
Appeal Decision

Site visit made on 12 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 9th January 2018

Appeal Ref: APP/C1760/W/17/3181361

Land Adjacent to Mannyngham Way, New Road, Timsbury SO51 0NJ

- 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 Mr G Bond, Haines Construction Ltd against the decision of Test Valley Borough Council.
 - The application Ref 16/03004/FULLS, dated 16 November 2016, was refused by notice dated 19 May 2017.
 - The development proposed is a new access, gate and boundary fencing.
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Decision

1. The appeal is allowed and planning permission is granted for a new access, gate and boundary fencing at Land Adjacent to Mannyngham Way, New Road, Timsbury SO51 0NJ in accordance with the terms of the application, Ref 16/03004/FULLS, dated 16 November 2016, subject to the following condition.

The boundary fencing hereby permitted shall be carried out in accordance with drawing numbers TV-AJW-611.2 D and TV-AJW-611.3 C.

Preliminary Matter

2. Works to install the new access and gate have already been carried out. Accordingly, I have dealt with that part of the proposal retrospectively.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area, including the local landscape.

Reasons

4. The appeal site is located on New Road and previously formed part of a larger agricultural field which has been subdivided into 21 separate plots with newly planted hedging delineating the boundary. The site is subject to a direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 which restricts certain permitted development rights including the erection, construction, maintenance, improvement or alteration of a gate, fence or other means of enclosure and requires such development to first obtain the approval of the Council.
5. In addition to the works already carried out to create the new gated access, the proposal would involve the erection of a 1.2 metre high post and wire fence around the boundary of the site. The Council has raised concerns regarding the

impact of the proposal on the character and appearance of the surrounding area.

6. Policy E1 of the Test Valley Borough Revised Local Plan (2016) (LP) permits development if it is of a high quality design, respects local distinctiveness and integrates, respects and complements the character of the area in which it is located. Furthermore, Policy E2 of the LP permits development provided that, amongst other things, it does not have a detrimental impact on the appearance of the immediate area or the landscape character of the area within which it is located.
7. I viewed the site from a number of vantage points including along New Road and the nearby footpath to the North. It was clear that both the gate and access appear well integrated into the surroundings and have very little impact on the rural character of the area. While I acknowledge that the boundary hedgerow running along New Road makes a positive contribution to its surroundings, the addition of a modest agricultural access, with its gate in line with the existing hedge, has only a limited impact on the character of the surroundings. Such accesses are a recognised feature of rural landscapes and it integrates well into the surroundings appearing neither prominent nor incongruous within its setting. Likewise, in terms of the proposed fence, even if the newly planted hedging were to be removed, its visibility within the wider landscape would be limited and any impact on the open character of the surroundings would be marginal.
8. While I note the recommendations of the Michaelmersh and Timsbury Village Design Statement (VDS)¹, the insertion of a modest agricultural access and gate does not, in my view, materially alter the character of and appearance of New Road or the wider landscape. Similarly, the addition of a modest post and wire fence along the boundary would have a very limited impact.
9. Consequently, I do not consider the proposal would be harmful to the character and appearance of the surrounding area or the wider landscape. As such, I find no conflict with LP Policies E1 or E2 which, amongst other things, seek to protect against such harm.

Other Matters

10. The Council has also raised concerns regarding the precedent that would be set in the event that the development were permitted. However, while I am mindful that the subdivision of the original field into 21 plots provides some justification for such concerns, the Council will retain sufficient control to guard against such harm by virtue of the Article 4 direction.
11. In reaching my decision, I have noted the concerns of local residents and the Parish Council made both as part of this appeal and at the application stage. Those which relate to the impact on the character and appearance of the surrounding area (including the landscape) have been taken into account in my reasoning above. Furthermore, there is nothing to suggest that the proposal would have a detrimental impact on protected habitats or species and I note that this does not form part of the Council's reasons for refusal.

¹ As well as the concerns regarding hedgerow fragmentation identified in the Test Valley Landscape Character Assessment 2004.

12. Similarly, while I note the concerns of local residents regarding the ability of the land to support grazing and whether there is any demonstrable need for the new access, I do not consider there to be sufficient evidence or any policy justification to withhold planning permission on this basis. In addition, I have seen nothing which would indicate that the proposal would pose any flood risk or would negatively impact on highway safety.

Planning Conditions

13. I have had regard to the planning conditions suggested by the Council. A condition requiring the post and wire fencing to be installed in accordance with the approved plans is necessary in order to provide certainty. However, I consider this can be achieved by means of a single condition and have amended the proposed wording accordingly.

Conclusion

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

Rory Cridland

INSPECTOR