



Appeal Decision

Site visit made on 14 May 2013

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

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

Decision date: 6 June 2013

Appeal Ref: APP/X1735/A/12/2188788

2 St Peter's Avenue, Hayling Island, Havant, Hampshire, PO11 0SA

- 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 Mr Reg Ball against the decision of Havant Borough Council.
 - The application Ref APP/12/00496, dated 6 May 2012, was refused by notice dated 30 October 2012.
 - The development proposed is the erection of a chalet bungalow in part of the garden.
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Decision

1. I dismiss the appeal.

Procedural matters

2. The application was submitted in outline with all matters reserved.
3. A unilateral undertaking in connection with transport infrastructure was submitted during the appeal process

Main issues

4. The main issues in this appeal are the effects of the proposed development on:
 - the aims of policies concerning the location and sustainability of development;
 - the character of the locality.

Reasons

Location and sustainability of development

5. The appeal site comprises the side garden of what appears to be the sole house on the south side of St Peter's Avenue, a short cul-de-sac within a small hamlet in the north-east of Hayling Island. The facilities of the hamlet are very limited and for most day to day needs residents would be likely to travel to other parts of the island or onto the mainland.
6. Policy CS17 of the *Havant Borough Core Strategy* (CS) aims to ensure that new housing is concentrated in existing urban areas in order to make the most effective use of land in the Borough. Priority is given to development on previously developed land within identified urban areas. Outside urban areas development will only be permitted if it is consistent with policies for the countryside set out in national policy. Furthermore, CS Policy CS9 aims to ensure that proposals for housing achieve a suitable density for development

taking into account accessibility to public transport and proximity to employment, shops and services.

7. The CS Proposals Map shows the site to be located outside an area where the concentration of development is promoted by Policy CS17. It is suggested that the appeal site does not exhibit the characteristics of countryside and that it should be regarded as a 'previously developed land'. I agree that the site is within a sporadic group of houses which appears to be well established rather than in countryside that looks open. But this sporadic development pattern does not support services and current development plan policies and Government guidance supports a more sustainable pattern of development. In such circumstances housing outside identified urban areas is only appropriate where it would support local vitality or provide for local needs¹. Neither is the case here.
8. I do not agree that the site should be regarded as previously developed land for the purposes of applying planning policy because the *National Planning Policy Framework*² (the Framework) specifically excludes private residential gardens from this definition. I acknowledge that St Peter's Avenue is not in an area of high environmental value or part of any designated area, but the appeal site has very poor access to day to day facilities and services. Accordingly, the site is not a sustainable location for new housing, and this undermines a core principle of the Framework.
9. The locality is served only by an infrequent bus so that existing residents would be likely to rely on private cars to reach most services; this weighs against another dwelling in this unsustainable location. Neither does the location of the site within a group of existing dwellings indicate that there is no need to demonstrate that a special justification is required for an additional dwelling. Although one more house would cause little harm in itself, this argument could be used for each new house so that the cumulative effect would seriously undermine the twin aims of consolidating development in accessible locations and reducing reliance on the private car for most journeys. The Borough has a five-year supply of deliverable housing sites within sustainable and accessible locations and thus there appears to be no demonstrable need for an additional dwelling in an isolated hamlet.
10. Because the proposal would lead to an increase in development in an unsustainable location I conclude that the aims of development plan policy would be seriously undermined by the proposal. I thus find conflict with Policies CS9 and CS17 which both support development in accessible and sustainable locations, close to facilities, and in urban areas. Furthermore, the development would not comply with the general aim of CS Policy DM12, which supports the mitigation of the impacts of environmental effects of travel, and CS Policy DM11, which seeks to ensure that development integrates with existing pedestrian, cycle and public transport routes. I also find that the proposal would not be sustainable development as promoted by the Framework because occupiers of the site would have poor access to facilities and would be overly reliant on private cars for access to most services.

¹ Paragraph 55 of *The National Planning Policy Framework*

² Annex 2: Glossary of *The National Planning Policy Framework*²

Character

11. The application has been submitted in outline and therefore there are no details of the proposed appearance before me. Although the plot width and size would not be dissimilar to those on the north side of St Peter's Avenue, it would be significantly smaller than that of the retained garden around The Curlews and would lack the spacious quality and undeveloped character of this side of the private road. Any access is also likely to result in some loss of road side vegetation. The current use of the land is as garden which softens the edge of the sporadic development in the hamlet and reinforces its undeveloped nature. The proposed development would thus result in a loss of openness and an undesirable increase of built development in this countryside location.
12. I therefore conclude that any dwelling would consolidate the amount of development on the south side of St Peter's Avenue and would have an adverse impact on its present semi-rural character. Moreover, the proposed dwelling would fail to comply with the aims of CS Policy CS16 criterion a) in that it would not respond positively to the local character of development. Neither would it comply with guidance in the Framework which supports development that responds to local character and promotes local distinctiveness.

Other matters

13. The Council also refused the application because they say that there is a need for an obligation under Section 106 of the Planning Act in order to secure improvements to transport infrastructure. Such an undertaking was provided at appeal stage and the Council is content that this addresses the third reason for refusal. The Council has demonstrated that the tests of Section 122 of the *Community Infrastructure Regulations 2010* have been met³ and had I found that the proposed development to be acceptable I am satisfied that the submitted unilateral undertaking would overcome the third reason for refusal.

Conclusion

14. I acknowledge that a dwelling could be provided on the appeal site which would not harm protected trees or species, and that safe access, adequate parking and cycle storage facilities could also be provided. I also accept that, subject to appropriate siting and design, impacts on neighbouring property could be satisfactory. However, none of these matters alters my conclusion that the erection of a new dwelling would seriously harm the aims of settlement policy and the achievement of sustainable development and this would be exacerbated by the adverse effect on the semi-rural character of the area.
15. For the reasons given, and having had regard to all other matters raised, I dismiss the appeal.

Sukie Tamplin

INSPECTOR

³ Paragraph 204 of the *National Planning Policy Framework* also refers.