



Appeal Decision

Site visit made on 11 June 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2019

Appeal Ref: APP/X1735/W/19/3222417

1 Northney Cottages, Northney Road, Hayling Island PO11 0ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr S Wilson against the decision of Havant Borough Council.
 - The application Ref APP/18/00593, dated 6 June 2018, was refused by notice dated 13 August 2018.
 - The development proposed is erection of a pair of semi-detached houses on former garden of number 1 Northney Cottages, Northney Road with new access and parking (Resubmission of APP/17/00304).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development provided in the application form has been amended in subsequent documents. In the interests of clarity, and having regard to the comments provided by the main parties, I have amended the description of development to refer to 1 Northney Cottages, Northney Road.
3. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.
4. The main parties have referred to the Council's Draft Havant Borough Local Plan 2036. However, this Draft Borough Local Plan has yet to be found sound, and therefore very limited weight can be ascribed to it at this point.

Main Issues

5. The main issues are:
 - Whether the appeal site constitutes an appropriate location for additional residential development;
 - The effect of the proposal on the character and appearance of the area, including the adjacent Chichester Harbour Area of Outstanding Natural Beauty (AONB); and
 - The effect of the proposal on the Solent Special Protection Areas (SPAs).

Reasons

Location

6. Policy CS17 of the Havant Borough Core Strategy - March 2011 (CS) sets out the settlement strategy for the area administered by the Council, explaining where development proposals are considered acceptable in principle. The strategy seeks to concentrate new development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island. Policy AL2 of the Havant Borough Local Plan (Allocations) – July 2014 (LP) further emphasises the Council's settlement strategy, by seeking to concentrate development proposals within Urban Area Boundaries and Undeveloped Gaps between Settlements, and makes clear that land outside the defined urban area of Hayling Island is 'non-urban' rather than undeveloped gap.
7. As shown on the Proposals Map, the appeal site lies within the village of Northney, outside the urban areas of Hayling Island. It is therefore located in a non-urban area where, in accordance with Policy CS17, development will only be permitted if it is consistent with the policies for the countryside set out in national policy.
8. The proposed pair of semi-detached dwellings would be constructed between existing residential properties, within the village of Northney, and would therefore not be considered as the development of isolated homes in the countryside for the purposes of paragraph 79 of the Framework.
9. Paragraph 78 of the Framework makes clear that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. St Peter's Church and the North Hayling Recreation Hall lie within relative proximity to the appeal site, as well as Northney Farm Tearooms. The appellant suggests that the site also lies within walking distance of a service station and a public house, which can be accessed using footpaths, but these are located further away.
10. Whilst frequent and regular bus services are available to travel to Eaststoke and Havant, these are located at some distance away from the appeal site, making these services less attractive as an alternative mode of transport to the private car. Furthermore, in the absence of evidence to demonstrate the service frequency, this is a consideration which I can only attach limited weight to. Equally, the Hayling Island Carshare scheme would require future occupiers to plan their journeys in advance and would lack the degree of flexibility required to deter people from using private motor vehicles.
11. By reason of the limited range of services available within the village, and for convenience purposes, there is a greater likelihood that for the large majority of trips, residents would rely on private motor vehicles to travel further afield, to access most everyday facilities (e.g. cultural, recreational, employment, retail, etc).
12. The appeal site forms part of an existing side garden area, which currently serves 1 Northney Cottages. My attention has been drawn to the *Dartford*¹ judgement, which confirmed that the definition of 'previously developed land' in the Framework cannot be read to exclude private residential gardens not located in built-up areas. Whilst, as shown on the proposals map, the site clearly sits outside the urban area, it nevertheless forms part of the village of Northney and thus part of its built-up envelope. With this in mind, the appeal

¹ Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635 (Admin).

site is considered as a residential garden within a built-up area, which is excluded from the definition of previously developed land contained within the Framework. Even if I were to treat the appeal site as previously developed land, this would not overcome the significant harm which I have identified in respect of the site's accessibility to local facilities and services.

13. The appellant has referred to a scheme for the erection of a dwellinghouse outside of any settlement boundary policy, which was granted by Basingstoke and Deane Borough Council². However, I am not convinced that the circumstances that applied to this particular scheme constitute a direct parallel to the appeal before me, notably in respect of location and development plan policy. In any event, I am required to determine the proposal on its individual merits.
14. I therefore conclude that the appeal site would not constitute an appropriate location for new residential development, and would therefore conflict with CS Policy CS17 and LP Policy AL2, which seek to primarily focus new developments within existing urban areas. It would also not accord with the aims of the Framework relating to development in the countryside.

Character and appearance

15. Located immediately adjacent to the Chichester Harbour AONB, the appeal site forms part of a village characterised by agricultural buildings and residential properties of various types and sizes, including bungalows, detached and semi-detached dwellings which follow a linear pattern of development along the main road. This, together with the mature hedges, surrounding landscape and open fields, give the area a pleasant semi-rural character. The appeal site comprises a semi-detached dwelling, which benefits from a large garden area to the side and rear of the property.
16. The proposal would result in a significant intensification of development on the plot, and close the visual gap which currently makes an important contribution to the character and appearance of this area. The resulting scheme would consolidate development along this stretch of Northney Road, contrasting with the open fields opposite. The appeal scheme would also include extensive areas of hardstanding required to provide the car parking spaces and associated vehicular access.
17. Cumulatively, these elements would significantly erode the spacious nature of the site, and lead to an urbanisation of the plot, which would appear at odds with the semi-rural character which defines this area. The harm would be compounded by the removal of the mature hedge to the front and side boundaries of the site. Whilst the proposal includes the planting of a new hedge it would inevitably take time to become established and provide effective screening.
18. The appeal site may not benefit from the statutory protection afforded to AONBs, but its contribution to the setting of the Chichester Harbour AONB must nevertheless be considered and, as set out in the Framework, great weight should be given to conserving the landscape and scenic beauty of this sensitive area. The proposed development would result in the loss of an important visual gap, which currently provides views to the Chichester Harbour AONB. Whilst

² Local Planning Authority Reference 17/01418/FUL.

the detrimental effect to the setting of the AONB would only be limited, this adds to the harm identified above, and great weight should be given to that harm.

19. The proposal would unacceptably harm the semi-rural character and appearance of the area, including the setting of the Chichester Harbour AONB. Consequently, it would be contrary to CS Policies CS11, CS16, CS17 and DM9 and LP Policy AL2. Amongst other things, these policies seek to protect and enhance the Borough's special environment (including the AONB and its setting), and require development proposals to identify and respond positively to existing features of local character. For similar reasons, the proposal would be contrary to the Framework and the advice contained within Northney and Tye Village Design Statement, notably because it seeks to preserve the characteristics of this rural settlement.

Solent SPAs

20. The appeal site lies within proximity to the Solent SPAs. There is a need to contribute towards mitigation measures due to the potential adverse impact that residential development may cause to these sensitive areas, in the form of financial contributions which are normally secured through planning obligations.
21. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have had to be satisfied that an Appropriate Assessment had been undertaken, and of the effectiveness of the suggested mitigation measures, to ensure the proposal's compliance with Habitats Regulations, in light of the *People over Wind*³ decision by the Court of Justice of the European Union.

Conclusion

22. For the reasons detailed above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

³ People over Wind, Peter Sweetman v Coillte Teoranta, Case C-323/17.