

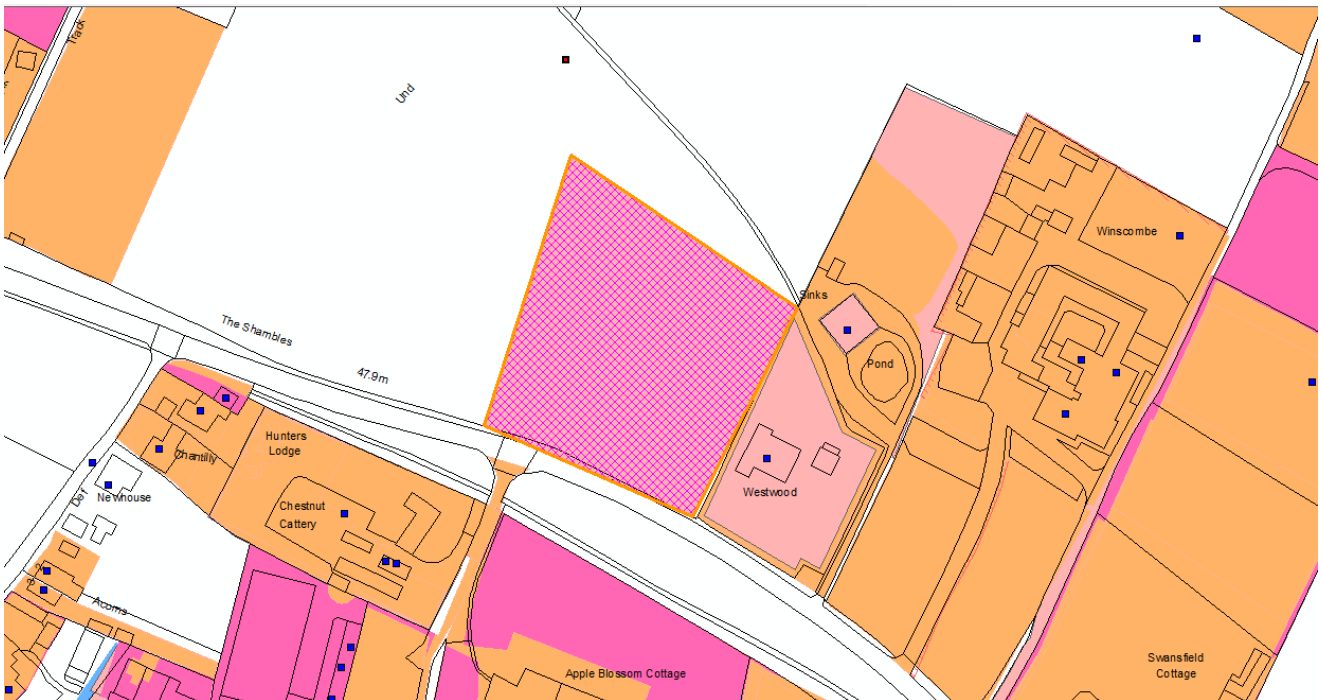
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 24/01884/FUL
Proposal Description: Erection of 4 bedroom self-build dwelling, relocated access, parking, drainage and landscaping.
Address: Land North of Southwick Road, Wickham, Hampshire
Parish, or Ward if within Winchester City: Boarhunt Parish Council
Applicants Name: Mr & Mrs Osborne
Case Officer: Joe Toole
Date Valid: 30 August 2024
Recommendation: Refusal
Pre Application Advice: Yes

Link to Planning Documents

[Link to page – enter in reference number 24/01884/FUL.](#)

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



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Reasons for Recommendation

The proposed development is recommended for refusal as the proposal does not comply with policy MTRA3 of the Local Plan Part 1 and DM1 of the LPP2, in that it does not represent the infilling of a site within a continuously developed road frontage. Furthermore, the provision of a self-build plot in this case is not a suitable justification for an additional residential unit in a countryside location.

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 is 0.38 hectares in size and is located in North Boarhunt. The site is situated to the northwest of the property of Mulberry House previously known as Westwood. The site is located within a rural location on agricultural land located on the northern side of the B2177 Southwick Road, which connects the villages of Wickham and Southwick. The surrounding area comprises of a mixture of residential, agricultural and commercial uses. In terms of the residential properties there is a mixture of large detached and smaller semi-detached properties with a variation of designs and finishes. The commercial units include a garden centre and other business uses.

A managed section of hedgerow forms the southern boundary of the application site with an established hedgerow on the eastern boundary adjacent Mulberry House. The western and northern boundary are currently undefined. The topography of the site is relatively flat, however it does slope towards the south-east. The surrounding landscape is characterised by woodland, grazed pasture and common land.

Proposal

The proposal is for the erection of a 4 bedroom self-build dwelling with a relocated access off Southwick Road. The proposed dwelling would be two storey in height. The dwelling would comprise 232.8 sqm of floor space with the attached garage being 42sqms.

A new access proposed to be created along Southwick Road with a gate set 6 metres from the verge and a permeable driveway allowing access to the property. The proposed attached garage and driveway would provide car parking.

Relevant Planning History

No relevant planning history.

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Consultations

Service Lead – Engineering (Drainage) – No comment.

Service Lead – Sustainability and Natural Environment (Ecology) – No objection subject to conditions.

Service Lead – Sustainability and Natural Environment (Trees) – No comment.

Hampshire County Council (Highway Authority) – No objection

Natural England – No comment

Southern Water – No comment

Naturespace - Requested reasonable avoidance measures be produced and followed before and during construction if approved.

Representations:

North Boarhunt Parish Council

- No Comment Received

1 Objecting and 1 Neutral Representations received from different addresses citing the following material planning reasons:

- Loss of privacy/overlooking
- Drainage and flooding issues
- Out of keeping with the character of the area
- Harm to ecology
- Poor access and highway safety concerns

13 Supporting Representations and 1 Neutral received from different addresses within the Winchester City Council administrative area citing the following material planning reasons:

- Need for new housing in the area.
- In keeping with the character of the area
- Appropriate parking on site
- No impact on surrounding neighbours
- Infill development not in the countryside.
- Self-build dwelling

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

Section 2 Achieving Sustainable development.

Section 4 Decision Making

Section 5 delivering a sufficient supply of homes.

Section 8 Promoting healthy and safe communities.

Section 9 Promoting sustainable transport.

Section 11 Making effective use of land.

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Section 12 Achieving well designed places.

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

Section 15 conserving and enhancing the natural environment.

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Light Pollution

Natural Environment

Open space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Use of planning conditions

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

DS1 – Development Strategy and Principles

MTRA3 – Other Settlements in the Market Towns and Larger Villages

MTRA4 – Development in the countryside

CP1 – Housing Provision

CP2 – Housing Provision and Mix

CP10 – Transport

CP13 – High Quality Design

CP14 – Effective Use of Land

CP15 – Green Infrastructure

CP16 - Biodiversity

CP21 – Infrastructure and Community Benefit

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

DM1 Location of new development

DM2 – Dwelling Sizes

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM19 – Development and Pollution

DM20 – Development and Noise

DM23 – Rural Character

DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards 2009

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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) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed changes to the NPPF that are currently being consulted on identify an anticipated approach on Government policy. However, as this is only a public consultation document at this stage, it does not yet hold substantial material weight.

The Regulation 19 Local Plan, as now agreed by Full Council, can be given appropriate and increasing weight in the assessment of development proposals in advance of Examination and Adoption.

The application site is outside of a defined settlement boundary and as such the land is considered as designated countryside. Policy MTRA4 of the Winchester District Local Plan Part 1 applies here and seeks to prevent new residential development in the countryside.

Policy MTRA3 of the Winchester District LPP1 however, allows for the development and redevelopment that consists of infilling of a small site within a continuously developed road frontage in certain areas where the development is of a form compatible with the character of the area. Policy MTRA3 outlines a number of settlements with no designated settlement boundary which includes North Boarhunt.

Whilst the application site is located within North Boarhunt, the proposed dwelling is not infilling a gap and would not be located within a continuously developed road frontage but would sit within a significant gap of 244 metres between Fernbank and Mulberry House. As such it would not fulfil the infill criteria of Policy MTRA3.

Policy MTRA3 also allows for development that would reinforce a settlements role and function, to meet a community need or to realise a community aspiration. The policy goes on to say that to comply with this element of the policy this kind of development should be identified through a neighbourhood plan or through a process that demonstrates clear community support. In this instance the application is not considered to serve the community, being the erection of 1No. dwellinghouse and whilst there are support comments, clear community support has not been demonstrated. As such it is not considered that the proposal would meet this part of requirements of policy MTRA3.

As a result, the proposal would result in an unjustified additional residential unit in a countryside location, contrary to policy MTRA4 of the LPP1.

The Council is able to demonstrate a four-year housing supply (this now being the correct test under the updated NPPF) and has an emerging Local Plan that has reached Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including proposed allocations towards meeting housing need. It should also be highlighted

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that in the Authority Monitoring Report (2022), the Council demonstrated a 7.6-year supply for 2024-2029.

The application is promoted as a self-build proposal. Self and custom build dwellings 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, and one that central government is keen to expand. As such it is expected that appropriate policy addressing the need for self and custom build will be incorporated within the forthcoming Local Plan.

WCC is considered to have an up-to-date Development Plan, and the policies referred to above are considered to provide an appropriate framework for assessing proposals for new dwellings (including custom and self-build housing). On this basis paragraph 11d of the NPPF is not considered to be applicable in this instance. Notwithstanding this the position in relation to self-build provision is capable of being a material consideration, alongside the development location and circumstances in this instance.

WCC maintains a self and custom build register which covers that part of 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 2023, 384 cumulative need and the total delivery by 30 October was 202 dwellings. Therefore, as of 30 October 2023 there was a shortfall of 182 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.

The provision of a self-build plot in this case is not considered to be a suitable justification for an additional residential unit in a countryside location.

The principle of development is therefore not acceptable.

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.

Development affecting the South Downs National Park

The application site is located approximately 0.27 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

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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 distance, intervening features, and modest scale, an adverse impact on the National Park and its statutory purposes is not identified.

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

Impact on character and appearance of area

The proposed dwellinghouse would be located along Southwick Road with a similar building line to the property to the east – Mulberry House. It is therefore considered to reflect the character of the area. Whilst the proposed dwellinghouse would be of a large size it is considered to be appropriate given its plot size and deemed to be suitability designed not to appear out of keeping with the character of the area.

It is noted the design and materials proposed have not yet been determined, however it would have a brick finish with plain clay roof tiles which is considered to be inkeeping with other local properties. Therefore, due to the siting, size and design of the proposal it will not have a harmful impact on the wider context of the area to the detriment of its character.

Therefore, the proposal complies with policies CP13 of the LPP1 and DM15, DM16 and DM23 of the LPP2.

Historic Environment

The works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Neighbouring amenity

Due to the placement of the proposed dwellinghouse it is only considered to have a potential impact on the adjacent property to the east of Mulberry House.

To the front of the proposed development there would be windows and doors facing out onto the highway. Whilst the proposed dwellinghouse would be set approximately 4.5 metres further back from the adjacent property Mulberry House, due to the placement of the windows and doors it is not considered to cause direct overlooking into the private amenity space of Mulberry House to have an adverse impact.

The proposed dwellinghouse would have a separation distance from side wall to side wall with Mulberry House of approximately 15 metres, being screened by mature hedging. Due to its separation distance and the closest part to Mulberry House being the single storey garage it is not considered to appear overbearing or result in the harmful loss of light to the neighbouring property.

On the east side of the proposed dwellinghouse there would be two windows at the ground floor level serving the lounge facing out onto the shared boundary with Mulberry House. Due

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to the existing screening of hedging it is not considered to cause harmful overlooking. At first floor level there would be one window on this side serving an en-suite which could be conditioned to be obscurely glazed and non-opening, therefore it would not cause overlooking on this side. On the rear elevation at ground floor level there would be bi-folding doors within the lounge facing out onto the rear garden. This is not considered to cause harmful overlooking to Mulberry House due to their placement. At first floor level on the rear elevation there would be a Juliet balcony serving the master bedroom. Due to the separation distance of approximately 27 metres from the shared boundary with Mulberry House and its placement facing out towards the rear it is not considered to cause any harmful overlooking into the private amenity space of Mulberry House to warrant a reason for refusal.

The proposed use would be residential therefore it is not considered to create untoward noise and disturbance to the neighbouring property to warrant a reason for refusal.

Therefore, the proposal complies with Policy DM17 of LPP2.

Sustainable Transport

A new access would be created along Southwick Road with a gate set out 6 metres from the verge. There would be permeable paving to the initial section of the driveway to prevent gravel migrating onto the highway. Visibility splays have also been provided showing there is acceptable views to and from the proposed access in both directions.

A driveway and linked detached garage would provide car parking and cycle provision for the proposed dwelling. This would comply with the Winchester City Council Supplementary Planning Document Residential Parking Standards December 2009.

Hampshire Highways commented on the application raising no objection to the proposed development.

Refuse and recycling bins would be stored on the southeastern side of the proposed dwelling and moved to the bin collection point on collection day. This is considered to be acceptable.

The proposal will therefore have no impact on highway safety/amenity/traffic generation/parking ratio/standards, complying with policy DM18 of the LPP2

Ecology and Biodiversity

The application site is within 50 metres of a priority habitat - lowland mixed deciduous woodland and notable and protected species – common pipistrelle. The Council's Ecologist was consulted on the application raising no objection subject to conditions. The conditions would have been applied had the application been successful. The application site falls within the red zone for great crested newts. Naturespace commented on the application recommending that reasonable avoidance measures are produced and followed before and during the construction, this would have been secured by condition had the application been successful.

As the application is for a self-build dwellinghouse it is exempt from Biodiversity Net Gain. However, 2 bat boxes along with tree planting have been proposed. This is considered to comply with Policy CP16 of the LPP1.

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Solent Recreational Mitigation Partnership

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 (SRMP), 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 Council's Supplementary Planning Document relating to the SRMP states that Developments of one or more dwellings within a 5.6km radius of the SPA will be required to provide financial contributions towards the SRMP in order to prevent additional disturbance to the SPA/ Ramsar site. In this instance the requisite contribution to mitigate the harm caused to biodiversity in the affected area has not been paid and as such a reason for refusal has been included due to the unmitigated harm to a protected area.

Appropriate Assessment.

The proposal is for development involving overnight accommodation affecting Nitrates. The application will not have a significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a neutral contribution is made. A package treatment plant would be used. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition complies with this strategy and would
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result in nitrate neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework (2023).

Sustainable Drainage

The application site is located within Flood Zone 1 and is therefore at low risk from surface water flooding. Final drainage details would have been secured by condition had the application been successful.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

There are no Tree Preservation Orders on site. However, there are some TPO areas to the rear boundary of Mulberry House. The applicant's agent states no trees or hedgerows will need to be removed due to suitable protection measures. Given there are no TPOs on site, it is considered a suitability worded condition would mitigate any harmful impact. As such and the proposal would be in accordance with Policy DM24 of LPP2.

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 introduction of a new dwelling and associated domestic activity in a rural location would not be located within a continuously developed road frontage but would sit within a significant gap of 244 metres between Fernbank and Mulberry House, therefore it is considered to be contrary to Policy MTRA3 of LPP1. The provision of a self-build plot in this case is not considered to be a suitable justification for an additional residential unit in a countryside location. Therefore, the proposal (which lies outside of the settlement boundary of North Boarhunt) is contrary to Policy MTRA3 and MTRA4 of the LPP1 and Policies DM1 of LPP2. Furthermore, due to no payment being made for the Solent Recreational Mitigation Partnership this too is a reason for refusal, being contrary to policy CP15 and CP16 of the LPP1.

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Recommendation

REFUSAL due to the following reasons:

1. The proposal is contrary to Policy MTRA3 of the Winchester District Local Plan Part 1 as the development is not considered to be infilling a small site within a continuously developed road frontage. The provision of a self-build unit does not provide sufficient justification for a residential unit in this countryside location. The proposal is also therefore contrary to Policy MTRA4 of the Local Plan Part 1 in that it results in an unjustified additional dwelling with no operational or essential need for a countryside location.
2. 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 mitigation in regard to increased recreational pressures impacting upon the Solent Special Protection Areas (SPAs). As a result, it is considered that the proposed development would result in significant harm to the SPA and the species it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations (2017).

Informative:

1. In accordance with paragraph 38 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.

In this instance a site meeting was carried out.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:- Local Plan Part 1 Joint Core Strategy: DS1, MTRA3, MTRA4, CP1, CP10, CP13, CP14, CP15, CP16 Local Plan Part 2: DM1, DM2, DM15, DM16, DM17, DM18, DM19, DM20, DM23, DM24