



Appeal Decision

Hearing Held on 3 October 2017

Site visit made on 3 October 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 21st November 2017.

Appeal Ref: APP/L1765/W/17/3175784

Land off Lee Ground to the East of Whiteley, Titchfield, Hampshire PO15 6RF

- 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 Landmark Developments against the decision of Winchester City Council.
- The application Ref 16/01994/FUL, dated 12 August 2016, was refused by notice dated 16 November 2016.
- The development proposed is described as 'hybrid planning application comprising an outline planning application for an 80 bed care home and associated works (all matters reserved except access), and a full application for the change of use of land to amenity use associated with the care facility'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is partly made in outline with matters relating to appearance, scale, landscaping and layout reserved. Although it includes a full application for the change of use, this is intrinsic to the delivery of the Care Home, and I have therefore dealt with the appeal on the basis of the acceptability of the Care Home, treating all plans as illustrative, except where they deal with matters of access.
3. As part of this appeal, the appellant has submitted a revised illustrative masterplan¹ ("the Revised IMP") to include a circular pedestrian footpath link around the perimeter of the site. I have considered this drawing under the principles established by the Courts in *Wheatcroft*². I am satisfied that the amendments proposed do not change the nature of the scheme to such a degree that to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings submitted with the application and the Revised IMP.
4. The Development Plan (DP) in place at the time of the Council's determination included the Winchester District Local Plan Part 1 – Joint Core Strategy (2013)³ (LPP1) together with the Winchester District Local Plan Review 2006 ("the Former Plan"). During the course of the appeal the Council adopted a new DP

¹ Drawing No: 1346/P02 Rev A.

² *Bernard Wheatcroft v Secretary of State for the Environment* [1982] JPL, p.37.

³ Adopted March 2013.

document, the Winchester Local Plan Part 2 – Development Management and Site Allocations (2017)⁴ (LPP2) which supersedes the Former Plan. I am required to consider this appeal with reference to the DP in place at the time of determination and, consequently, I have assessed the proposal against the relevant policies of LPP1 and LPP2 but not those contained in the Former Plan.

Main Issues

5. The main issues are:

- (i) whether there is an identifiable need for the proposed development to be located in the countryside; and
- (ii) the effect of the proposal on the character and appearance of the surrounding area including the 'Meon Gap'.

Reasons

Location

6. The appeal site is located outside the settlement boundary of Whiteley. LPP2 Policy DM1 restricts development outside recognised settlement boundaries other than in a limited number of defined circumstances. This includes development which falls within Policy DM10 which *exceptionally* permits the development of essential facilities and services to serve local communities subject to a number of criteria. These include that there is an identified need for the development within that area and there are no suitable alternative sites within the defined built-up area of the settlements that the development is intended to serve.
7. The proposal would involve the erection of 80 units of extra-care accommodation falling within a C2 use class, which the Council accepts *could* fall within the definition of an essential facility or service. However, in order to benefit from the exemption provided by Policy DM10, the appellant must also demonstrate that there is an identified need for the development which cannot be met within the defined built-up area.
8. I accept that there is a general need for accommodation for older people and note that the Council's own projections indicate that this will rise locally. In assessing whether or not there is a specific need locally, the appellant has put forward a methodology which indicates that the current shortfall of extra care accommodation in the area is considerable. However, the methodology used applies national statistics to local populations and assesses need based on a catchment area which is centred on the site itself. Whilst I acknowledge that there are difficulties in assessing demand for extra care, on balance, I agree with the Council that this methodology is less robust than their own district wide approach. Accordingly, I am not persuaded that any current shortfall would be at the level suggested by the appellant.
9. At the hearing, the parties initially agreed that, based on the Council's district wide approach, the current need for extra-care facilities was being met. This accords with the Council's Specialist Housing for Older People in Winchester Report (2015)⁵ (SHOP) which provides a detailed assessment of local need for

⁴ Adopted 5 March 2017.

⁵ Specialist Housing for Older People in Winchester: An Assessment of the issues raised in Representation on the Draft Local Plan Part 2 (2015).

older person accommodation and concludes that it can be adequately met within the existing built-up area. However, the appellant later raised concerns regarding the deliverability of some of the planned developments within the locality, and suggested that there was a current shortfall of around 66 units. Even if I were to accept the appellant's assertion that those schemes were not deliverable⁶, the shortfall suggested is not large and there is little information to demonstrate that it could not be adequately met from sites within the existing built-up area.

10. On balance, I have seen no robust evidence which would challenge the SHOP conclusions and on the evidence available there is every indication that, at present, the DP is meeting the area's need for such accommodation. While I acknowledge that Policy DM10 provides a degree of flexibility in terms of allowing essential facilities and services to be located in the countryside in certain circumstances, I am not persuaded that these circumstances are present in this case. On the evidence before me, I do not consider the exemption provided by Policy DM10 applies.
11. In general, I do not consider that the settlement boundaries set out in an up-to-date DP should be set aside lightly. Furthermore, I note that there is some considerable benefit in locating this type of accommodation close to nearby services. In the absence of any other firm policy basis which would justify a departure, I find the proposal would be in conflict with Policy DM1 of the LPP2 which, amongst other things, restricts development outside the identified settlement boundaries other than in a limited number of defined circumstances.
12. The first reason for refusal set out in the Decision Notice also refers to LPP1 Policies CP4, CP18 and MRTA4. Policy CP18 is considered in further detail below. However, both Policies CP4 and MRTA4 provide exemptions to the restriction set out in Policy DM1. The appellant confirmed at the hearing that their case does not rely on these policies and I am satisfied that neither would provide an exemption in the current circumstances. Accordingly, I have not considered them further.

Character and appearance

13. The appeal site consists of an area of agricultural land which is enclosed by mature trees and hedgerows on all sides which significantly screen the site in views from the surrounding area and provide a tranquil rural setting to the surroundings. It is located within the Whiteley-Fareham/Fareham Western Wards strategic gap⁷ ("the Gap"). Its original access towards the eastern end of Lee Ground has, at some time in the past, been blocked up with a large bund type feature which has blended into the mature vegetation located along the northern boundary.
14. The Council accepts that the proposal's visual impact on wider views of the Gap and on the wider Whiteley Woodlands Landscape Character Area⁸ would be limited. However, it raises concerns regarding the effect it would have on the character and appearance of the immediate surroundings, as well as its physical impact on the Gap itself.

⁶ or, in some cases, would not deliver the expected levels of this type of accommodation.

⁷ Also known as the 'Meon Gap'.

⁸ As defined by the WCC Landscape Character Assessment (2004).

15. These concerns are well founded. When travelling northwards along Whiteley Lane, there is a clear separation between the built environment to the west and the rural countryside setting to the east where, despite some sporadic development, the general absence of buildings is evident. Similarly, when travelling along Lee Ground itself, although partly concealed by vegetation, there is nevertheless a clear presence of built form along the northern side, including the more recent Skylark Meadows development. This contrasts with the more rural and open visual aspect to the south.
16. While I note the conclusions of the appellant's Landscape and Visual Impact Assessment which suggests that the only significant effects would be on the character of, and views from, Lee Ground, I do not agree. The introduction of a considerable amount of built form in this location would materially alter the character of the nearby rural lanes, encroaching into the surrounding countryside and significantly eroding the area's distinctive rural character. It would result in significant alterations to Lee Ground in order to provide vehicular access introducing a more urban form of development and opening up the site to views from the road. This would have a materially detrimental impact on the character of this rural lane and would negatively impact on local distinctiveness.
17. Furthermore, although the site is well screened by vegetation along its northern and western boundaries, this would not be the case all year round. The trees still retained their foliage at the time of my site visit and I can appreciate that even in summer, views into the site would still be possible. Even with some additional planting, the addition of built form would be noticeable. This would erode the rural distinctiveness and tranquil setting, further impacting on the character of the surroundings.
18. Turning then to its physical impact, the proposal would result in a physical reduction in the size of the Gap. While I note that in terms of the Gap's overall area, the reduction would be small, the Gap in this location is around 1800m wide and a reduction of around 10% of its width would have a material impact. Even though I acknowledge that the appeal site is located along the periphery of the Gap, the explanatory text to Policy CP18 recognises that the land included within it performs an important role in defining the settlement character of the area and in separating settlements at risk of coalescence. Although it would not, in itself, result in the coalescence of settlements, the proposal would nevertheless materially reduce the distance between them.
19. Consequently, for the reasons set out above, I conclude that the proposal would impact negatively on the surrounding area and fail to conserve local distinctiveness. This would be contrary to LPP1 Policy CP20 which gives particular emphasis to conserving local distinctiveness, especially in terms of, amongst other things, tranquillity and setting. In addition, I consider it would physically diminish the Gap and, as such, would be contrary to LPP1 Policy CP18 which seeks to retain the generally open and undeveloped nature of the defined settlement gaps and restricts development within these areas other than where it does not physically or visually diminish them.

Other Matters

20. The appellant has pointed to a number of economic benefits which would result from the scheme including additional inward investment and support for the construction industry as well as additional local employment during and after

construction. I afford these a moderate amount of weight. In addition, the proposal would also result in a number of less quantifiable social benefits, including its overall contribution towards older care accommodation in the district. However, as discussed above, this need is mostly being met within the existing settlement boundaries and, accordingly, I afford these only a small amount of weight.

21. I also note the amended illustrative masterplan includes a new circular footpath around the site which would provide a modest community benefit. However, as noted above, the Revised IMP is indicative only and in the absence of anything which would secure its inclusion in the scheme, I afford it only limited weight.
22. However, while I acknowledge that cumulatively these benefits provide some support in favour of the proposal, they do not, in my view, justify the physical diminution of the Gap or the negative impact on the character and appearance of the surrounding area which I have identified above. Accordingly, I do not consider them sufficient to overcome the resultant harm.
23. I have noted the other appeal decisions referred to by the appellant in support of their position. However, although I do not have the full details of those developments, it is clear from those decisions that the circumstances are unlikely to be identical. I do not therefore consider they would provide a justifiable precedent for the development proposed. In any event, each application must be considered on its own merits.

Conclusion

24. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Richard Osborn	Planning Agent
Mr Steven Smallman	Pro Vision Planning and Design
Ms Alison Galbraith	Landscape Architect

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Avery	Principal Planning Officer
Mr Steve Opacic	Strategic Planning Project Officer
Mr Stuart Dunbar-Demsey	Landscape Architect

INTERESTED PERSONS

Mr Robert Tutton	Planning Consultant (on behalf of Ms Tina Brown (Local Resident))
Mr Bob Gaplin	Local Resident
Mr Darren Pearce	Local Resident

ADDITIONAL DOCUMENTS SUBMITTED AT THE HEARING

- EXB1 – Hearing Update Paper on extra care forecasts.
- EXB2 – Specialist Housing for Older People in Winchester – Response to Council’s Statement of Case.
- EXB3 – Enlarged photographs showing key vantage points.
- EXB4 – Enlarged photograph of Viewpoint LLCA.1 – Extended panorama.
- EXB5 – Signed Statement of Common Ground.