

Appeal Decision

Site visit made on 20 March 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 7th April 2017

Appeal Ref: APP/M1710/W/16/3164816

Land adjacent to Bentley Industrial Estate, Main Road, Bentley, Farnham, Hampshire GU10 5NJ

- 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 C Y Homes Ltd against the decision of East Hampshire District Council.
 - The application Ref 49352/006, dated 28 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is described on the application forms as the erection of 8 dwellings together with provision of footpath link, car parking and associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the existing car park serving the 'The Star' public house, and whether or not the proposed development would be of a sustainable and inclusive design, with particular regard to access.

Reasons

Existing car park

3. The proposal would provide a dedicated footpath link between the main part of the appeal development and Main Road. The plan which the Council determined the application on included a two metre wide footpath link which would be sited alongside 1 Poplar Cottages. There would also be a line of timber bollards which would separate the footpath from the altered car park.
 4. The submitted plan had an aisle width of around five metres to serve the parking spaces in the altered car park. It is noted that no evidence has been presented which counters the Council's concern over the reduced width of the access aisle and its resultant impact on the usability of the spaces, together with the likely increase in parking on the public highway, the sub-standard design, or that it would give rise to harm to highway safety. Given the above, I have no reason to disagree with the Council's view.
 5. However, as part of the Appellants appeal statement a revised plan was submitted which reduced the width of the footpath to 1.91 metres including the
-

bollards. The plan also increased the width of the access isle to the parking spaces to six metres with the east side parking spaces being moved so that they abutted the industrial units. Along the rear of these units are two outward opening doors, an air conditioning unit and guttering.

6. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
7. Notwithstanding that, in deciding whether to accept the revised plan, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur.
8. The Appellants statement sets out (at para 5.11) that certain structures and features would need to be removed or re-sited. Matters specifically mentioned include the re-siting of the telegraph pole, removal of a tree, the re-siting of an air conditioning unit and the raising of some of the guttering. However, no mention is made of the need to remove the doors or the implications of having them obstructed by parked vehicles.
9. This matter was picked up by the Council, and some interested parties, during the appeal consultation stage. However, it is unclear whether any of those interested parties are also the occupiers of the industrial units. With that in mind, I am not convinced that no prejudice would occur and therefore I give the amended plan very little weight. I have therefore determined the appeal on the basis of the plans considered by the Council in their original decision.
10. For the above reasons, the proposal would be detrimental to highway safety and would conflict with Policy CP31 of the adopted East Hampshire District Local Plan Joint Core Strategy 2014 (JCS) which amongst other matters seeks to ensure that proposals have a suitable highway design which meets the need for safety without detriment to the quality of the environment.

Sustainable and inclusive design

11. The submitted drawings include a 2 metre wide footpath between the main part of the site and Main Road. From the previous appeal decision¹ for a similar development on this site I note that the Highway Authority would recommend a clear 2 metre wide footpath but would accept a width of 1.5 metres as a minimum.
12. To my mind, the location and width of the footpath would provide a convenient and suitable pedestrian route to Main Road and would minimise pedestrian flow through the industrial estate which with its lack of footway would be a highly undesirable proposition.
13. In relation to the legibility of the vehicular access through the industrial estate, these matters were considered in the previous appeal decision. Whilst accessing a residential development through an industrial site is not ideal, that

¹ APP/M1710/W/16/3145327

does not necessarily make it unacceptable. Taking the previous decision into account, having the vehicular route for this development through this small industrial estate does not give rise to such harm which would warrant the withholding of planning permission.

14. For the above reasons the development would provide a suitable pedestrian access to Main Road and would represent a sustainable and inclusive design for all its users. It would therefore accord with Policy CP29 of the JCS which amongst other matters seeks to provide good design, provide safe and convenient pedestrian links to integrate with the existing pedestrian network and to improve access for people with impaired mobility.

Other matters

15. The appeal site is located close to the Bentley Conservation Area. Given the location of the site, and the surrounding existing development, there would be little restriction on views into and out of the Conservation Area. I therefore conclude that its setting would not be harmed.
16. I have also had regard to the representations made including matters such as the effect on Poplar Cottages, Flood and drainage matters, noise, ecology, pressure on local facilities, parking and additional traffic and the Bentley Neighbourhood Plan.
17. Some of the issues raised could be dealt with by means of suitably worded planning conditions such as matters relating to drainage, noise and ecology. To my mind, the other matters do not add to the harm I have already found.

Conclusion

18. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR