
Appeal Decision

Site visit made on 21 December 2015

by **S M Holden** BSc MSc CEng MICE TPP MRTPI FCIHT

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

Decision date: 09/02/2016

Appeal Ref: APP/M1710/W/15/3131878

Land north of Southernhay, Crows Lane, Upper Farringdon, Alton GU34 3ED

- 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 A Fitzgerald against the decision of East Hampshire District Council.
 - The application Ref 20926/003, dated 6 November 2014, was refused by notice dated 18 February 2015.
 - The development proposed is described as 'outline planning consent for fourteen dwellings'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was made in outline with layout and access to be determined at this stage. Matters relating to appearance, scale and landscaping were reserved for future determination. In addition to a plan showing the proposed layout of the development, various drawings accompanied the application showing elevations and other details. Whilst these drawings are material to my overall consideration of the appeal, they are only illustrative and I have treated them accordingly.
 3. The Council submitted the *East Hampshire District Local Plan: Housing and Employment Allocations* (EHDLP: HEA) for examination after this application was determined. Examination Hearings took place in October 2015 and, as a consequence of the Inspector's recommendations, the Council prepared a number of Proposed Modifications. These were subject to a public consultation that concluded on 8 January 2016. I understand that representations received have been passed to the Inspector for consideration prior to issuing his final report.
 4. Paragraph 216 of the National Planning Policy Framework (the Framework) advises that decision-takers may give weight to relevant policies in emerging plans according to a) their stage of preparation, b) the extent to which there are unresolved objections and c) the degree of consistency between emerging policies and the Framework.
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5. Draft Policy VL2 of the EHDLP: HEA is highly relevant to this case as it allocates the appeal site for residential development of about eight dwellings. Although it is likely to be some time before the document is finalised and adopted, it is clear that the plan is at an advanced stage of preparation. There were no significant unresolved objections that related to draft Policy VL2. The Proposed Modifications include minor amendments to the policy aimed at ensuring clarity and avoiding duplication. There is no fundamental conflict between this policy and the Framework. I have therefore attached significant weight to the policy (including the Proposed Modifications) in my determination of the appeal.

Main Issues

6. The main issues are:
 - a) whether the proposal would be a suitable location for a residential development having regard to the principles of sustainable development;
 - b) whether the proposed layout would be acceptable given the context of the site, particularly in relation to the character of the village, the setting of the Upper Farringdon Conservation Area and its relationship with the South Downs National Park;
 - c) the effect of the proposal on highway safety;
 - d) whether the proposal makes adequate provision for any additional need for investment in local infrastructure and facilities arising from the development.

Reasons

Sustainability of location

7. East Hampshire District Council and the South Downs National Park Authority adopted a Joint Core Strategy (JCS) in 2014. Policy CP2 of the JCS directs new development to the most sustainable and accessible locations, with a preference for sites within existing settlement boundaries. The appeal site lies in the countryside and outside the settlement boundary of Farringdon. It is therefore not a preferred location for additional housing, particularly as the village has limited locally based facilities and services.
8. Policy CP10 of the JCS states that it is intended that a minimum of 150 dwellings will be provided in the plan period in villages outside the National Park. It goes on to advise that the sites will be identified through the development of other Local Plan documents and Neighbourhood Plans. Upper Farringdon lies outside the South Downs National Park, but its boundary skirts the village. The EHDLP: HEA has identified the appeal site as being suitable for about eight dwellings, subject to meeting a series of site-specific criteria which are set out in draft Policy VL2.
9. The examination of the local plan has confirmed this allocation, although the Proposed Modifications are likely to result in minor changes to provide additional clarity to some of the site-specific requirements. Whilst the details of the policy have yet to be finalised, the site's suitability for providing a limited amount of additional housing is therefore firmly established. This is a matter to which I attach considerable weight and I have made reference to the revised list of criteria in this decision letter.

10. In these circumstances I conclude that there can be no objection in principle to a residential development on the site, notwithstanding the conflict with Policy CP2 of the JCS. The development would contribute to the achievement of Policy CP10. The determining factor is whether the proposed quantity of development could be accommodated without harm to the local environment, having regard to the requirements of other relevant policies in the JCS and draft policy VL2 of the EHDLP:HEA, taking into consideration the Proposed Modifications.

Character and appearance

11. Upper Farringdon is a rural village that has two distinct parts, each of which is designated as a conservation area. The settlement as a whole is characterised by individual houses and farms set around a square of open space formed by four roads. The village dates from Anglo Saxon times and includes a 12th century church, a significant number of listed buildings and an eclectic mix of houses of different styles and periods. This variety reflects the organic way in which the settlement has developed over time. Most of the buildings are set in well-proportioned plots with direct access onto the street. There is a notable absence of footpaths so pedestrians have to negotiate the narrow rural lanes, many of which are bounded by mature roadside hedges.

12. Government policy in respect of the historic environment is set out in the National Planning Policy Framework (the Framework). Paragraph 126 advises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm that is less than substantial must be weighed against the public benefit of the proposal. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and Section 66(1) advises that special regard must be given to the desirability of preserving a listed building or its setting. Furthermore, the courts have re-iterated the need to give 'considerable importance and weight' to the desirability of preserving historic assets when carrying out a 'balancing exercise' in planning decisions.

13. The appeal site lies between the two parts of the Farringdon Conservation Area and part of its northern boundary coincides with the conservation area. There are also listed buildings nearby. The site is a relatively flat, agricultural field, enclosed on three sides by mature hedges. A close-boarded fence marks the boundary with two detached dwellings, *Southernhay* and *Mole End*, which lie immediately to the south of the site. *Mole End* does not have direct road frontage, which is an exception to the pattern of development elsewhere in Upper Farringdon. The roadside hedge on the site's western side is a prominent feature along Crows Lane. Immediately opposite the site is a row of semi-detached properties dating from the mid 20th century in long narrow plots.

14. The proposal seeks to construct fourteen dwellings on the site, twelve of which would have two bedrooms and the remaining two would have three bedrooms. It is intended that four of the homes would be affordable. The proposed layout has three short terraces of three dwellings, two pairs of semis and one detached property. Ten of the dwellings would be orientated to look out towards a central square of open green space in the middle of the development. This layout is intended to reflect farmstead developments where buildings surround a central courtyard. All the dwellings would have small rear gardens. There

would be a centrally located bike and bin store. A new access would penetrate the site and provide routes through it to three areas of shared parking located towards the edges of the site. A smaller parking area is proposed to the side of Plot 14. The development would have a total of 36 parking spaces.

15. None of the proposed dwelling would have frontage access to Crows Lane. The units on Plots 4, 5 and 6 would have their rear gardens backing on to the lane. This would be out of character with the pattern of development elsewhere in the village. The units on Plots 1, 2, 3, 12 and 13 would be at right angles to Crows Lane with the flank wall of No 1 facing the road. These dwellings would be combined with the shared bin and bike store to create an almost continuous line of development that would occupy the full depth of the site. Whilst the orientation of these five dwellings would reflect the alignment of *Southernhay* and *Mole End*, the proposal would represent a significant increase in the intensity of development, with a poor relationship between the buildings and their respective plots. As a consequence I consider the layout would not only fail to reflect that of the surrounding area, but would also appear cramped.
16. In order to make efficient use of land, I accept that new development is unlikely to provide large gardens that can be compared with existing ones, such as those associated with the row of semis on Crows Lane. However, the proposed layout shows that all the gardens would be small, with the majority having depths of 8-10m. Only the dwellings on plots 4-6 would have gardens that would be of the order of 12-13m deep. All the plots would be significantly smaller than those of the surrounding houses. It seems to me that this would contribute to the development appearing cramped and failing to respect the more spacious layouts found elsewhere in the village.
17. A significant proportion of the site would be required for the access road and parking. The parking areas would be sited towards the edge of the development and poorly located in relation to the dwellings. This arrangement is not typical of the existing pattern of development where individual houses have parking within their own boundaries, usually sited to the front or side of the property. Provision of shared areas somewhat remote from the dwellings would be out of character with the village.
18. The proposed parking areas between the units on Plots 6 and 7 and 9 and 10 would also be enclosed by the flank walls of these houses and their side garden boundaries. They would not be open to surveillance from the surrounding properties. This would not only reduce their effective integration with the development as a whole, but could also make them potentially dark and enclosed spaces that would be vulnerable to anti-social behaviour.
19. The predominance of buildings and hard surfacing would make the development appear more characteristic of an urban area rather than a small village. The proposed allotments would be tucked away towards the rear and southern sides of the site. They would be rather isolated from the rest of the development and unlikely to be convenient for sharing with other village residents. The area of public open space adjacent to Crows Lane would be partially sandwiched between the rear boundary of *Southernhay* and one of the shared parking areas. I consider this to be a contrived arrangement that would not facilitate its effective integration within the development or the village.

20. Several of the dwellings would not be directly sited around the square, but would be partially off-set. No 12 would look straight towards and be close to the flank wall of No 11. No 9 would look predominantly towards the flank wall of the shared bike store on the side of No 10. No 6 would look partly towards the flank wall of No 7. This would not only reduce the outlook for future residents but is further evidence that the proposal would appear cramped. It would not respect the more spacious layout of individual or semi-detached homes elsewhere in the vicinity.
21. The appeal site currently forms part of the setting of the two sections of the conservation area. Development of it would close the gap between these two areas and would lack frontage access onto Crows Lane. In my view it would not integrate effectively with the development around it and would therefore fail to preserve the setting of the conservation area.
22. Crows Farm is a listed building and there are views towards it across the appeal site. The proposed layout would bring a significant quantum of development in close proximity to the shared boundary. The combination of parking spaces and buildings on the northern part of the site would severely restrict the amount of space available for landscaping. I am therefore not satisfied that the proposed layout would preserve the setting of Crows Farm.
23. Upper Farringdon lies close to the South Downs National Park. The boundary wraps around part of the appeal site. The allotments and a landscape buffer on the south-eastern part of the site would help to soften the edge of the development. However, the buildings on Plots 7-14 would be visible from the surrounding countryside, introducing suburban features into this open and sensitive landscape. The National Planning Policy Framework advises that great weight should be given to conserving the landscape and scenic beauty of National Parks. I do not consider the proposed layout would provide an effective transition between the village and the countryside. On the contrary, its urbanising features would adversely affect the setting of the National Park.
24. Draft Policy VL2 of the EHDPL: HEA acknowledges that development of this site for about eight dwellings will necessitate provision of an appropriate vehicular access from Crows Lane. The requirement for visibility splays to serve the appeal scheme would result in the loss of a significant length of the roadside hedge, adversely affecting the character and appearance of this rural lane. As landscaping is a reserved matter, I can only give limited weight to the details presented with the appeal. However, as there are outstanding issues relating to the safety and suitability of the access, I cannot be certain that the current proposal would address the loss of the hedge in a satisfactory manner.
25. Taking all these factors into account I conclude that the proposal would be a cramped form of development that would fail to have sufficient regard for the character of the village, the setting of the Upper Farringdon Conservation Area and the landscape and scenic beauty of the South Downs National Park. It would be contrary to Policies CP20, CP29 and CP30 of the JCS which require development to contribute to local distinctiveness, reflect national policies in respect of landscape, townscape and heritage and take particular account of the setting and context in relation to the South Downs National Park. It would also fail to comply with criterion (d) of emerging Policy VL2 of the EHDLP: HEA, which requires the layout to respect the character of the village.

Highway safety

26. Crows Lane is a narrow rural lane with no footway. It is subject to a 30mph speed limit. In the vicinity of the site it varies in width from a minimum of 5.0m at the entrance to the Rose and Crown public house to 6.4m near Crows Farm. There are numerous accesses along this stretch of road and also some informal passing areas. No information was presented in relation to the section of the road north of Crows Farm, but it appears to be narrower than that to the south. Evidence presented by the appellant demonstrated that traffic flows on Crows Lane are currently low.
27. Given the limited availability of public transport, residents of the proposed development are likely to be highly dependent on private cars for their day-to-day activities. Nevertheless, the development is estimated to generate only a modest number of trips: no more than 10 during the morning peak hour. The traffic assessment states that it is likely that most vehicles will turn in and out from the south, thereby avoiding the narrower section of Crows Lane to the north. I consider this to be a reasonable assumption, as this would provide a slightly more direct route to the A32. There was no evidence presented to suggest that this small increase in vehicle movements could not be accommodated at the junction with Hall Lane.
28. The junction at the northern end of Crows Lane with Church Lane has poor sight lines, partly due to the roadside hedges and other mature vegetation. This, combined with the narrow width of Church Lane/Gaston Lane, requires existing road users to negotiate the junction with considerable care. The development would generate only a very small number of additional movements at this junction. They would have a negligible effect on its operation. I therefore do not consider that the development would bring about the need for an assessment of the junction's safety or a justification for any improvements.
29. There is agreement between the parties that the access from Crows Lane would require a 2.4m x 43m visibility splay. This would result in the loss of the existing roadside hedge. The plans submitted with the application show this visibility splay and new planting. However, there was no indication of how pedestrians would be accommodated safely, either in the development or on Crows Lane. The appellant has submitted evidence to demonstrate that a refuse truck 8.7m in length could negotiate the access and the internal roads within the proposed development. However, the waste collection authority appears to require the development to be able to accommodate vehicles of up to 10.55m long. In these circumstances I cannot be satisfied that the proposed layout would provide adequately for the collection of refuse.
30. The highway authority requires the access to the development to be designed and constructed to adoption standards, irrespective of whether the internal roads are subsequently offered for adoption. However, there is a disagreement between the parties as to when the associated Road Safety Audit should be undertaken. It is necessary to demonstrate that the layout addresses the needs of pedestrians (particularly school children) and refuse collection vehicles, whilst also providing appropriate landscaping that takes account of the sensitive nature of the site. I therefore concur with the highway authority's view that road safety matters should be addressed at an early stage. This approach would be in line with the advice set out in the Manual for Streets and Hampshire

County Council's: *Companion Document to Manual for Streets*. In the absence of a Stage 2 Road Safety Audit that considers the access and the site's internal layout, I am not satisfied that the proposal would provide safe and adequate arrangements for all road users.

31. I conclude that the proposed development would fail to provide safe and satisfactory access for all potential users of the site. It would therefore be contrary to Policy CP31 of the Core Strategy, which seeks to ensure that development does not adversely affect the safe and efficient operation of the local road network. It would also fail to comply with criteria (b) and (c) of emerging Policy VL2 of the EHDLP: HEA.

Provision of local infrastructure and facilities

a) Affordable housing

32. Policy CP13 of the JCS requires that a site providing ten dwellings or more should include 40% of the new dwellings as affordable units. This policy is based on the Strategic Housing Market Assessment (SHMA) and an associated viability study that formed the evidence base for the preparation of the JCS. The requirement in relation to the appeal proposal is therefore 5.6 units, five of which should be provided on-site, with a financial contribution of £47,880 towards off-site provision to make up the balance. I consider such a requirement to be reasonable and in accordance with the development plan. It would satisfy the three tests in Regulation 122(2) of the Community Infrastructure Level (CIL) Regulations 2010.

33. The proposal would include only 4 affordable units. The policy recognises that there will be room for negotiation to take account of the individual circumstances of the site, such as development viability and site surroundings, if supported by appropriate evidence. However, no contribution was offered and there was no substantiated evidence submitted by the appellant to justify a reduction in the requirement from 5.6 to 4 units. The proposal would therefore conflict with Policy CP13 of the JCS, as it would fail to contribute sufficiently towards the identified housing needs of the district.

b) Other infrastructure and facilities

34. Policy CP32 of the JCS sets out the Council's approach to securing contributions towards infrastructure, the need for which has been brought about by development. In addition it has adopted a Supplementary Planning Document: *Guide for Developers' Contributions* to inform negotiations with developers. In this case, in addition to the contribution towards affordable housing, the Council sought contributions towards public open space, community facilities, local transport improvements, Alton Sports Centre and a monitoring fee.

35. The Council has provided details of where it is proposed that contributions would be spent improving walking and cycling routes, providing new play equipment and supporting the feasibility study for a new village hall. The schemes were identified in liaison with the Parish Council and the local highway authority and appear to be functionally and geographically related to the proposed development. I am therefore satisfied that these elements of the required contribution would meet the three tests of Regulation 122 of the CIL Regulations. However, there was insufficient evidence before me to justify a

contribution towards the Alton Sports Centre and I consider a payment towards the cost of monitoring the agreement not to be justified as this forms part of the general statutory duty of planning control.

36. I conclude that the development would bring about the need for affordable housing and investment in some local infrastructure and services. However, in the absence of a planning obligation to secure the appropriate contributions, the development would lead to unacceptable pressure on local services, contrary to Policy CP32 of the JCS.

37. I note that the appellant has suggested that the matter could be addressed through the imposition of a Grampian Condition. I do not consider this would be appropriate in this case, as there is no agreement between the parties regarding the nature or scale of the requirements. In any event a condition requiring a financial contribution would not meet the tests of Paragraph 206 of the Framework.

Conclusions

38. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is allocated for a development of about eight houses in emerging Policy VL2 of the EHDLP: HEA. This is a matter that weighs in the scheme's favour, particularly given the advanced stage that this local plan document has now reached. I am also satisfied that the junctions at either end of Crows Lane could accommodate the additional traffic generated by the development.

39. However, I have found the scheme to be a cramped form of development that would fail to respect the existing character of the village, the setting of the Upper Farringdon Conservation Area and the landscape and scenic beauty of the South Downs National Park. In addition, in the absence of a Road Safety Audit for the proposed access, its associated visibility splay and the internal roads within the development, I am not satisfied that the proposed layout would be safe for all road users, including pedestrians and refuse vehicles.

40. The provision of less than 40% affordable housing required by local plan policy has not been justified. Furthermore, in the absence of a planning obligation to secure appropriate contributions towards transport improvements, public open space and community facilities, the proposal would result in unacceptable pressure on local services.

41. The benefits that would accrue from the provision of the additional homes would not outweigh the harms I have identified and for which reason I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR