Site Description

The application site comprises an area of land which includes the eastern section of the residential curtilage of Dunley, a detached 1.5 storey dwelling, and a small area of agricultural land adjoining the east boundary of the curtilage (this land having previously been separated from the curtilage by mature hedgerow). The application site area measures just under 700 square metres and is currently occupied by an annexe which is attached to the main house and fronts onto a parking area. The site is currently served by a secondary vehicular access. The east and west boundaries are adjoined by open fields. Dunley itself falls within a cluster of 3 dwellings which lie in within open countryside.

Proposal

Consent is sought to change the use of the existing annexe on the eastern end of the property to form a new residential planning unit. The submitted plans which accompany the application put forward proposals to carry out various external alterations to the building. These works would comprise the removal of the link between the annexe and the main house, the removal of bay windows to the front, the addition of a front porch and also a two storey rear extension. Alongside these works, roof alterations are also proposed, and these would include an increase in ridge height by half a metre, changing the hipped roof to a full gable and the replacement of the existing single front facing dormer window with two dormers. External facing materials (render and red clay tiles) would match those on the existing building.

The proposed layout would comprise a separate two bedroom dwelling of approximately 155 square metres (internally measured) in total.

The application site as identified by the red line also includes a rectangular parcel of land adjacent to the east boundary of the site currently in residential use. Notwithstanding the fact that this adjacent land (approximately 45m²) is included in the red line, the submitted proposed site plan has been annotated to state that the use of this additional land is to remain in agricultural use.

Background

In terms of background this application has been submitted as a follow up to two previously refused applications (the earliest being an application for full planning permission and the most recent being an application for a certificate of lawfulness).

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In the case of the lawfulness application (reference 23/01637/LDC) this sought to establish that the annexe had lawfully been used as a self contained dwelling but was turned down on the grounds that, on the balance of probabilities, there was insufficient evidence to show that the relevant use had taken place for a continuous 4 year period prior to the date of the application.

In the case of the earlier planning application, submitted under reference 23/00931/FUL (also relating to a proposal to change the use of the annexe to a dwelling but also to construct an outbuilding on land to the east of the curtilage), this was refused on the grounds that it would result in the introduction of an unjustified new dwelling into the open countryside, alongside further concerns over the encroachment of domestic uses and associated development onto open countryside (to the detriment of the wider landscape). Harmful impacts upon trees and loss of hedgerow were also included in the reasons for refusal. The outbuilding is no longer proposed in the current application and the hedgerow which previously enclosed the site from fields has been removed.

Since the determination of these two predecessor applications, the annexe has now become occupied as a self contained dwelling (the extensions have not yet been undertaken). This current application is therefore part retrospective.

Relevant Planning History

23/01637/LDC - Use of annex as single dwelling for self-contained letting purposes

23/00931/FUL - Demolition of the existing link between the main chalet bungalow and the annex to create two separate residential planning units; extensions to the newly-created dwelling; change of use of a small area of the adjacent agricultural field for residential purposes; and the construction of a double detached garage Refused 04.08.2023

03/01906/FUL - Demolition of existing detached single garage and erection of detached double garage Permitted 25.09.2003

Consultations

Service Lead – Engineering (Drainage)

No comments received

Hampshire County Council (Highway Authority)

No objections raised

Natural England

No comments received

Basingstoke and Deane Borough Council

No comments received

Representations:

Micheldever Parish Council: Support (comments summarised):

- There is a recognised need for smaller properties within the Parish to provide options for those who wish to downsize to more suitable homes as they approach

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retirement, in turn freeing up larger properties for those with larger / younger families

- The site lies in an isolated location
- There are no concerns about the impacts of the proposal, which has widespread support from the local community
- The proposal would add a smaller property to the local area for the future which is welcome in maintaining the small but active community in Woodmancott

17 Third party supporting comments received:

- The site lies in close proximity to the Calvert Centre and local farms for business opportunities
- Housing is a significant element of the local community
- The proposal would service the local housing requirement without the need for visual or environmental change
- The applicants have been part of the local community for 20 years
- There is a need for local residents to downsize their properties
- No impact upon the character of the area
- Dunley and Dunley Den have been two separate dwellings for the past 20 years, originally occupied by family of the Milsome's and subsequently used as a holiday let
- The buildings already benefit from their own road entrance, parking and front doors

One supporting comment received from Cllr Godfrey requesting that the application goes to Planning Committee if the Council is minded to recommend refusal (Wonston & Micheldever Ward):

- There is significant local support for the development
- The proposal will protect the character of the area by retaining an existing building with a small increase in the footprint and change what has been one large 5-6 bedroom house into one 3-4 bedroom house and one 2-3 bedroom house
- Smaller dwellings are required to allow the community to remain sustainable
- The proposal is in line with the objectives of Development Plan policies and paragraph 80 of the NPPF which permits changes to properties in the countryside as is proposed in this application

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

Chapter 2 –Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well Designed and Beautiful Places

Chapter 15 – Conserving and Enhancing the Natural Environment

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

Policy DS1 - Development Strategy and Principles

Policy MTRA3 - Other Settlements in the Market Towns and Rural Area

Policy MTRA 4 - Development in the Countryside

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Policy CP11 - Sustainable Low and Zero Carbon Built Development

Policy CP13 - High Quality Design

Policy CP16 – Biodiversity

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

Policy DM2 - Dwelling Sizes

Policy DM16 - Site Design Criteria

Policy DM17 - Site Development Principles

Policy DM18 - Access and Parking

Policy DM23 - Rural Character

Supplementary Planning Documents:

National Design Guide (2019)

High Quality Places (2015)

Residential Parking Standards SPD (2009)

Landscape Character Assessment (LCA) (2022)

Micheldever Village Design Statement (2022)

Planning Considerations

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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 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.

As acknowledged at the time of the predecessor application, the proposed development falls within the settlement of Woodmancott, which is listed under LPP1 policy MTRA 3 as one of the settlements which have no clearly defined settlement boundary. In these instances, the policy supports the 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.

The application site sits on the southeastern extent of a row of three properties and the southeast boundary of the site is adjoined by expansive open fields. The closest residential property to the east lies approximately 700 metres from this boundary and does not have any visual relationship with the application site. The proposal to introduce a new residential property in this location, on the rural edge can therefore not reasonably be described as the infilling of a continuously developed frontage, particularly because it is not contained by existing development.

Policy MTRA 4 is also relevant, given that it includes settlements covered by Policy MTRA 3 within the definition of open countryside. The proposal does not relate to an agricultural, horticultural or forestry development, tourist accommodation, community use or affordable housing and is therefore not supported by this policy.

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In light of the identified conflict with the Development Plan, it would be necessary to have regard to any material planning considerations before reaching a conclusion on the overall acceptability of the development in principle.

It is acknowledged that local residents are generally supportive of the proposed development and that LPP1 Policy MTRA3 states that proposals may be supported to reinforce a settlement's role and function, to meet a community need or to realise local community aspirations. However, the desire for existing households wishing to downsize would not in itself demonstrate an overriding community need.

Specifically in this instance it has not sufficiently been demonstrated that the proposal could reasonably be said to meet a specific community need, or support the settlement's role and function, over and above the desire to secure appropriate housing for individuals with long-standing ties to the area. There is also no provision within the application submission to ensure the desired outcome would be secured (for example through limiting occupation for perpetuity and assessing the potential suitability of occupants with a view to meeting a local need).

With regards to community support, the relevance of the supporting comments is limited in light of these concerns. In addition, the Development Plan envisages that such proposals would come from the community, rather than a developer as part of a speculative proposal. Whilst it could be argued that an alternative approach could be taken to demonstrate community support, the process undertaken in this instance does not (understandably) appear to have involved any form of referendum or formal input from the Parish Council. This therefore further reduces the weight which should be given to the comments received to date. With these points in mind, it is concluded that the points put forward by the applicant would not demonstrate compliance with LPP1 Policy MTRA3 or outweigh the policy conflict outlined above.

The applicants has referred to paragraph 80 (now 84) of the NPPF which allows isolated dwellings in the countryside in exceptional circumstances (the proposal involves the subdivision of an existing residential building). However, the proposal would clearly not meet the criteria set out within this paragraph.

Case law makes it clear that for these purposes, in determining whether a particular proposal is for an "isolated home in the countryside", the decision-maker must consider "whether the development would be physically isolated, in the sense of being isolated from a settlement". In this case the proposal falls within Woodmancott, which LPP1 Policy MTRA3 identifies as a settlement with no defined boundary. As such LPP1 Policy MTRA3 provides a clear distinction between such settlements and other areas of open countryside not covered by this policy. The Development Plan (specifically the supporting text to Policy MTRA4) describes these other countryside / non-settlement areas as *'very small communities which are no more than a collection of houses or isolated dwellings are not covered by the above policies and are considered to be within the wider countryside'*. For this reason, it is considered whilst the application site lies in an unsustainable location for the purposes of transport (as identified at the time of the predecessor application) it is not considered to be remote or isolated for the purposes of paragraph 84 of the NPPF.

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The proposal is also not a form of affordable housing as it would not meet the relevant definition contained within the NPPF, which states that this would include housing for sale or rent, for those whose needs are not met by the market, or that it would meet the requirements of LPP1 CP4 (which seeks to meet community aspirations identified through a Neighbourhood Plan) in relation to being suitable in terms of its location, size and tenure or being secured to meet long-term affordable housing needs. The dwelling would also exceed the size limitations which apply to affordable housing (120 square metres for dwellings in open countryside).

The proposal would also not relate to the re-use of brownfield land as the NPPF makes it clear that previously developed land does not include residential gardens.

Overall, it is considered that the general principle of the development is not supported by the Local Development Plan or the NPPF and that the material considerations put forward by the applicant do not outweigh the identified policy conflict.

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

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

The garage (which was previously proposed to be located outside the residential curtilage) no longer forms part of the current proposal. The encroachment onto agricultural land (and associated loss of hedgerow) which would have resulted from this element of the original scheme led to strong concerns over the impact the development would have upon the rural landscape. The removal of this garage element therefore overcomes previous concerns in relation to visual intrusion (along with impacts upon trees).

Notwithstanding this, it remains the case that the application site includes an area of agricultural land which does not fall within the residential curtilage. As noted at the time of the predecessor application, incorporating this land into domestic use would (having regard also to any future introduction of built development) be detrimental to the rural character of the area. The inclusion of this land within the red line would result in this land becoming part of the new planning unit. However, given that the applicant's intention is for this to remain in agricultural use (as identified on the plans) conditions could reasonably be imposed ensuring the use of the land remains agricultural (and ensuring the retention of the hedgerow which is an important landscape feature in the locality).

The extensions to the annexe building remain largely unchanged since the previous application and no objections were raised in relation to this aspect of the proposal as they are considered to reflect the scale and form of the main house (which as it stands is not of any notable aesthetic or architectural interest).

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Overall, it is considered that the proposal would not have an unacceptable effect on the rural character of the area. The development would therefore not conflict with LPP1 Policy MTRA3, LPP2 Policies DM15, DM16 and DM23.

Development affecting the South Downs National Park

The application site is located approximately 8 miles 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 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 modest scale of the development, the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

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

The only neighbouring residential property which adjoins the application site is the host dwelling, Durley and the only upper floor windows facing towards this property would be two high level rooflights in the proposed rear extension. The property beyond this lies approximately 40 metres from the application site and will not be significantly impacted by the proposal. The modest scale and subservient form of the additions would ensure they would not give rise to any detrimental impacts towards the occupants of neighbouring properties.

Overall, it is concluded that in accordance with LPP2 policy DM17 the development would not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing.

Sustainable Transport

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Whilst a parking layout has not been included on the proposed site plan, the space within the site along with the proposed double garage would ensure the required parking standard of spaces would be met. There would also be adequate turning space within the site to enable vehicles to enter the highway in forward gear. No objections have been raised to the proposal by the Highways Authority.

In accordance with LPP2 Policy DM18 the proposed development would allow for access to, and movement within, the site in a safe and effective manner and makes provision for access to the site in accordance with any highway requirements on the grounds of safety.

Ecology and Biodiversity

Given that the proposed development does not necessitate the demolition of the existing buildings on site and lies mainly within the residential curtilage it is considered that the proposal would not give rise to potential impacts upon ecological interests either within or adjacent to the site. The application site does not within close proximity to any ecological designations and in accordance with LPP1 policy CP16 the proposed development would avoid harm to biodiversity interests of local and national significance.

Appropriate Assessment.

With regards to European sites, the proposed development is within the catchment area for the Solent SPA / Ramsar site where 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 LPP1, 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. New residential accommodation in the Winchester district is therefore obliged to submit a nutrient budget and provide details of any mitigation that will be employed to offset the release of nitrates from the development which would adversely affect the Solent. In this instance, the nutrient budget calculation provided as part of the application submission indicates that the total annual nitrogen load to mitigate is 6.77 kg/TN/yr.

The applicant has confirmed that they are willing to provide the required level of off-site financial contributions towards mitigation solutions which will be delivered either by the City Council or in partnership with another agency within the same catchment area as the development. The applicant has also confirmed that they agree to the imposition of a Grampian condition (in the event that consent is forthcoming) to ensure the appropriate level of mitigation is secured prior to the occupation of the dwelling.

This mitigation is concluded to be acceptable and deliverable in perpetuity and will enable the Council to fulfil its statutory obligations in accordance with the Conservation of Habitats and Species Regulations 2010.

The Habitats Regulations Assessment (HRA) undertaken by Winchester City Council as Competent Authority therefore concludes that there is sufficient information to rule out likely significant effects on the Solent sites. The proposal will therefore meet the requirements of the Conservation of Habitats and Species Regulations 2017, the requirements of LPP1 Policy CP16 and paragraph 186 of the NPPF.

Sustainability

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Because the proposal would involve the re-use and extension of an existing building, the scope to incorporate the latest standards to energy and thermal efficiency would be limited. Notwithstanding this, PV Panels are proposed to be installed.

Therefore, it is concluded that as required by LPP1 Policy CP11 the proposed development would be designed to maximise energy efficiency and design out the need for energy use by means of the scheme layout and the orientation and design of individual buildings, making full use of passive heating and cooling systems as far as is practical.

Sustainable Drainage

The application site does not fall within or adjacent to a flood zone and the development would not lead to a significant increase in hardsurfacing or impermeable areas across the site. Any details surface drainage measures could reasonable be secured through conditions in the event that consent were forthcoming.

With regards to foul drainage, the application submission indicates that the annexe is served by an existing package treatment plant. Having regard to the fact that the building is already in residential use the development would not give rise to additional requirements for foul drainage over and above the existing situation.

Overall, it is concluded that, the proposal would ensure that adequate surface water drainage and wastewater infrastructure would be provided to service new development as required by LPP1 Policy CP17.

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 location of the site on the south eastern edge of existing residential development is such that the proposal would not amount to the infilling of a small site for the purposes of LPP1 Policy MTRA3. Contrary to LPP1 Policy MTRA 4 the proposal does not relate to any form of development which has an essential need for a countryside location, tourism accommodation or affordable housing and will result in the introduction of a new dwelling in the countryside, in an area where residential development is not normally permitted.

Whilst the material considerations put forward by the applicant are acknowledged, and the proposal would not give rise to unacceptably harmful impacts upon the local environment, it is concluded that these factors would not outweigh the identified conflict with the Development Plan.

It is therefore recommended that planning permission should be refused.

Recommendation

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Refuse for the following reasons:

1. The location of the site on the southeastern edge of existing residential development is such that the proposal would not amount to the infilling of a small site for the purposes of Policy MTRA3 of the Local Plan Part 1 (Joint Core Strategy) (2013) (LPP1). Furthermore the case put forward by the applicant does not sufficiently demonstrate that the proposal would reinforce the role and function of Woodmancott or that it has clear community support following a formal consultation process. Material considerations do not have sufficient weight to outweigh the identified conflict with the Development Plan.

The development would therefore result in the introduction of new residential development into the open countryside for which no justification exists, contrary to Policies MTRA 3 and MTRA 4 of the LPP1.

Informatives:

1. In accordance with paragraph 39 of the NPPF (2023), 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:-

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

Policy DS1 - Development Strategy and Principles

Policy MTRA3 - Other Settlements in the Market Towns and Rural Area

Policy MTRA 4 - Development in the Countryside

Policy CP11 - Sustainable Low and Zero Carbon Built Development

Policy CP13 - High Quality Design

Policy CP16 – Biodiversity

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

Policy DM2 - Dwelling Sizes

Policy DM16 - Site Design Criteria

Policy DM17 - Site Development Principles

Policy DM18 - Access and Parking

Policy DM23 - Rural Character

3. This permission is refused for the following reasons:

The development is not in 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.

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