The Planning Inspectorate

Appeal Decisions

Site visit made on 27 June 2014

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 July 2014

Appeal A Ref: APP/W1715/A/14/2216706
Pear Tree Farm, Winchester Road, Fair Oak, Eastleigh, SO50 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs J Burke against the decision of Eastleigh Borough Council.
- The application Ref F/13/73221, dated 2 September 2013, was refused by notice dated 15 November 2013.
- The development proposed is Erection of a 2 storey 4 bed detached dwellinghouse with parking facilities following demolition of storage building.

Appeal B Ref: APP/W1715/A/14/2216707
Pear Tree Farm, Winchester Road, Fair Oak, Eastleigh, SO50 7HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs J Burke against the decision of Eastleigh Borough Council.
- The application Ref F/13/73697, dated 26 November 2013, was refused by notice dated 4 February 2014.
- The development proposed is erection of 4no 2 storey 4 bed detached dwellinghouse with parking facilities following demolition of storage building.

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matter

3. The Council and the appellant have drawn my attention to the revisions to the Eastleigh Borough Local Plan. The Council advises that the Revised Pre submission Eastleigh Local Plan 2011-2029 was published on 10 February 2014 and that consultation on this document concluded on 24 March 2014 and representations are being reviewed. Accordingly the Council suggest that the document does not carry substantial weight at present. The appellant does not dispute this. The appeal is considered on this basis.

4. The Council's decision notice for Appeal A refers to plans 1625/01 (rev B) and 1625/03 (rev C). The Council and the appellant have confirmed that the

correct plans are those annotated as revisions F and H respectively. The appeal is considered on this basis.

5. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

Main Issues

6. An application for 1 dwelling was refused for 3 reasons. A further application for 4 dwellings was refused for 2 reasons.

7. Accordingly the main issues are:

   - Appeals A & B - The effect of the proposal on the character and appearance of the area; and
   - Appeal A - Whether the proposal makes adequate provision for any additional need for community infrastructure, sustainable transport and public open space arising from the development.

Reasons

Appeals A & B Character and Appearance

8. The appeal site is outside of a defined settlement boundary and is in the countryside for the purposes of the application of planning policy. Policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011) (LP) seeks to protect the countryside for its own sake by restricting development to that which needs to take place there, or is appropriate to a rural area.

9. It is apparent that a five year supply of deliverable housing land cannot be identified in the area. There is no dispute between the main parties on this issue. The Council officer's report identifies this and its appeal statement suggests that whilst a housing implementation strategy has been produced this is now being reviewed. Paragraph 49 of the National Planning Policy Framework (The Framework) states that in these circumstances relevant policies for the supply of housing should not be considered up to date. In the absence of a five year supply the provision of either a single dwelling or four dwellings must weigh in favour of the proposal. Paragraph 14 of the Framework states that there should be a presumption in favour of sustainable development. Where relevant policies are out of date permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits taking account of the Framework as a whole.

10. In addition to policies that consider the principle of development of the site, the proposal would also have to meet the objectives of 59.BE, to be compatible with its surroundings. The Framework also recognises the intrinsic character and beauty of the countryside. This is a material consideration in my decision.

11. The site is currently open with an access to the existing dwelling and storage building from the B3354. It is enclosed by a post and rail fence to the road frontage. There is substantial planting to the west. Pear Tree Farmhouse is located to the north and to the south the nearest dwelling is Woodland View. There is open countryside to the west and to the east the dwellings in Hill Close. This is characterised by semi detached and detached dwellings. To the south are large detached dwellings in substantial plots along Winchester Road. Overall the

size of plot and plot frontage varies in the immediate locality. The properties immediately opposite the appeal site having smaller plots than those to the south.

Appeal Scheme A

12. The site for appeal scheme A would be based on the position of the existing storage building. The existing building is visible when travelling along Winchester Road. It has the appearance of an agricultural store, although I note the design and access statement describes it as a non-agricultural/employment building. Its appearance is distinct from the adjacent dwelling, Pear Tree Farmhouse.

13. By contrast the site identified for the new dwelling would have a plot width and depth that would be comparable to other plots on the west side of the road. This would extend east to the road and also further west. Further the new building would be a chalet style dwelling with rooms in the roof. I accept that it could meet requirements for garden space, parking, cycle and refuse storage and could be built to Code Level 4. Nevertheless, due to its domestic appearance and associated paraphernalia it would be more imposing than the existing storage building.

14. The appellant submits that the development of the site would be an opportunity to improve its appearance as the storage building is unsightly. I cannot agree that this would be the case. Whilst I accept that built form already exists on the site the building is modest in form and scale and constructed of simple materials that might be expected for an ancillary storage building. The building and the area around it did not appear domesticated. Further the extent of its parking appears to be a gravel area around the building limiting its impact. Whilst there is an existing structure on the site it sits comfortably as part of the intrinsically rural street scene on this part of Winchester Road. Further the appellant also suggests that the site is between two dwellings. However, whilst it would be close to Pear Tree Farmhouse it is some considerable distance to the next dwelling on Winchester Road. As such the dwelling could not be considered to be filling a gap between two dwellings.

15. Overall, the erection of a dwelling on the land to the south of Pear Tree Farmhouse, which is located outside of the settlement of Fair Oak would not have any particular visual or physical affinity with the existing pattern of development. The site is surrounded by open land to the south and west and has an intrinsically rural character and appearance. In effect, the scheme would involve the piecemeal development of the site. It would introduce development into a space that currently contributes to the spacious rural street scene along Winchester Road. The effect would be the creation of a form of development harmful to the open rural character of the area.

Appeal Scheme B

16. The site for appeal scheme B would be larger. At present the site has an intrinsically rural appearance. This is due to the boundary treatments, trees and planting and space between buildings on the west side of the Winchester Road. Development of the appeal site with four dwellings would infill the existing gap between Pear Tree Farmhouse and Woodland View and would be distinct from the dwellings opposite.

17. The west side of Winchester Road has a relatively open and undeveloped character. The groups of buildings that are present are broken up by gaps in the built frontage. The appeal site could be described as one such gap. Whilst I note that the opposite side of the road contains more development this does not negate the importance of this gap in the wider street scene. I accept that the plot widths of the four dwellings would be similar to and in some cases greater than those in the wider locality. Nevertheless the introduction of four dwellings in this location would not sit comfortably as part of the scattered and sporadic development along this side of Winchester Road.

Appeals A and B

18. In both cases the site would be located on the B3354 a main route connecting to the village of Fair Oak, which is about 1 mile to the south. At the time of my visit the use of the road was frequent. Outside the appeal site there is no street lighting. There is a footway on the opposite side of the road and some lighting. The footpath continues south toward Fair Oak. There is no station nearby but there is a reasonably frequent bus service with stops in both directions located in front of the site with direct routes to Eastleigh, Winchester and Southampton. There are some services in Fair Oak. It is likely that to undertake day to day activities and meet day to day needs, such as shopping and employment, the occupants of the new dwelling or dwellings would rely on the private car for some trips. However, the location of the site would mean that there would be the option to use other modes such as cycling or public transport. The site is as accessible to services as other nearby dwellings and in the context of the district as a whole; the appeal site is in a relatively sustainable location. The schemes would contribute a single dwelling or 4 dwellings to the supply of housing, that would not be isolated, and this does weigh in favour of the proposal.

19. In conclusion, whilst the proposals conflict with Policy 1.CO and the LP settlement policies these are out of date in view of the Council's housing land supply situation. However, the appeal proposals would both lead to significant and demonstrable harm to the character and appearance of the area when assessed against LP policies, including 59.BE and the policies of the Framework. Consequently in both appeals the benefits of the proposal would not outweigh the harm to the character and appearance of the area.

Appeal A - Whether the proposal makes adequate provision for any additional need for community infrastructure, sustainable transport and public open space arising from the development

20. The appellant has disputed whether the contributions requested meet the relevant tests. Nevertheless a Unilateral undertaking has been submitted for Appeal scheme A during the appeal process. It aims to secure financial contributions towards meeting the need for community infrastructure, offsite public open space, district open space, local green space and sustainable integrated transport arising from the development. The relevant policies are saved LP policies 100.T, 101.T, 147.OS and 191.IN. These are considered alongside the information provided in the Planning Obligations Supplementary Planning Document (SPD).

21. In order to comply with policy 191.IN a financial contribution towards community infrastructure would be required. The SPD states that '*…developers are required to make contributions towards other infrastructure to meet the needs of a growing community'.* In this case the Council suggest that there is

no surplus of facilities in the local area and therefore all new development is required to make a contribution to meet the demand that would result from the development. The SPD identifies the appropriate sum commensurate with the size of dwelling proposed. In this case the Council have identified that the payment would be used for improvements at the 'Lapstone Playing Fields', which the enclosed map indicates is in Fair Oak.

22. Requirements for the provision of open space and play provision are contained in policy 147.OS. The contributions are based on a formulaic approach and a zone system, the detail of which is contained in the SPD. The Council submit that all developments are required to make a basic contribution to ensure that pressure on existing open space and play facilities that result from the development is met. In this case the Council has identified three schemes where the payment could be used. The geographical location of these is Fair Oak is also provided.

23. The Council has justified the sums sought against saved LP policies 147.OS and 191.IN alongside the information provided in the Planning Obligations Supplementary Planning Document. It is reasonable to suppose that the provision of an additional dwelling at the appeal site would generate additional demand on facilities in Fair Oak. As the appellant points out the site is about 1 mile from the village and facilities within would be convenient. I have been provided with information regarding where the monies would be spent, including proximity of the projects to the appeal site.

24. Overall, I consider that the measures in the undertaking relating to community infrastructure and open space are necessary, directly related to the development and fairly related in scale and kind. As such they would accord with regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

25. Policies 100.T and 101.T of the LP refer to the requirement for contributions for sustainable transport. The Council outline that the impact of the development is quantified by the net increase in the number of multi modal trips that the development is expected to generate and a financial value is attached to each trip. The contribution would be required to meet off site transport infrastructure costs to serve the new development and schemes that would minimise the need to travel by car, improve accessibility, cycling and walking and public transport. In this case schemes are identified transport improvement schemes along the Bishopstoke Road Corridor. From the information provided these works appear to be works at various junctions. The Council suggest that, without these works occurring, the appeal site would not be sufficiently sustainable in transport terms. However, I have been provided with any detail regarding detail of these schemes and how they would directly relate to the appeal proposal. In this case I cannot be certain that the contribution sought for sustainable transport would be necessary to make the development acceptable and directly related to the development.

26. The Council have queried the title documentation provided with the undertaking. I have been provided with copies of the official title and title plan. Further the Council's statement seeks a monitoring fee that would be proportionate to the agreement type and is justified within the SPD. This is not included within the undertaking. However, as I am dismissing the appeal for other reasons, I have not pursued these matters further with the main parties.

27. I am satisfied that the submitted Unilateral Undertaking would make provision for additional community infrastructure and public open space requirements to meet additional needs arising from the development and that, based on the information provided, the requirements relating to sustainable transport are not necessary.

Other matters

28. The Council did not refuse planning permission for Appeal scheme B on the absence of a unilateral undertaking. I have not been provided with a copy of an undertaking for this appeal. The Council's appeal statement contains detailed evidence relating to the contributions. However, as I am dismissing the appeal for other reasons, the decision does not turn on this matter.

Conclusions

29. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

D J Board

INSPECTOR