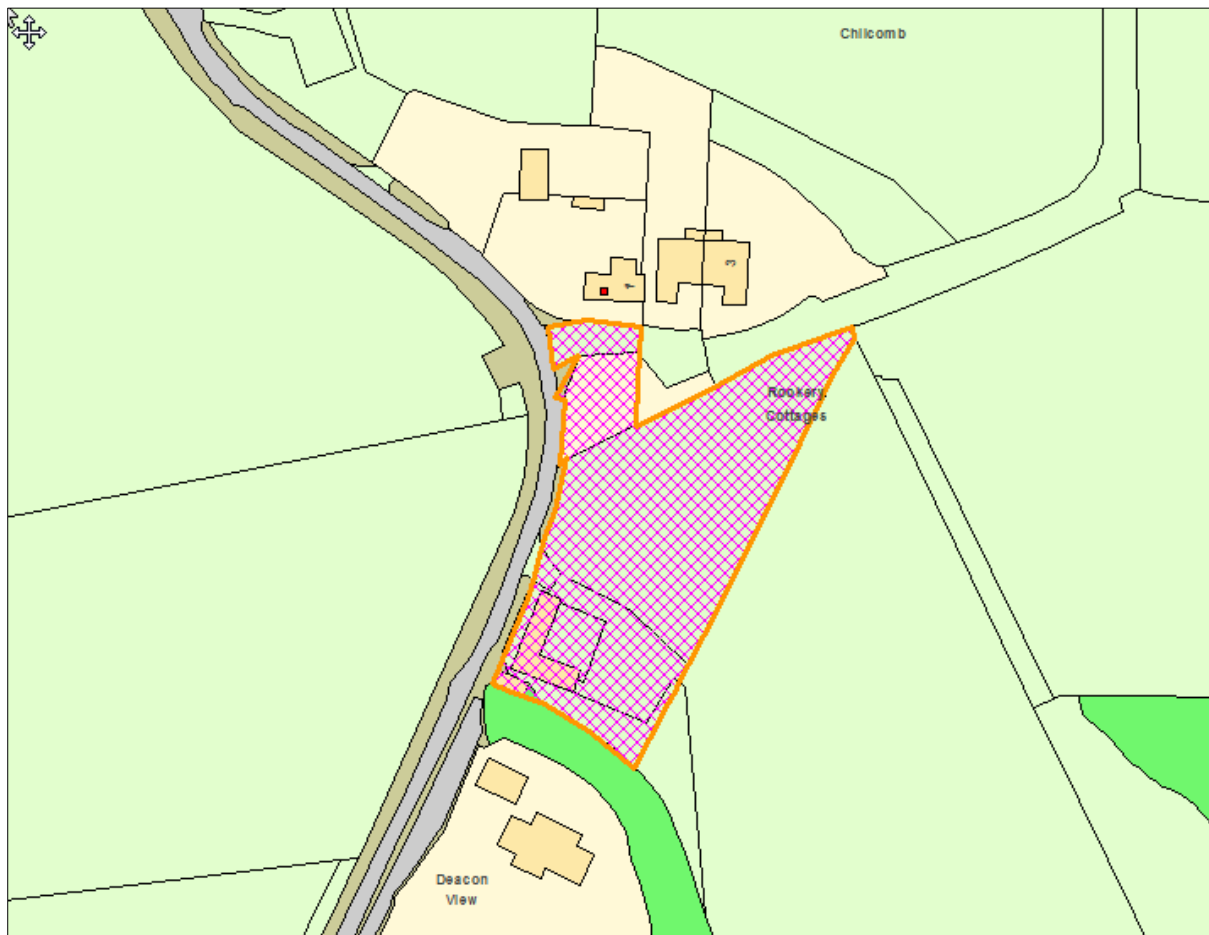


Case No: SDNP/19/01840/FUL
Proposal Description: Erection of a new dwelling.
Address: Land adjacent to The Old School House
Church Lane
Chilcomb
Winchester
Hampshire
SO21 1HR
**Parish, or Ward if within
Winchester City:** Chilcomb
Applicants Name: Mr and Mrs D Mullins
Case Officer: Ms Charlotte Fleming
Date Valid: 15 April 2019
Recommendation: Application Refused



General Comments

This application is reported to the Planning Committee due to the number of representations received contrary to the Officer's recommendation.

1 Site Description

The land adjacent to the Old School House in Chilcomb is currently laid as grass, and has historically been called 'Valley Paddock' and used as a grazing field, with stables to the South. The development site is part of a large landownership by the Old School. The application site is located on the southern edge of the village of Chilcomb, which does not have a settlement boundary and is designated countryside, within the South Downs National Park.

The Old School House (formerly 1 Rookery Cottage) is a detached 2 storey dwelling, with painted render, decorative eaves and a tiled roof, the front door of which is on the southern elevation onto the public right of way (footpath 11) commonly known as Cowherds Lane. To the North of the application site, adjacent to the Old School House are 2 and 3 Rookery Cottages which are a pair of semi-detached two storey dwellings also fronting onto Footpath 11.

The application site is set to the east of Church Lane which is set off a dead end main road (Church Lane) that is linked to the A31. Immediately to the south of the site/included within the redline is an existing stable block, the dwelling Deacon View is south again, with Church Lane track ending just beyond at St Andrews Church. To the East and West of the site there are long views across grazing fields, downland and tree copses. The settlement of Chilcomb as a whole has a dispersed settlement pattern.

2 Proposal

Erection of a new dwelling.

3 Relevant Planning History

91/01317/OLD - Single storey rear extension, formation of pitched roof over kitchen to provide bathroom at first floor new porch
PERMIT 19th February 1991

00/01006/FUL - Two storey rear extension.
PERMIT 30th June 2000.

01/00387/FUL - Erection of stable block consisting of 3 no: stables, hay store, tack room and food store.
PERMIT 29th June 2001

01/00931/FUL - (AMENDED DESCRIPTION) Change of use from equestrian use to domestic curtilage, construction of new access, turning area and associated landscaping (PART RETROSPECTIVE).
PERMIT 3rd October 2001.

01/01683/FUL - Two bay barn for garaging and store.
PERMIT 2nd October 2001.

07/00271/FUL - Removal of condition no. 5 of planning permission W17003 (restriction of use of stables to occupier of 1 Rookery Cottages) to allow use disassociated with 1 Rookery Cottages.
PERMIT 24th April 2007.

SDNP/19/01616/HOUS - Erection of a single storey extension and insertion of 2 roof lights
APPROVED 29th May 2019.

4 Consultations

Parish Council Consultee

No comments received.

HCC - Rights of Way

Site Context:

The proposed new vehicle access from Church Lane via Chilcomb Footpath 11 to the North of the site which provides a link North-Eastwards to the South Downs Way Long Distance Route. Chilcomb Footpath 2 to the West runs North to South.

A copy of the Definitive Map of Rights of Way can be found at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/definitivemap>

Comment:

The proposals require the creation of a new vehicular access from Chilcomb Footpath 11 over which there are no recorded vehicular rights. It is an offence under the Road Traffic Act 1988 to drive or cycle over a public footpath without lawful authority. The applicant should therefore demonstrate to the satisfaction of South Downs National Park Planning Authority that they have this authority having been granted permission by the landowner and that this permission extends to the proposed new dwelling.

Should it be shown that lawful authority to drive over the public right of way does exist and the local planning authority decide to grant planning permission, we request that the following requirements are included:

- i. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.
- ii. Any damage caused to the surface of the public right of way by construction traffic will be required to be restored to the satisfaction of the Countryside Area Access Manager, to not less than its minimum width, on the completion of the build.
- iii. There must be no surface alterations to a public right of way without the consent of Hampshire County Council as Highway Authority. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980. In relation to this application a highway agreement will be required.

iv. No builders or contractor's vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

WCC - Winchester Highways

This application is for the erection of a single dwelling with the creation of a new access. The access is proposed from a private road that is not adopted highway. In addition, due to the scale of the development proposals, HCC's Highway Standing Advice should be referred to for this application. This can be viewed via the following link under the heading Consultation with the Highway Authority: <http://www3.hants.gov.uk/highways-development-planning.htm>.

WCC - Drainage Engineer

The site is within Flood Zone 1 and is at very low risk of surface water flooding. The geology is chalk overlain by head deposits.

Foul drainage proposals are to use a package treatment plant. A drainage field of suitable size will also be required, the design should be informed by percolations testing.

Soakaways should be utilised for surface water drainage, infiltration tests are required. Hardstanding should be permeable where possible.

D040 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

D040R Reason: To ensure satisfactory provision of foul and surface water drainage.

WCC - Landscape Open Spaces

We have reviewed the documents listed below and have the following comments:

- Landscape and Visual Impact Assessment: Baseline Assessment Checklist
- Design and Access Statement
- Proposed Site Plan: SDNP-WIN-AJW-322.06
- Proposed Block Plan: SDNP-WIN-AJW-322.02

We do not agree, as stated, that the site is within a continuously developed road frontage - the next dwelling is considerably further south and screened by trees, there is a stable block at the southern end of the site leaving a sizeable open gap before the next dwelling to the north. The proposal will mean the loss of an open gap and therefore does not fulfil the requirements of MTRA3.

SD4: Landscape Character

The Hampshire Landscape Character has assessed the area as East Winchester Open Downs with Landscape type of open arable. The site lies within open landscape which must wherever possible must be protected to conserve its distinctive character.

SD8: Dark Night Skies

Requirements of the SDNP Dark Skies policy must be demonstrated.

SD20: Walking, Cycling and Equestrian Routes

The proposal obscures some views from Chilcomb and will be visible both from footpath 11 and a short section of the South Downs Way. Footpath 11 passes in front of the access to the site which could cause a potential vehicle/pedestrian conflict.

In view of the policies highlighted above landscape are objecting to this proposal

WCC - Environmental Protection

Having examined the proposals in detail and I have no adverse comments to make concerning the application

5 Representations

27 letters regarding this application have been received.

12 letters are objecting to the proposal plus 1 from the Friends of the South Downs Society. Of the 12 letters objecting, 11 are from the Winchester District, and 1 with an unknown address. From the 11 letters of objections within the Winchester District, 8 of these are from the village of Chilcomb.

14 letters are supporting the proposal, of which are from 12 different addresses. From the 12 letters of support, 6 are outside the Winchester District, and 6 are within. From the 6 within the Winchester District 1 is from the village of Chilcomb.

I have summarised the comments, as follows:

Objections:

Landscape

- Proposed site is not continuous developed frontage
- Rookery Cottages front Cowherds Lane/bridleway, not Church Lane
- Blight iconic view in Chilcomb, from the church, through Valley Paddocks to the downland beyond.
- Damage setting and tranquillity of church and surrounding environment.
- Loss of immediate and distant landscape views across open fields.
- Inappropriate location
- Site is very different to 'precedence' site

Scale of development

- Too large in scale

- Eccentrically placed building
- Need for smaller affordable and social rented houses, not private large properties.
- Just want to build an expensive house

Policy

- No reference to Policy SD25 in application
- Chilcomb is not identified as a settlement under Policy SD25
- Policy SD25/SD26 indicate no need for windfall sites in Chilcomb
- Policy MTRA3 - no local need identified
- No essential need
- Not continuous road frontage
- No longer a principle to support continuous development
- Does not fit with the Parks principles of development

Traffic & Access

- Lane is not suitable for the additional traffic

Other

- Septic tank of Rookery Cottages sited within car park of proposed - no mitigation proposed.
- Need to create a Village Plan
- Would set a precedent

Support:

Landscape Impact

- Not disturb appearance of the village
- Unobtrusive in the local landscape
- Barely visible to any walkers on the South Downs Way
- Land wouldn't be used for much else
- Blend in with surroundings
- Not obstruct views of Chilcomb in any way
- Compliments local area not detract
- Wouldn't change character of the lane

Scale of development

- Sympathetic design that respects local surroundings
- Far less obstructive in design than other houses in the village
- Sensitive and considered application
- Set lower
- Low-lying, modern, and energy-efficient house that should be encouraged
- Would not encroach other properties or views
- Materials and systems sympathetic to the environment and the future

Other

- Minimal environmental effect
- Precedent has recently been set in the village
- Recent development of business park - forthcoming demand for houses
- Family have been a resident in village for over 20years - allows valued members of village to stay

- Family aging need more accessible abode than existing
- Building a property will free up another property to alleviate housing shortage.
- Additional dwelling may help case for broadband in village
- Restored their current house sympathetically

Friends of the South Downs Society:

Object to this application

- New dwelling on a greenfield site
- Site on Footpath no. 11 which is not a highway
- Unclear why land is being mown as a lawn and not still under agricultural use
- Avoid building new homes unless there is a specific need - none is mentioned
- Conflicts with policies MTRA3 and SD25
- No services in Chilcomb other than church and post-box
- Settlement has a dispersed pattern and infilling gaps interrupts the original character of the hamlet
- Scale of the house proposed does not meet affordable housing needed in countryside
- Increase in road traffic on bridleway footpath 11/Cowherds Lane would affect surface of track
- Dwelling would interrupt views to the south from footpath 11 and Church Lane across the paddock to the down lands beyond
- From the information submitted the proposed would not enhance and conserve the special qualities of the environment and landscape of the South Downs.

Agent response to comments:

A response to the representations has been received from the agent making the following points:

Principle of development

- Site sits "within a continuously developed line of built form" along Church Lane which starts at Chilcomb Manor, leading round to The Old School House and terminating at Deacon View.
- Policy wording of MTRA3 does not specify what type of 'built form' development in the 'developed' road frontage must consist of
- Properties either side of the site (The Old School House, the stable building and Deacon View) that are on the same frontage as the proposed dwelling which make it a 'continuously developed road frontage' as defined in the policy wording of MTRA3.
- Not setting a precedent as every proposal is decided upon its own merits

Landscape

- Distance between the proposed and the existing sits comfortably in the street scene and still afford views of the gap beyond as you travel along Church Lane.

- Not considered to have an adverse impact on the character of the village and introduces a building of interest into the street scene without harming the rural idyll
- Existing dwellings and buildings visible from the start of the footpath.
- Car drivers visiting the church already pass built form on Church Lane.

Policies

- Emerging Policies carry significant weight but not yet superseded Winchester Policies
- Policy SD26, 'windfall' sites is not conclusive; use of words such as "primarily" does not exclude development outside of settlement boundaries.
- Paragraph 79 of NPPF avoid isolated homes in countryside, yet does not define settlement

Design

- Layout and design have been carefully considered, taking into account the site constraints, the outlook of neighbouring properties and the rural character of the area.
- Incorporates characteristics of other properties in the locality
- Dwelling sits comfortably in the street scene.
- Access to the site is already used by the current owners and has not caused any conflict or hazard.
- The plot/dwelling size ratio would comply with the established pattern of development, to that of the neighbouring properties The Old School House, Deacon View and others in the locality.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the South Downs Local Plan 2014-2033 and any relevant minerals and waste plans.

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

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) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the South Downs National Park Local Plan - are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD25 - Development Strategy
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD51 - Renewable Energy

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3
- Farming Policy 13
- General Policy 50

8 Planning Assessment

Principle of development

The National Planning Policy Framework paragraph 115 states that "Great weight should be given to conserving landscape and scenic beauty in National Parks... which have the highest status of protection in relation to landscape and scenic beauty."

The application site lies within the village of Chilcomb which does not have a settlement boundary. Historically it was one of the villages named in Winchester District Joint Core Strategy policy MTRA3, however since the submission of this application and it being heard at planning committee the South Downs Local Plan has been adopted and all former Winchester planning policies are now not applicable.

Policy SD25 sets out situations where development can be supported outside of settlement boundaries, such as to support the needs of agriculture and forestry; none apply to the proposal in Chilcomb. As such there is an in principle policy objection to the erection of a dwelling in this location, as the proposal does not accord with the development plan it would not, by definition, represent sustainable development.

The site lies within an open arable landscape which must wherever possible be protected to conserve its distinctive character. It is acknowledged that the site is not significantly isolated, and given the proximity to Chilcomb village it would potentially have reasonable access to the limited facilities and services within the settlement. The proposal could not though be justified as providing landscape enhancements Policy SD4, instead representing the further domestication of the site and surrounds with the plans indicating a substantial two-storey dwelling which would be highly visible from the surrounding area and the adjacent public footpaths.

The visibility of the new dwelling from the surrounding public realm and footpaths is therefore not conserving or enhancing the amenity value, tranquillity and views from non motorised travel routes of the Park (Policy SD20). The public rights of way officer also notes that the proposal requires the creation of a new vehicular access from Chilcomb Footpath 11 over which there are no recorded vehicular rights, it is an offence under the Road Traffic Act 1988 to drive or cycle over a public footpath without lawful authority.

Policy SD21 states that proposals should not interfere with the safety, function or character of the road, or have adverse environmental implications, and should meet highway authorities standards for adoption, the highways officer has confirmed that the access is proposed from a private road that is not adopted highway, however due to the scale of the development proposals, HCC's Highway Standing Advice applies.

Policy SD22 states that proposals that provide parking should be of a location, scale and design that reflects its context and comply with local parking guidance (Winchester City Council Supplementary Planning Document Residential Parking Standards, December 2009). Due to the space on the proposed property it is considered that the scheme complies with this policy.

Policy SD5 sets out that new development is acceptable provided that it is appropriate in scale and design and does not have an adverse impact on the character of the area or on surrounding uses and properties. Although it is proposed to use materials, design and plot size similar to other dwellings in the village, it is considered that the proposal does not meet the criteria of this policy as the proposed new dwelling is out of keeping with the existing character of the street scene and a new dwelling would have an adverse impact on the character of the area.

There are no apparent material policy considerations so specific to this site or application which would justify an approval of planning permission.

Design, scale and impact on the character of the area

The site is adjacent to a public right of way. The character of Church Lane is that of rural agricultural fields and hedgerows with occasional houses and stables set onto the road. The village has evolved over a long time and is generally clustered to the north of the site with the Saxon church to the south, buildings are not excessively crowded and the open spaces and general views of fields enhance the sense of openness.

The dwelling is set back and screened by vegetation from Church Lane, the referred to continuous 'frontage' of the property. To the north, the access into the property is off an un-adopted highway track and public right of way, there is a row of three small dwellings to the north of this track and none to the south adjacent to the site.

Given the location, design and scale proposed, the development is considered to result in a detrimental impact to the character of the area and street scene, and would conflict with the purposes of the South Downs National Park.

Impact on Neighbours

No comments have been received on the loss of neighbour's amenities. The proposal is set back from the neighbouring properties, and designed to not be overbearing. Whilst it may be considered that there is minimal impact on neighbouring privacy, on balance the degree is not so significant as to warrant a refusal nor is it a strong enough material consideration to justify the approval of the application.

Other matters

Notwithstanding the policy conflict set out above, there are no reasons why the development could not be designed to prevent significant harm to public rights of way, biodiversity and dark skies; in respect of eco-system services there would be considerable scope to address SDNP Policy SD2. These matters however do not outweigh or overcome the issues identified elsewhere in this report.

9 Conclusion

The proposal is not in accordance with the South Downs Local Plan and there are no overriding material considerations to otherwise indicate that permission should be granted. While it is considered that the development would not result in any significant harm to neighbouring amenity, this is neutral considerations which would not outweigh the identified conflict with the Development Plan. The proposal does not therefore accord with the two statutory purposes of the South Downs National Park to conserve or enhance the natural beauty, wildlife and cultural heritage and nor does it promote opportunities for enjoyment of the special qualities of the National Park by the public. It is therefore recommended that planning permission is refused.

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The proposed dwelling is located outside of any settlement boundary, would not be linked with an essential need or support the needs of agriculture or forestry, or ensure the sustainable development of rural areas. The proposal does not constitute an appropriate re-use of the site and, through the introduction of a residential use and associated domestic paraphernalia, would fail to conserve and enhance the special qualities of the National Park. There are no exceptional circumstances to justify a dwelling in this location. The proposal therefore represents an unacceptable form of development in the countryside, contrary to Policies SD4 and SD25 of the South Downs National Park Local Plan.

11. Crime and Disorder Implications

It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

Discussed policy compliance with the agent, however in this case the issues were unable to be resolved and the agent wished to proceed with the recommendation for refusal at planning committee.

Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	SITE LOCATION PLAN	SDNP-WIN-AJW-322.01 A	12.04.2019	Not Approved
Plans -	PROPOSED BLOCK PLAN	SDNP-WIN-AJW-322.02	12.04.2019	Not Approved
Plans -	PROPOSED PLANS	SDNP-WIN-AJW-322.03	12.04.2019	Not Approved
Plans -	PROPOSED NORTH & EAST ELEVATIONS	SDNP-WIN-AJW-322.04 A	12.04.2019	Not Approved
Plans -	PROPOSED SOUTH & WEST ELEVATIONS	SDNP-WIN-AJW-322.05 A	12.04.2019	Not Approved
Plans -	PROPOSED SITE PLAN	SDNP-WIN-AJW-322.06	12.04.2019	Not Approved
Reports	DESIGN, ACCESS & PLANNING STATEMENT		12.04.2019	Not Approved

Reasons: For the avoidance of doubt and in the interests of proper planning