

ITEM 7

APPLICATION NO.	14/00521/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	10.03.2014
APPLICANT	Mr Joel Pinchbeck
SITE	Land Adjacent To The Warren, Ringwold Drove, Middle Wallop, SO20 8HR, OVER WALLOP
PROPOSAL	Demolition of barn and erection of key worker/affordable dwelling and installation of sewage treatment plant
AMENDMENTS	None
CASE OFFICER	Mrs Kate Chapman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is referred to Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on the 8 May 2014 resolved to recommend granting planning permission where the Head of Planning and Building advised there was a conflict with policy with the Officers recommendation being for refusal contrary to Local Plan policy.
- 1.2 A copy of the Officers report and Update Sheet to the NAPC on the 8 May 2014 are attached at Appendix A and B respectively.

2.0 PLANNING CONSIDERATIONS

2.1 NAPC Consideration

The primary reason for the Officer recommendation of refusal to NAPC was that there was insufficient justification for the proposed dwelling in the designated countryside where it was in a prominent location having an intrusive impact on the landscape and harmful to the rural character of the area. Consequently the proposal was contrary to policies SET03, DES01 and DES02 of the Test Valley Borough Local Plan (TVBLP). The applicant had argued that the proposals could be considered in relation to TVBLP policies ESN05 (Rural Exception Affordable Housing) and ESN09 (Housing for Key Workers in the Countryside). The Officer report set out why the proposals did not comply with these policies. The NAPC considered that the proposals could be regarded as providing keyworker/rural worker accommodation (the proposed occupant is employed at a garage business in Middle Wallop) in and that taking this into account along with a conclusion that the proposed dwelling had a degree of sustainability and was not going to have any significant detrimental impact on the countryside the proposals were acceptable. These issues are discussed below.

2.2 Principle of development

See Appendix A, paragraphs 8.2-8.12.

- 2.3 The site lies outside any settlement boundary, as defined by the Local Plan where there is a general policy of restraint of development. Policy SET03 of the TVBLP sets out where an exception to the general policy of restraint is allowed for and specifies that development outside the boundaries of settlements will only be permitted where there is an overriding need for the development to be located within the countryside or where it is of a type appropriate within the countryside, as set out in other policies within the Local Plan. The proposal is considered to represent a scheme that neither (a) demonstrates an overriding need, or (b) is not one of the permitted forms of development specified under criterion (b). The proposal is therefore contrary to Policy SET03 of the TVBLP and represents unjustified additional development in the countryside. By way of clarification, the proposal is also for development outside the development frontages (SET06) for Middle Wallop and Nether Wallop. It is not infill housing for planning policy purposes.
- 2.4 The degree of sustainability considered by the NAPC had regard to the use of a footpath linking the proposed dwelling to the garage site. The applicant has indicated that he would utilise an existing footpath that connects the site to the garage where he works. The path is indicated to pass along front boundary of the property Ringwold Drove situated to the south of the application site and continues along the front boundary of a neighbouring paddock. It then passes through one of the fields and links to a designated public right of way which runs in a south east - north west direction along the periphery of the village.
- 2.5 From an Officer site visit it appears that the footpath only extends along the front boundary of Ringwold Drove and the neighbouring field. The footpath stops at three gated entrances to the surrounding fields and there is no evidence that it continues along and beyond these. This suggested footpath is not designated as a public Right of Way and is on private land with no public right to use. There are no footpath signs and by its nature it is not lit. The only other means of access from the site to the garage by foot would be along the A343, which has 40mph speed limit, is not lit and has no footpath. Considering this in conjunction with those reasons set out with paragraphs 8.4-8.6 of the main agenda report (Appendix A), the site is not considered to be in a sustainable location and therefore does not accord with the guidance set out within the NPPF.
- 2.6 Commentary on whether the proposal is for a Keyworker
Policy ESN09 allows in the countryside dwellings for essential workers provided that;
- a) It is justified as essential for operational reasons that the worker is resident on site;
 - b) the accommodation is provided on-site within the existing curtilage;
 - c) existing buildings are utilised to provide accommodation wherever possible; and
 - d) any conversion, extension or new buildings does not detract from the character of the existing building(s) or surrounding area or the amenities of nearby residents.

- 2.7 There is no definition of a “key worker” in the TVBLP. The supporting text to policy ESN09 indicates that examples of such workers may arise from boarding schools and nursing homes located in countryside locations. That a business is in the countryside does not mean that those undertaking that business are rural workers but instead it is the nature of the enterprise which is indicative that it should be located in the countryside and hence therefore there is a need for a worker to be located in the countryside for that business. Should this not be the case justification would be used to secure a dwelling for any business in the countryside and this is clearly not what is intended by the policy.
- 2.8 Criterion a
Insufficient justification has been provided regarding the availability of other properties within the area that could provide for the same operational requirement as the proposed dwelling. The submitted Design and Access Statement simply states that *‘there are other houses in the vicinity, some of which are for sale, but all are extremely expensive and out of financial reach of a young person’*. No details of those available properties have been provided and except for the reason of financial cost no details have been provided as to why it does not meet the operational requirement of the garage.
- 2.9 The applicant indicated to the NAPC that he was a key holder for the garage site and therefore needed to gain quick access to the garage should security related issues arise. He did however indicate that there were several key holders. Whilst several of these holders were located some distance from the site he did indicate that one of the key holders resided at one of the two properties situated adjacent to the garage site itself.
- 2.10 A letter submitted as part of the application from Mr EW Pinchbeck (Grandfather of the applicant) refers to an example of theft and damage that took place on site at the garage. No crime record has been provided. With the exception of CCTV on site no details have been provided of other security measures which have been considered, such as a security guard office or regular patrols of the site and why these would not be appropriate.
- 2.11 It has not therefore been justified that it is essential for this dwelling to be provided for operational reasons concerning the garage and particularly having regard to the proposed dwelling being sited away from the garage site.
- 2.12 Criterion b
This criterion clearly states that the accommodation is provided on site which is also emphasised within criterion a. The proposed dwelling is to be sited 300 metres away with no line of sight across to the garage. This policy does not allow for a dwelling to look over a commercial property either in the countryside or the built up area. If appropriate justification was provided and accepted that would only substantiate one dwelling on site. There are two dwellings, one adjoining the site and the other adjacent to this that are within Pinchbeck family ownership that could fulfil that function. This proposal is for a dwelling situated off site.

2.13 In promoting sustainable development in rural areas the NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy COM10 of the Revised Local Plan allows for rural worker housing at or near where they work but subject to there being an evidenced functional need and that there is no other suitable and available alternative existing accommodation within the area. It has nevertheless not been shown that there is a functional need for a new additional dwelling in a position sited in the designated countryside and away from the garage site. Nor has it been demonstrated that there are no other housing opportunities within the settlement or closer to the garage site that could meet any justified need. Overall in this particular instance there is insufficient justification for this proposed dwelling in the designated countryside in relation to the key/rural worker exceptions to the normal development restraint policies.

2.14 **Visual amenity and character – dwelling**

Views of the site are available from the A343. Whilst there is some screening on the side of the A343 this is intermittent and does not prevent the proposed development being seen. The telephone exchange building is located to the north of the site and the neighbouring property, The Warren, is located to the south. Views into the site are of an undeveloped field consisting of a partially open field/animal shelter which is typical of the character of the area along this section of the A343 before entering the village of Over Wallop.

2.15 Due to the visibility of the site, the position of the dwelling on rising land within a rural open and largely undeveloped area outside of the settlement it is considered that the proposed development would be visually intrusive within the landscape, to the detriment of the open rural undeveloped character of the landscape. It would change the character of the area to being far more developed which is at odds with the prevailing existing character. The proposal is therefore contrary to the provision of TVBLP policies SET03, DES01 and DES02.

3.0 **CONCLUSION**

3.1 The principle of this proposed residential development in the countryside is not acceptable, under the provisions of Policy SET03 of the TVBLP. Notwithstanding the NAPC's view that the proposal could be considered as an acceptable key/rural worker dwelling, the proposal fails to comply with the requirements of Local Plan Policies ESN 09 or ESN05 and insufficient justification has been provided to demonstrate why an exception to development plan policy should be made. Also the site is not within a sustainable location and therefore is not in accordance with the guidance contained within the National Planning Policy Framework. The proposal represents an unjustified additional dwelling in the countryside, and by virtue of its prominent location the proposed dwelling would be an intrusive form of development within the landscape and harmful to the rural undeveloped character of the area contrary to Policies SET03, DES01 and DES02.

3.2 As the proposal was contrary to policy and therefore not likely to have been acceptable a legal agreement has not been progressed with the applicant to secure contributions towards mitigating the additional burden that would be placed on existing highways infrastructure from additional trips, and on existing public open space, in lieu of any on site provision. Hence the reasons for refusal 2 and 3 in the Head of Planning and Building's recommendation.

3.3 The impact on neighbouring dwellings, highways and ecology is considered acceptable and the proposal is in accordance with the relevant TVBLP policies in these respects.

4.0 **RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE**
Subject to the completion of a satisfactory legal agreement to secure financial contributions towards off site sustainable transport initiatives and public open space provision,
then PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Local Plan 2006 policy DES07.

3. The development shall not be occupied until space has been laid out and provided for the parking of vehicles in accordance with the approved plan. This space shall thereafter be reserved for such purposes at all times.

Reason: In the interests of highway safety in accordance with Test Valley Borough Local Plan 2006 policies TRA05, TRA09, TRA02.

4. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working at The Garage, Middle Wallop, or a widow or widower of such a person, and to any resident dependants.

Reason: The site is an area where new dwelling units are not normally permitted except where there is an essential need in the interests of providing key/rural worker accommodation in line with the National Planning Policy Framework and the Test Valley Borough Local Plan 2006 policy ESN09.

Notes to applicant:

- 1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.**
- 2. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**

**5.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING
REFUSE for the reasons:**

- 1. The site lies within the delineated countryside as defined by the Test Valley Borough Local Plan 2006 where under policy SET03 development would not normally be permitted unless there was a demonstrable overriding need for the proposal to be so located. No such justification has been demonstrated including in relation to policies ESN05 (Rural Exception Affordable Housing) and ESN09 (Housing for Key Workers in the Countryside) of the Local Plan 2006 so that the proposals also do not comply with these policies. The proposal represents an unjustified additional dwelling in the countryside, and by virtue of its prominent location the proposed dwelling would be an intrusive form of development within the landscape and harmful to the rural undeveloped character of the area contrary to Policies SET03, DES01 and DES02 of Test Valley Borough Local Plan (2006) and the National Planning Policy Framework.**
- 2. No on-site provision of public recreational open space is proposed. There is deficiency within the ward of Informal Recreation and Children's Play Space. No contribution is secured in lieu of on-site provision to mitigate for the additional burden that will be placed on the existing public recreational open space. As such the proposal is considered contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006 and the adopted Supplementary Planning Guidance, Infrastructure and Developer Contributions (February 2009).**

3. **In the absence of a legal agreement to secure financial contributions towards off-site sustainable transport initiatives the development would exacerbate deficiencies in the provision or quality of sustainable transport infrastructure in the area to serve the development. The development would thereby be contrary to policy TRA04 of the adopted Test Valley Borough Local Plan (2006) and Test Valley Borough Council Supplementary Planning Documents - Infrastructure and Developer Contributions, and the Test Valley Access Plan.**

Note to Applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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APPENDIX A

Officer's Report to Northern Area Planning Committee on 8 May 2014

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SITE	Land Adjacent To The Warren, Ringwold Drove, Middle Wallop, SO20 8HR, OVER WALLOP
PROPOSAL	Demolition of barn and erection of key worker/affordable dwelling and installation of sewage treatment plant
AMENDMENTS	None
CASE OFFICER	Mrs Kate Chapman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 The application is presented to the Northern Area Planning Committee at the request of the Ward Member for the reason of considerable interest.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site comprises a grassed paddock/field, surrounded by hedging, with a gated field access onto Ringwold Drove. The site lies approximately 250m outside the village of Middle Wallop, within the open countryside, to the south of the A343. There are some buildings within the vicinity, including The Warren to the south west, and the telephone exchange building to the north east. The access is via Ringwold Drove, a narrow unmade track to the south of the site, which provides vehicular access to the A343.

3.0 PROPOSAL

- 3.1 The proposal is for a single detached 2 storey dwelling within the eastern corner of the site, with the retention of a grassed paddock between the proposed dwelling and highway. The proposed two storey 2 bedroom dwelling has a footprint of around 60 square metres, and would replace an existing open-sided animal shelter. Parking and turning space is proposed forward and to the side of the dwelling and a private drive would run along the edge of the paddock, alongside the Warren, towards Ringwold Drove. The adjoining paddock lies within the red line of the application site, and would therefore form part of the residential curtilage of the property.
- 3.2 The applicant describes the proposal as comprising a dwelling providing housing for a key worker (specifying the proposal is supported by Policy ESN09 of the Local Plan) and an affordable house (for the purposes of Policy ESN05 of the Local Plan). The basis of which is described as having accommodation nearby for the grandson of the owner of a garage complex located south-west of the application site along the A343.

4.0 **HISTORY**

4.1 13/00916/FULLN - Demolish barn and erection of key worker/affordable dwelling and installation of sewage treatment plant – Withdrawn, July 2013.

4.2 TVN.00271/2 - Outline - Erection of house – Refused, October 1993 for the reason;

4.3 TVN.00271/1 - Outline - Erection of bungalow -. Refused – July 1978 for the reason;

4.4 TVN.00271 - The use of the site for the erection of bungalow. Refused – October 1974 for the reason;

5.0 **CONSULTATIONS**

5.1 **Policy – Objection;**

- The application site lies outside of the settlement boundary; therefore the proposed development would be constituted as ‘development in the countryside’ in accordance with Policy SET 03. The proposal would need to comply with criterion b) in that the proposal is of a type appropriate in the countryside as set out in policies referred to in criterion b) of SET 03.
- With regards to Policy ESN 09, criterion b) requires that the accommodation is provided on-site within the existing curtilage. It is noted from the Design and Access Statement that the business E W Pinchbeck & Sons Ltd is located 300m from the application site, therefore the proposal for a key workers dwelling will not be located within the curtilage of the business, therefore the accommodation will not be provided on-site.
- The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 14 highlights what the presumption in favour of sustainable development would mean for decision taking. It is noted that the NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles.
- Paragraph 55 of the NPPF establishes the approach to housing in rural areas.
- Paragraph 47 requires the Council to demonstrate a 5 year housing land supply with a 5% buffer (i.e. 5.25 years) or a 20% buffer (i.e. 6 years) (brought forward from later in the plan period) where there has been a record of persistent under delivery. It has been confirmed through a recent planning appeal in Andover, that a 5% buffer is appropriate for Northern Test Valley.

- As a result of a resolution of NAPC on the 23 January 2014 to permit a scheme which sees a reduction in units from 96 dwellings to 65 dwellings (55 Chantry Street 13/02650/FULLN) the housing land supply position has been revised. The implications of this NAPC resolution is that Northern Test Valley is approximately 30 units short of meeting its 5 years plus 5% target. An undersupply against the requirements of the NPPF is a material consideration. Please note that the Council keeps its housing land supply position under review, therefore the position may be subject to change.
- A net gain of 1 dwelling has a limited impact on the housing land supply position; this has been considered in appeal decisions within the Borough (see application 13/00177/FULLN, paragraph 9). Therefore, the material consideration relating to HLS does not outweigh Policy SET 03.
- Policy ESN 09 criterion a) is consistent with paragraph 55 (bullet point 1) of the NPPF. Paragraph 55 underpins the presumption in favour of sustainable development as outlined in paragraph 14 of the NPPF. It is considered that the application has not demonstrated the essential need for a rural worker therefore not satisfying paragraph 55 (bullet point 1), therefore no weight can be afforded to paragraph 14.

5.2 Housing – Objection;

- The application is submitted for the erection of key worker/affordable dwelling. In order for the dwelling to qualify as an affordable unit, it must be managed and let by a Registered Housing Provider (Housing Association) as stated in the following paragraph taken from National Planning Policy Framework (NPPF) dated March 2012 definition of affordable housing as:
 - *‘Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative housing provision.’*
 - *‘Social rented housing is owned by local authorities and private registered providers for which guidelines target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.’*
- Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

- Furthermore, Test Valley's Affordable Housing Supplementary Planning Document states clearly in point 4.3 that 'Social rented housing will usually be owned by a Registered Social Landlord (RSL) and is then rented to a household on the housing register at an affordable cost. However, this does not preclude social rented housing from being owned by a private developer, provided it is being managed by an RSL or an accredited managing agent.
- The design and access statement refers to a number of Test Valley planning policies as well as the NPPF but none of these are relevant to this application or would over-ride the obstacle outlined above, that the dwellings must be managed and let by a Registered Housing Provider.
- Planning policy ESN05, Rural Exception sites is a policy often successful in the delivery of rural affordable housing but this policy is not site led. Work takes place based upon overall local need for rural affordable homes and with the support of the Parish Council and the Community. Thereafter if appropriate a site selection takes place resulting in a 'sites appraisal' submitted for comments from planners. The process works in partnership with the Parish Council and the Community throughout and should the process result in the delivery of rural affordable dwellings they are allocated to those with a strong local connection with a housing need. Allocations come through Hampshire Home Choice (HHC) choice based lettings system and whilst I acknowledge that the applicant is registered on the HHC housing waiting list, allocations would be based upon local connection and housing need, therefore there is no guarantee the applicant would be in the most need of the dwelling.
- There is undoubtedly a need for affordable dwellings in the village of Middle Wallop but in this instance Housing are not able to support this application as it does not meet the definition of 'affordable housing dwelling'.

5.3 Landscape – Objection;

The site is in a very prominent and visible location set back from the A343 and has a strongly agricultural character and is currently a grassed paddock. Changing a corner of the paddock to residential use would be harmful to the strongly agricultural character of the paddock and a new dwelling in this location would be adverse to visual amenity from the A343.

5.4 Highways – No objection, subject to conditions and subject to the applicant entering into a legal agreement to secure a financial contribution towards highway infrastructure improvements.

5.5 Ecology – No objection

6.0 REPRESENTATIONS Expired 11.04.2014

6.1 x2 letters – Objection – Ringwold Drove and The Warren

- Concerns about increased use of Drove resulting in increased use of a concealed access where several near misses and an accident has occurred. Access onto A343 obscured.

- Positioning of the house – see no reason why the house should be wedged between a private home and the telephone exchange. Could make better use of land available.
- There is a proposal for increased affordable housing in the village which could be taken advantage of if required.
- Sewage plant clearly proposed and could produce undesirable smells for the neighbouring house and for our home.
- Concerns that its proposed position would lead to further requests for planning permission for an increased number of houses on what will be a redundant paddock. Unacceptable for several reasons;
- Access safety
- Nature of the housing currently on the Drove which are substantial and private in nature.
- Concern regarding future requests based on the fact that this is a family concern with potential for the same argument to be made for further development.
- Policy ESN09 is not applicable. The business within the village settlement is not located at land adjacent to the site and is separated by a buffer of agricultural land and paddocks of over 300m.
- Policy ESN05 – Nowhere does it explain how the dwelling will be restricted in perpetuity to an occupation by households with a member in housing need.
- The site should not be considered as an enclave of buildings or regarded as an infill.
- The proposal will change the street scene and make the site appear more visible increasing the risk of crime.
- The formation of a long, hard surfaced drive leading to the property will make access to our own property more visible.
- 13/00916/FULLN – App withdrawn – Current proposal shows no significant or material difference to that application which received objections.
- A previous application for a dwelling on this site was refused because the land lies outside the settlement boundary.
- Design and Access Statement claims no loss of amenity because the existing high hedges will be retained. The hedge sits within the curtilage of our property (being the Warren) and is not within the remit of the applicants agent to make such claims.
- The proposed development is at least twice and in part 3 times the height of the existing structure and roughly twice the footprint in area.
- The dwelling will lie within 7m of our boundary and on higher land and will overlook our property (The Warren).
- Visibility at the access is poor and if the Drove is blocked, eg by delivery, sewage or refuse vehicles, then vehicles may need to reverse onto highway
- There is no provision for pedestrians between the site and village and the route is dangerous, particularly when it is dark, making the site unsuitable for the development. The VDS makes reference to poor visibility on these routes.

- The barn design is not typical of the local buildings or those in immediate vicinity.

7.0 **POLICY**

7.1 Government Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

7.2 Test Valley Borough Local Plan (2006)(TVBLP)

- SET03 (Development in the Countryside)
- DES01 (Landscape Character)
- DES02 (Settlement Character)
- DES05 (Layout and Siting)
- DES06 (Scale, Height and Massing)
- DES07 (Appearance, Details and Materials)
- DES08 (Trees and Hedgerows)
- DES10 (New Landscaping)
- ESN 22 (public recreational open space provision)
- TRA02 (Parking Standards)
- ESN05 (rural exception housing)
- ESN09 (key worker housing)
- ENV01(biodiversity)
- ENV05 (protected species)
- AME01(Privacy and private open space)
- AME02 (Daylight and sunlight)
- AME05 (unpleasant emissions)

7.3 Draft Revised Local Plan (2014)

On the 8 January the Council approved the Revised Local Plan (Regulation 19) for public consultation. It is intended to undertake the statutory 6 week period of public consultation in January and February 2014. At present the document, and its content, represents a direction of travel for the Council. The weight afforded it at this stage is limited. It is not considered that the draft Plan would have any significant bearing on the determination of this application.

7.4 Supplementary Planning Documents (SPD)

- Wallops Village Design Statement
- Affordable Housing
- Infrastructure and Developer Contributions
- Test Valley Access Plan Test Valley Access Plan

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Affordable Housing/Keyworker Housing
- Impacts on highway safety
- Visual amenity and character

- Amenity of neighbouring properties
- Highway safety
- Public Open Space

8.2 **The principle of development**

The site lies outside any settlement boundary, as defined by the Local Plan where there is a general policy of restraint of development. Policy SET03 of the TVBLP 2006 sets out where an exception to the general policy of restraint is allowed for and specifies that development outside the boundaries of settlements will only be permitted where there is an overriding need for the development to be located within the countryside or where it is of a type appropriate within the countryside, as set out in other policies within the Local Plan. The proposal is considered to represent a scheme that neither (a) demonstrates an overriding need, or (b) is not one of the permitted forms of development specified under criterion (b). The proposal is therefore contrary to Policy SET03 of the TVBLP and represents unjustified additional development in the countryside. By way of clarification, the proposal is also for development outside the development frontages (SET06) for Middle Wallop and Nether Wallop. It is not infill housing for planning policy purposes.

8.3 Northern Test Valley has a revised Housing Land Supply (HLS) figure and at present is short of the 5 years plus 5% by 31 units. The NPPF indicates that where Local Authorities do not have adequate HLS then applications should be considered in the context of sustainable development. As set out below, the site is not considered to be in a sustainable location.

8.4 The site is separated from the first property within the village of Over Wallop, as you arrive in the Conservation Area by approximately 250 metres, with the George Inn Public House approximately 100 metres further on. The only available access is along the busy A343, which has a 40mph limit, it is not lit and has no footpath. It is approximately 1.2 km to the school to the south via the road (i.e. not as the crow flies). There is only one shop/post office in the village approximately 1.5 km distant. The church is approximately 1.3 km distant. There are no footpaths to any of these facilities/services or lighting. Wider employment opportunities are limited within the village as it is not a major service centre. Andover is 8.3 km distant. It is noted that there is an hourly bus service that runs to Andover and Winchester although the bus stop is approximately 250 metres from the site. It is also noted that the applicant would work at the car sales garage which is approximately 240 metres distant.

8.5 The local roads do not have a pavement which means that anybody walking would have to do so for some distance along the side of a busy main road and local roads. Whilst the bus service passes the site every hour this alone does not make the site sustainable. It is considered that residents of the dwelling would be very likely to be highly dependent on the private car for transport and that the development would not be sustainable in this respect.

- 8.6 It is not considered that living close by to a current place of work justifies a dwelling contrary to development plan and national policy in an unsustainable location. Access to facilities including healthcare, schools, shops, and leisure would require a number of movements to/from the site which would be greater in number than those saved by living close by to a place of employment. In addition the applicant could change their place of work, or the property could be sold separate from the business. As set out below it is not considered that a further dwelling in the vicinity of the site (there are two owned by the owner of the business adjacent to the site) for security is necessary, and as such a condition to link this property would not be appropriate.
- 8.7 There are not considered to be any ‘other material considerations’ including those set out below, that would justify granting planning permission for a dwelling in an unsustainable location, outside of the defined settlement boundary, or infill frontage boundary, contrary to development plan policies and the requirement for sustainable development within the NPPF.
- 8.8 Commentary on whether the proposal is an “Affordable Housing” scheme
The application is submitted on the basis that it will supply an affordable housing unit. The applicant includes supporting information that promotes the scheme as being compliant with Policies ESN05 of the TVBLP to support the case. The dwelling would be privately owned and is intended for occupation by the applicant. The TVBLP (Figure 6.3) defines what “*affordable housing*” represents. The definition has been updated since 2006, and more recently, the definition contained in the NPPF provides the Government’s intention in this respect. That said however the emphasis of what an “affordable house” represents has not significantly changed between definitions to the point whereby a privately owned dwelling, with no explanation about how the dwelling might be tenured or allocated to potential occupiers on the basis of need, and with no mechanism in place for the dwelling to be retained in perpetuity as an affordable unit of accommodation and for occupation by households with a member in housing need, is not one that represents an “affordable dwelling” for the purposes of Policy ESN05 of the TVBLP.
- 8.9 Commentary on whether the proposal is for a Keyworker
The application seeks to demonstrate that there is a functional need for a member of staff to be resident within close proximity to the applicant’s long established family-owned garage business within Nether Wallop, under the provisions of TVBLP Policy ESN09. The emphasis of the evidence is that it is necessary for the applicant to respond to out of hours emergencies such as theft or damage at the garage. The garage site is circa 300m to the south west of the application site alongside the busy A343. There are no pedestrian facilities alongside this road.
- 8.10 There is no definition of a “key worker” in the TVBLP although the supporting text to Policy ESN09 indicates that examples of such workers may arise from boarding schools and nursing homes located in countryside locations.

The emphasis is in equating an operational requirement for an employer with a functional requirement for on-site accommodation. If the proposal is to be seen as fulfilling the 'key-worker' criteria, policy ESN09 provides for a framework to assess such proposal. It states that dwellings for essential workers will only be permitted where;

- a) it is justified for operational reasons that the worker is resident on site;
- b) the provision should be within the curtilage; and
- c) any new building does not detract from the character of the existing buildings or surrounding area or the amenities of nearby residents.

- 8.11 The application does not refer to any other properties that may exist in the immediate vicinity of the site which could provide (or continue to provide) for the same operational requirement for the garage as the dwelling being proposed. There are two dwellings adjacent to the garage with at least one owned by the owner of the garage. Neither is there an explanation that if such alternative(s) exists, that these are, in some way, not sufficient to meet the operational requirement of the garage. The proposed dwelling is not contained in the curtilage of the garage (criterion B), and an assessment of the resultant impact on the countryside is made in the following paragraphs (see Para 8.6). The proposal does not fulfil any of the criteria in Policy ESN09.
- 8.12 Policy ESN 09 criterion a) is consistent with paragraph 55 of the NPPF. This underpins the presumption in favour of sustainable development however states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as; the essential need for a rural worker to live permanently at or near their place of work in the countryside. As set out above it has not been demonstrated that there is an essential need.
- 8.13 **Impact on highway safety**
The proposal is for a new dwelling, off Ringwold Drove, an existing unmade track which provides access onto the A343 to the south west. Adequate parking, turning and cycle provision can be accommodated within the site and the Highway Engineer is satisfied that visibility splays of 2m x 120m x 1m can be provided at the access, where the drove joins the public highway. There are no objections to the proposal from the Highway Engineer and conditions could be applied to secure adequate parking provision, turning space and visibility splays.
- 8.14 Contribution
The proposed development is a travel generating development, which would place an additional demand on the existing transport network. In accordance with Policy TRA04 of the TVBLP and the adopted Infrastructure and Developer Contributions (February 2009) SPD a requirement for a financial contributions would be sought. The Test Valley Access Plan SPD (July 2012) sets out methods for improving sustainable access within the Borough. As the recommendation is for refusal, the requisite legal agreement to secure the necessary contributions has not been pursued with the applicant.

Where the development is unacceptable in other respects, a legal agreement to secure the necessary contributions is not secured. Without an agreement to secure a contribution, the proposal is contrary to policy TRA01, TRA04, and TRA09 of the Borough Local Plan adopted Infrastructure and Developer Contributions (February 2009), the Test Valley Access Plan SPD, and would result in an unmitigated burden on the highway network. The recommendation reflects this.

8.15 In considering the need for developer contributions towards mitigating for the impact of development on the highway network due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, as repeated within the NPPF, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The need for such a contribution is as set out above where without a contribution the development would place an unmitigated burden on the highway network. The contribution would be towards traffic calming/management measures along Station Road and Salisbury Lane.

8.16 **Visual amenity and character - dwelling**

The proposal is for a modest two storey dwelling on the site, set back from the frontage beyond an existing open paddock. The dwelling would lie between the existing dwelling at The Warren and a telephone exchange building to the north. It would replace an existing, partially open, field/animal shelter. The building would have timber clad elevations and a slate pitched roof. Due to the visibility of the site, the position of the dwelling on rising land within a rural, open and largely undeveloped area it is considered that the proposed development would be visually intrusive within the landscape, to the detriment of the open rural undeveloped character of the landscape. The proposal is therefore contrary to the provisions of TVBLP Policies SET03, DES01 and DES02.

8.17 **Visual amenity and character – garden/paddock area**

The application site (red-edge) includes land currently used as a paddock which runs adjacent to the road frontage. The block plan suggests that this would remain as a paddock and would not therefore form part of the garden to the new dwelling. Subject to a condition to ensure that the use of this land will remain as paddock (as opposed to the garden of the new dwelling) it is considered that the proposal in this respect would have a neutral effect on the character and appearance of the countryside in this location.

8.18 **Impact on the amenities of neighbouring properties**

There are objections to the proposal from the neighbouring resident at the Warren, on the grounds of overlooking. No windows are proposed within the south west elevation of the building, which faces towards the Warren,

and any overlooking to this property from the proposed dwelling would be at an oblique angle towards the rearmost part of the private garden. The proposal would not result in an unacceptable loss of privacy or light to the occupiers of neighbouring properties. The sewage treatment plant is proposed to be located well within the site and should not give rise to undue odours for neighbouring properties. The proposals are considered to comply with TVBLP Policies AME01, AME02 and AME05 in the above respects.

8.19 Public Open Space Provision

Policy ESN 22 of the Borough Local Plan requires the provision of public open space where there is a net increase in dwellings to ensure that development does not cause or exacerbate deficiencies in the general provision or quality of recreational open space. There is a deficit of informal recreation and children's play space within the Wallops. The supporting text to the policy indicates that where no on-site provision is provided financial contributions towards such provision may be sought. No on-site public open space is proposed. The contributions would be put towards funding relevant schemes that have been identified in the vicinity to support the implementation of the Council's Green Spaces Strategy. As the proposals are being recommended for refusal, a legal agreement to secure the necessary contributions towards off site open space has not been pursued with the applicant. Accordingly the proposal is contrary to policy ESN22 of the Borough Local Plan and the adopted Infrastructure and Developer Contributions (February 2009) SPD.

8.20 In considering the need for developer contributions towards mitigating for the additional burden on the existing public recreational open space provision (policy ESN22) and local highway infrastructure (TRA04), due consideration has been given to the three tests as set out within the Community Infrastructure Levy Regulations 2010, as repeated within the NPPF, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The need for such a contribution is as set out above, as is the location of the works, which are the nearest forms of that provision, and are therefore considered directly related to the development. The level of contribution is based on the number of persons likely to occupy the dwelling and would be fair and reasonable in scale and kind. The recommendation reflects this position.

9.0 CONCLUSION

9.1 The principle of residential development in the countryside is not acceptable, under the provisions of Policy SET03 of the TVBLP. The proposal fails to comply with the requirements of Local Plan Policies ESN 09 or ESN05 and insufficient justification has been provided to demonstrate why an exception to development plan policy should be made.

9.2 The proposal represents an unjustified additional dwelling in the countryside, and by virtue of its prominent location the proposed dwelling would be an intrusive form of development within the landscape and harmful to the rural undeveloped character of the area contrary to Policies SET03, DES01 and DES02.

- 9.3 Northern Test Valley does not at present have a 5 year HLS plus 5% as required by the NPPF. The National Planning Policy Framework has a presumption in favour of sustainable development when Local Authorities do not have an adequate HLS. However it is considered that the site is not within a sustainable location. As the proposed new dwelling is not in a sustainable location its refusal in accordance with Local Plan policy is not in conflict with the guidance contained within the National Planning Policy Framework.
- 9.4 By virtue of the proposal being unacceptable in other regards a legal agreement has not been progressed with the applicant to secure contributions towards mitigating the additional burden that would be placed on existing highways infrastructure from additional trips, and on existing public open space, in lieu of any on site provision.
- 9.5 The impact on neighbouring dwellings, highways and ecology is considered acceptable and the proposal is in accordance with the relevant TVBLP policies in these respects.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

- 1. The site lies within the delineated countryside as defined by the Test Valley Borough Local Plan 2006 where under policy SET03 development would not normally be permitted unless there was a demonstrable overriding need for the proposal to be so located. No such justification has been demonstrated including in relation to policies ESN05 (Rural Exception Affordable Housing) and ESN09 (Housing for Key Workers in the Countryside) of the Local Plan 2006 so that the proposals also do not comply with these policies. The proposal represents an unjustified additional dwelling in the countryside, and by virtue of its prominent location the proposed dwelling would be an intrusive form of development within the landscape and harmful to the rural undeveloped character of the area contrary to Policies SET03, DES01 and DES02 of Test Valley Borough Local Plan (2006) and the National Planning Policy Framework.**
- 2. No on-site provision of public recreational open space is proposed. There is deficiency within the ward of Informal Recreation and Children's Play Space. No contribution is secured in lieu of on-site provision to mitigate for the additional burden that will be placed on the existing public recreational open space. As such the proposal is considered contrary to Policy ESN22 of the Test Valley Borough Local Plan 2006 and the adopted Supplementary Planning Guidance, Infrastructure and Developer Contributions (February 2009).**

- 3. In the absence of a legal agreement to secure financial contributions towards off-site sustainable transport initiatives the development would exacerbate deficiencies in the provision or quality of sustainable transport infrastructure in the area to serve the development. The development would thereby be contrary to policy TRA04 of the adopted Test Valley Borough Local Plan (2006) and Test Valley Borough Council Supplementary Planning Documents - Infrastructure and Developer Contributions, and the Test Valley Access Plan.**

Note to Applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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APPENDIX B

Officer's update report to Northern Area Planning Committee on 8 May 2014

APPLICATION NO.	14/00521/FULLN
SITE	Land Adjacent To The Warren, Ringwold Drove, Middle Wallop, SO20 8HR, OVER WALLOP
COMMITTEE DATE	8 May 2014
ITEM NO.	10.
PAGE NO.	70-82

1.0 REPRESENTATIONS

1.1 Over Wallop Parish Council – No comment

ADDITIONAL INFORMATION

Comments have been submitted by the agent in support of the application. These are set out below;

- The inference is that we have not demonstrated the essential need for a rural worker. I would dispute this. Para 55 of the NPPF is below.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside;

- Our application is quite clear in that the applicant is employed by the family business which is a kingpin of the local community. Mr Pinchbeck is the third generation to be involved in the management of the business and therefore he is an integral part of it. He has worked hard and gained the necessary qualifications to be involved in the business, especially on the technical side. His position in the business is not a fleeting fancy – it is a job for life and as stated he is now the official keyholder for the business. You will have seen the letter attached to Design and Access Statement where his grandfather, Mr E Pinchbeck, publicly states the importance of the applicant's position to the future of the business. Joel is truly a 'key worker' in this rural community.
- The Committee report states that the TCBLP does not have a definition of Key Worker. I would suggest that there are many key people working in commercial organisations who provide essential services in rural areas and in this case, the garage/shop is such an example.

- Your e-mail refers to Para 55 of the NPPF. This is to do with new ISOLATED homes in the countryside. I would dispute that the application site is isolated. It is a mere 240 m from the centre of the village and amongst other houses and commercial buildings. It is linked to the garage (which includes a shop) by the local footpath so there is no need to use either a car or the main road to get to work. The site is only a few minutes' walk from the garage, shop, pub and bus stop. This makes the application site truly sustainable in this exception case.
- You also refer to an appeal regarding previous application 13/00177/FULLN which relates to an application in another area of Northern Test valley. This is a different situation and an Inspector on an appeal to this application (should it be refused) may well take a differing view. It is our opinion that every additional home helps to make good a shortfall in the HLS.
- I have read the committee report for the above application and note that you say that there are no footpaths to any of the facilities in The Wallops. I would point out that there is a foot path from the application site to the garage. It does not go along the road but is a safe way to walk between the site and garage/shop/pub. The village hall is just across the road from the pub. The application site is more central in the Wallops than most of the homes. I attach a map showing the footpath route.

2.0 **PLANNING CONSIDERATIONS**

2.1 **The Principle of development**

Housing Land Supply

There is an update to the Northern Test Valley Housing Land Supply (HLS) figure referred to in paragraphs 5.1,8.3 and 9.3 of the main agenda report Land supply. The HLS figure has recently been updated. The National Planning Policy Framework (NPPF), under paragraph 47, requires authorities to have a 5 years, plus 5% supply of housing land, increasing to 5 years, plus 20% where a record of persistent under delivery is demonstrated. For northern Test Valley, based on past delivery, only a 5% buffer is triggered (i.e. 5.25 years supply is required).

- 2.2 The Council's current position for Northern Test Valley is that the requirement, as set out in paragraph 47 of the NPPF, has been met and exceeded. A land supply of 5.57 can be identified based on current information relating to forecasted delivery rates on permitted sites, windfalls sites and those Strategic Housing Land Availability Assessment (SHLAA) sites which are acceptable in principle.
- 2.3 The agent refers to the sustainability of the development and a footpath which would provide access to the garage and other facilities other than using the A343. This footpath is not identified as a public right of way and would be across land that is not within the ownership of the applicant. Further consideration of the sustainability of the site is set out within 8.4-8.6 of the main agenda report.

2.4 Commentary on whether the proposal is for a keyworker

Comments have been submitted by the agent regarding keyworker housing. Consideration of the proposal against policy ESN09 and the NPPF are set out within paragraphs 8.9-8.12 of the main agenda report.

3.0 **AMENDED RECOMMENDATION**

No Change
