The Planning Inspectorate

Appeal Decision

Site visit made on 12 May 2015

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 29 May 2015

Appeal Ref: APP/W1715/W/15/3003651
The Orchard, Blind Lane, Horton Heath, Eastleigh, Hampshire, SO30 2HJ.

- 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 O Cater against the decision of Eastleigh Borough Council.
- The application Ref F/14/74339, dated 19 March 2014, was refused by notice dated 28 July 2014.
- The development proposed is erection of three detached dwellings with detached carports and store and new vehicular access onto Blind Lane and Botley Road.

Preliminary matter

1. The third reason for refusal cited by the Council was that the proposal failed to make contributions towards the provision of various forms of infrastructure. Subsequently, in an email to the Appellant's agent the Council has confirmed that these infrastructure contributions are no longer required. Therefore the third reason for refusal no longer applies and does not need to be addressed further in this decision.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the scheme on the character and appearance of the surrounding rural area, the site being partially outside the defined settlement policy area for Horton Heath and within a designated local gap.

Reasons

4. The Appeal site falls partially inside and partially outside the defined settlement policy area for Horton Heath. The southern part of the Appeal site is identified in the Eastleigh Borough Local Plan Review (2001 – 2011) (Local Plan) as both within the defined rural area and within the defined local gap between Horton Heath and Hedge End. As stated in policy 3.CO of the Local Plan the purpose of this gap is to protect the separate identity of the two settlements through preventing their coalescence. Policies 1.CO and 6.CO of the Local Plan seek to protect the countryside from unnecessary development. This is in recognition

of the importance of the countryside to agriculture, the landscape, the setting of settlements, for recreation and for nature conservation.

5. The Council has referred to policies S1, S9, DM1 of the Revised Pre-submission Eastleigh Borough Local Plan Review 2011-2029 (Submission Local Plan), which are consistent with policies 1.CO, 3.CO, 6.CO and 59.BE of the Local Plan. However I give very little weight to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new Local Plan which will cover the period up to 2036.

6. The Council is currently unable to demonstrate a 5 year supply of housing land. The last review dated 31 December 2014 identifies a shortfall of 0.5 years supply, which includes a 20% buffer. As stated in the National Planning Policy Framework (NPPF) housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This includes policies relating to the countryside, in so far as they seek to restrict new housing. The Appeal scheme has been determined on this basis.

7. At the same time a need for more family sized dwellings has been identified by the Council in its Eastleigh Borough Local Plan 2011-2029 – Background Paper H1 – Housing, Verson 3, dated October 2013.

8. The Appeal site is located on the southern edge of Horton Heath. Whilst it is not within easy walking distance of a wide range of services and facilities, there are a few nearby community facilities and there are pavements and street lights located between the Appeal site and the centre of Horton Heath. In addition, there are bus stops in close proximity to the site, which provides services to Horton Heath and Hedge End, where there is a rail service. As such whilst the site is not conveniently located for a wide range of local services and facilities, neither is the site isolated.

9. Blind Lane and the area around the junction of Blind Lane and Botley Road are characterised by open countryside, woodland and several informally sited dwellings which occupy generous sized and mature landscaped plots. The dwellings along Blind Lane are set back on their plots behind mature boundary hedges and mature shrubs and trees within their front gardens. This contributes to the rural character of the surrounding undeveloped countryside and provides a gentle transition between the settlement of Horton Heath and the open countryside.

10. Currently the gap formed by the extensive gardens around Ivy Cottage separate the spacious and informal rural housing which fronts onto Blind Lane from the more intensive linear housing at the southern end of the settlement of Horton Heath. This contributes to the gentle transition between the open countryside and the defined settlement area of Thornton Heath. At the same time it makes a material contribution to the narrow undeveloped gap between Horton Heath and Eastleigh.

11. The proposed dwellings on plots 1 & 2 would be sited forward of the southern building lines of the adjacent dwellings and would be uncharacteristically close to Blind Lane. At the same time the dwellings would materially intensify the built development along this part of Blind Lane.

12. From Blind Lane the proposed front gardens to plots 1 & 2 would be visually dominated by enclosed carports, parking and turning areas. Also, the proposed crossover would involve the removal of significant sections of the existing boundary hedgerow to provide adequate vehicular visibility splays.

13. Within the site a number of trees and shrubs would need to be removed, including an immature Oak tree and an Ash tree. Both individually and together with the other trees and hedges on the site these two trees make a valuable contribution to the rural character of the surrounding area.

14. As a result the scheme would have an urbanising impact on the southern part of the plot and Blind Lane, which would harm the rural character of the lane and the surrounding area. This would be contrary to policy 59.BE of the Local Plan which seeks to ensure that new development takes full and proper account of the context of the site and the character and appearance of its surroundings.

15. From Botley Road the front garden to plot 3 would similarly be dominated by a carport, parking and turning area. The proposed crossover onto Botley Road would involve the removal of significant sections of the existing boundary hedgerows to provide adequate vehicular visibility splays. This would open up the proposed front garden and the plot in general to views from Botley Road. Whilst the submitted layout plan does not indicate that any trees on this plot would be felled, the Appellant's tree report identifies a number of trees that would be lost and, in addition, suggests the felling of a large multi-stemmed Willow tree.

16. As a consequence the scheme would have an urbanising impact on the site when viewed from Botley Road, which would detract from the verdant, semi-rural character and appearance of the entrance to the defined settlement of Horton Heath.

17. The scheme would link the linear development at the southern end of the settlement of Horton Heath to the more informal and sporadic housing in Blind Lane, resulting in a continuous linear and suburban form of development. As a consequence it would materially harm the character and appearance of Blind Lane and the surrounding countryside between Horton Heath and Hedge End.

18. For these reasons the proposed scheme would be contrary to the environmental role of sustainable development and would fail to fully comply with the social role of sustainable development. As stated in the NPPF the economic, social and environmental roles of sustainable development are mutually dependent. The harm that would be caused by the scheme to the character and appearance of the surrounding rural area and the integrity of the local gap would materially outweigh the contribution the proposed dwellings would make in helping meet the current and future housing needs of the Borough. It would also outweigh the merits of providing three new family homes in this edge of settlement location and would fail to meet the wider public interest, in terms of the NPPF.

19. The Appellant has referred to a High Court decision and two appeal decisions which relate to new housing outside settlement boundaries and in areas that are subject to countryside and other specific controls, including a local gap. They highlight the needs for housing applications to be considered in the context of the presumption in favour of sustainable development. Also, that

any relevant policies for the supply of housing should not be considered up-to-date where a five-year supply of deliverable housing sites cannot be demonstrated. However, none of the proposals concerned are directly comparable to the Appeal scheme in relation to their location, appearance and the nature of their schemes. This highlights the need to assess each proposal on its individual merits and in light of the prevailing planning policies.

20. I conclude on the main issue that the scheme would unacceptably harm the character and appearance of the surrounding rural area. It would have an urbanising impact on the surrounding countryside and would encroach into and undermine the purpose of the local gap. Accordingly the scheme would conflict with policies 1.CO, 3.CO & 6.CO of the Local Plan in so far as they are applicable, policy 59.BE of the Local Plan and the NPPF.

Other matters

21. The Council's highway engineer has commented that a three metre strip should be protected across the Botley Road and Blind Lane frontages of the site for the possible future provision of a cycleway or footpath. The revised layout plan makes such provision along the Botley Road frontage of the site, but not along the Blind Lane frontage. The protection of a three metre wide strip along the Blind Lane frontage for possible highway infrastructure would affect the layout of the scheme and could affect the provision of adequate visibility splays. Accordingly, had I found in favour of the Appellant on the first main issue this is a matter on which I would have sought further views from the main parties.

22. It is noted that an objection has been expressed regarding the possible impact the scheme could have on the Government's Pipeline and Storage System (GPSS), which crosses the site. The location plans for the pipeline submitted by Fisher German and the Appellant differ and it is not stated whether an accurate survey of the location of the pipeline has been undertaken. Without an accurate survey it is not possible to establish the precise juxtaposition between the pipeline and any works associated with the proposed development, including paths and sitting out areas. This is a matter that would be dealt with under other legislation and which raises doubts about whether or not the proposed scheme could be implemented.

23. No information has been submitted regarding the possible impact of the scheme on wildlife habitats. Accordingly, it has not been possible to assess whether or not the scheme would have a harmful impact on ecology and wildlife habitats.

24. Finally, it is noted that the Appellant has requested that the whole of the Appeal site should be included within the settlement policy area for Horton Heath. This is a matter for consideration as part of the preparation of the future Local Plan. It falls outside the scope of this Appeal and is not material to it.

Conclusion

25. The conclusion on the main issue amounts to a compelling reason for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

Elizabeth Lawrence

INSPECTOR