
Appeal Decision

Site visit made on 1 October 2015

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 5 November 2015

Appeal Ref: APP/X1735/W/15/3121554

36 Havant Road, Hayling Island, Hampshire PO11 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Elizabeth Foster against the decision of Havant Borough Council.
 - The application, Ref. APP/14/01030, dated 7 September 2014, was refused by notice dated 5 December 2014.
 - The development proposed is the construction of a chalet dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline form with all matters reserved. A Site Layout plan and a Street Elevation have been submitted and I have dealt with these as being illustrative of the proposal.

Main Issues

3. The main issues are (i) whether the site would in principle be appropriate for a dwelling having regard to local and national planning policies and all other material considerations; (ii) the effect of a dwelling on the character and appearance of the rural area including the adjacent Chichester Harbour Area of Outstanding Natural Beauty (AONB), and (iii) whether the proposal makes appropriate provision towards measures of mitigation against recreational pressure on the Solent Special Protection Area (SPA).

Reasons

Appropriateness of the Site for a Dwelling

4. The Council has rejected the principle of a dwelling on the site and in so doing has cited the application of Policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011 ('the Local Plan') and the National Planning Policy Framework 2012 ('the Framework') as the reasons. However, in respect of Policy CS9 the appeal proposal would make a small but nonetheless incremental contribution to the target of 6,300 new dwellings within the Local Plan period, and whilst the remaining seven items of this policy state the Council's general housing objectives they do not specifically preclude the development of the site.
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5. Policy CS17 is a policy which 'concentrates' new development in five urban areas; 'prioritises' development on previously developed land within urban areas, and 'broadly distributes' new housing and employment development within five areas of the Borough. I see nothing in the strategy of concentration, prioritisation and broad distribution that would specifically preclude the development in this case, especially having regard to it comprising only one dwelling. However the final paragraph of the policy states that '*Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy*'. The appeal site lies within the rural area and therefore the proposal for a dwelling must be assessed against national policy for the countryside in the Framework.
6. The Council refers to paragraph 55 of the Framework which says that '*To promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities*' and also that '*Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances*'. Whilst the Council perceives a direct conflict between these statements and the appeal scheme I consider that this judgement is open to question.
7. The site lies within a residential enclave of eight dwellings within the open countryside. Clearly such an enclave would not be permitted under current policies, but nonetheless it exists and it would be surprising if existing residents do not avail themselves of the range of facilities as itemised in the grounds of appeal and within five minutes walking distance in Fleet village. The terrain is flat and there is a roadside pavement from the appeal site for the entire distance to the village, and indeed a pavement on each side of the road after the Maypole public house.
8. There are therefore opportunities to walk or cycle to local facilities or alternatively use one of the two local bus services (with a bus stop almost outside the site). The buses would also permit longer trips to the main urban area of Hayling Island to the south or Havant and Portsmouth to the north. Moreover, in addition to the potential for employment opportunities with the facilities at and around Fleet, I saw on my visit that there maritime and other enterprises in Mill Rythe Lane, a short distance to the south.
9. In addition to these locational aspects failing in my view to offer clear support for the refusal of the development, either on the basis of not maintaining the vitality of the rural community or by being 'isolated', the Council will be aware that the Framework's definition of sustainable development is the contents of the document taken as a whole, including the economic and social consequences of development.
10. In this regard I consider that a new dwelling would result in short term economic benefits from its construction and both long-term economic and social benefits from its occupation. The Council will also be aware of post Framework changes to the GPDO that permit the conversion of suitable agricultural buildings to dwellings. In my view this is further evidence that the issue of reliance on the private car must be assessed not on its own but in the wider context of the broader definition of sustainable development, as well as the Government's high priority for new housing.

11. Overall on this issue, I consider that subject to issue (ii) below, the principle of a dwelling on the site is acceptable and that there would be no harmful conflict with Local Plan Policies CS9 & CS17 and with Government policy in the Framework.

Character and Appearance

12. Turning to the second issue, I note that the Chichester Harbour Conservancy consider that the dwelling would harm the openness of the countryside and the AONB. This was also the conclusion of Inspectors in appeals on the site in 1999 and 2008, albeit even the latter was four years before the publication of the Framework.
13. Whilst I acknowledge these findings, my own assessment is that the existing enclave has a cohesive and separate identity as a linear development with more of a suburban than rural character. No. 38 at the north western end of the row and adjoining the appeal site has a somewhat complex and visually dominant roof, and this together with the prominent garage to the rear and other outbuildings occupies the full width of the site. As such, the dwelling forms a visually clear termination point for the more developed character of this part of Havant Road, and when read with No. 38 and the more modestly sized dwellings to the south east the appeal site fits within that context as an infill site.
14. This is emphasised by the site's semi-developed nature, with a long concrete driveway and hardstanding used for the stationing of large vehicles pursuant to a 1999 permission; a garden shed; a maintained grassed area, and an open aspect above low level close boarded fencing to the dwellings on either side. Having regard to all these factors I consider that a dwelling of similar scale and appearance would have little or no impact on the character and appearance of the rural area and the AONB.
15. In this regard I note that the Council's landscape officer did not appear to be opposed to the principle of a dwelling in terms of its impact on the open landscape of the area. She was more concerned with the details, including planting along the rear boundary and elsewhere within the site, the retention of a tree at the entrance and securing appropriate external materials for the building. I agree that such details would enable the proposed dwelling to remain in keeping with its immediate surroundings, and that for the reasons set out above there would be no conflict with the relevant parts of Local Plan Policies CS12, CS16 and DM9.

Contribution to mitigation measures for the SPA

16. Local Plan Policies CS21 and DM24 and a Supplementary Planning Document adopted in 2014 provide support for a developer contribution per dwelling towards the mitigation of the potential for increased pressure on the Solent SPA. I agree that this is justified. However, this matter has not been addressed in the appellant's planning application or grounds of appeal.
17. Whilst I appreciate that the Council has not sought the contribution, it is the appellant's responsibility to either comply with the requirement through an appropriate mechanism established by the Council, or argue in the grounds of appeal that in this particular case it is unnecessary or unjustified. As neither of

these options has been pursued and it would be unlawful for me to require the payment by a condition I must dismiss the appeal, despite my support for the appellant's case on the other issues.

18. However, as this is an appeal against a refusal of outline permission, it would have been necessary for the appellant to apply for the approval of the reserved matters subsequent to my Decision had the appeal been allowed. The plans and detailed information necessary, including a more detailed Flood Risk Assessment, are to all intents and purposes the same in a new full application as would required by the reserved matters.
19. In its determination of that application I would expect the Council to have regard to my conclusions in this appeal, even though they are the opposite to those in its refusal of the outline application.

Conclusion

20. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR