
Appeal Decision

Site visit made on 3 November 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/B1740/W/16/3152473

120 Commercial Road, Totton, Hampshire S040 3AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Cynthia Newman against the decision of New Forest District Council.
 - The application Ref 15/11545, dated 19 October 2015, was refused by notice dated 14 January 2016.
 - The development proposed is the demolition of an existing building, the clearance of a site and the change of use to open car sales and waiting for repairs.
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Decision

1. The appeal is dismissed.

Main Issues

1. The main issues are (a) whether there would be a loss of a community service (b) effect of the proposal on an employment and business site and (c) the character and appearance of the area.

Reasons

Community Service

2. The current tenant, Headway Southampton, is a local autonomous charity which operates a day health service for clients with brain injuries, and provides information and support for those affected. Additionally, it is indicated that the organisation is managed and run from the site.
 3. Policy CS8 of the New Forest District Council Core Strategy (CS) (Outside of the National Forest) 2009 states that there will be a presumption against any development that involves the loss of education, health, social, and other publicly provided community services, except where it is part of a service providers plans to provide improved local services in equally accessible services. The explanatory text of the policy states community services and facilities include education, health and social services, public and emergency services, village halls, community building, social clubs, libraries, cultural facilities, places of worship, allotments and cemeteries.
 4. The service provided by the charity covers Southampton and South West Hampshire, including the New Forest. The majority of clients for the daily day service have also been stated to come from outside of Southampton. Information of the current clients of the facility also indicates that most come
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from outside of a five mile radius of the site. There has been considerable objection from supporters of the charity which in many cases also indicates clients come from a wide area and the site has good bus and rail links to facilitate this.

5. Therefore, the service provided covers a wide area. However, based on the evidence before me, the charity rehabilitates clients to be able to participate in the local communities as well as providing support for carers and families. As part of this, clients are encouraged to make use of local shops, cafes and community facilities. There is some dispute over whether the service is publicly provided. However, the financial information submitted by the appellant is for the UK-wide Headway charity, which Headway Southampton is affiliated to only. Moreover, the local charity indicates that its funding comes from Southampton City and Hampshire County Councils, and two clinical commissioning groups, West Hampshire and Fareham. In the last financial year, it is indicated that most of its income came from its provision of day services and most of this was public funded. On this basis, the service is publicly provided community service in accordance with CS Policy CS8.
6. Planning is concerned with the use of the site but the planning permission for the site allows for Class D1 (Non-Residential Institutions) uses as set out in the Town and Country Planning Use Classes Order 1987 (as amended) which covers uses capable of providing a community service as set out in CS Policy CS8. This use would be lost with the proposed change of use. Given the presumption against the loss of a community service within CS Policy CS8, there would be a policy conflict for all these reasons. Furthermore, CS Policy CS10 sets out a spatial strategy to help the needs of local communities and the local economy. By reason of the loss of the site's use, the continued provision of a good range of community facilities and services would not be secured under a policy consideration of this policy and therefore, there would also be a policy conflict with CS Policy CS10.

Employment site

7. The appeal site comprises a 2 storey building of approximately 210m² with a forecourt, partly landscaped, and a car parking area. The proposal would result in the demolition of the building, the clearance of the site and the re-surfacing for the use of car sales and cars awaiting repair and servicing.
8. The proposal would result in the demolition of an existing building providing employment and replacement with hard-surfacing to be used for the parking of cars. The appellant indicates that the development would enable a neighbouring garage to expand but it is only stated potentially more staff could be taken on. CS Policy CS10 sets out a spatial strategy to provide for sustainable development to help the needs of local communities and the local economy and sets out several policy considerations including that existing employment and business sites be retained. In light of the appellant's comments, there is no certainty that there would be any employment associated with the site. For all these reasons, I am not persuaded that an employment and business site would be retained.
9. CS Policy CS17 sets out an employment and economic development strategy which also sets out various policy considerations, including that employment sites be kept. For the reasons given above, I am not persuaded that this would occur.

Character and appearance

10. The site is on a prominent and a principal route into Totton. The removal of the existing building would open views of the site to industrial buildings behind and the construction of hard-surfacing would remove boundary hedging and trees on the frontage of the site.
11. The hedgerow and trees provide some visual interest and there is some landscaping within the frontage of a restaurant site opposite. Nevertheless the loss of landscaping would not be significant given the heavily built-up urban character and appearance of this part of Totton. Furthermore, the car parking area would not be out of keeping given the commercial nature of adjacent units, with similar parking areas.
12. In conclusion, the development would not harm the character and appearance of the area. The proposal would comply with CS Policy CS2, which collectively and amongst other matters, requires development to be well-designed to respect the character, identity and context and contribute to local distinctiveness and a sense of place.

Other matters

13. It has been indicated that the site would benefit a neighbouring prosperous garage and would contribute to the local economy. Furthermore redevelopment of the site would help future plans for the area with the appellant controlling many of the surrounding properties. However, the proposal would result in the loss of a facility that can provide a community service and employment site. There has been some comment on how planning policies have been considered and the precedent that might be set. However, the proposal before me and its compatibility or otherwise to planning policy has been considered on its particular planning merits. There has been a dispute between the landlord and tenant but this is matter between affected parties and is not of overriding significance.

Conclusion

14. The proposal would conflict with CS Policies CS8, CS10 and CS17 having regard to provision of a community service and retention of an employment and business site. The proposal would comply with CS Policy CS2 having regard to character and appearance. Additionally, the proposal complies with New Forest District Council Local Plan Part 2 (Outside the National Park) 2014 Policy DM16 which allows for the development of retail uses, such as car sales, within this location. However, I attach substantial importance and significance to the policy conflicts of CS8, CS10 and CS17 by reason of the identified adverse impacts for the reasons previously indicated. Therefore, looking at the proposal in the round, the proposal would be contrary to the development plan. There are no other material considerations to outweigh the development plan conflict identified.
15. As to human rights, the appellant has referred to a right to develop the site but this must be weighed against the wider public interest. For the reasons given, the proposal would be harmful and I consider the protection of the public interest cannot be achieved by means that are less interfering and this decision is proportionate in the circumstances of the case.

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR