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## Appeal Decision

Site visit made on 11 June 2019

**by Robert Parker BSc (Hons) Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 July 2019**

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**Appeal Ref: APP/C1760/W/18/3209462**

**Bargain Farm, Frogmore Lane, Nursling SO16 0XS**

- 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 Tim Jobling, Trustee of the Barker Mill Estates against the decision of Test Valley Borough Council.
  - The application Ref 17/01600/FULLS, dated 16 June 2017, was refused by notice dated 19 February 2018.
  - The development proposed is the creation of a new access from Frogmore Lane and access spur road into Bargain Farm.
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### Decision

1. The appeal is allowed, and planning permission is granted for the creation of a new access from Frogmore Lane and access spur road into Bargain Farm at Bargain Farm, Frogmore Lane, Nursling SO16 0XS in accordance with the terms of the application, Ref 17/01600/FULLS, dated 16 June 2017, subject to the conditions set out in the attached schedule.

### Main Issue

2. The main issue is whether the proposal complies with the development plan in respect of policy on settlement hierarchy and development in the countryside.

### Reasons

3. The appeal site forms part of a larger parcel of agricultural land which is bounded on all sides by urban development. This land, which is known as Bargain Farm, is identified as countryside within the Test Valley Borough Revised Local Plan 2011-2029 (LP). However, LP Policy LE5 also allocates part of the site for employment uses, with criterion (b) stating that access to the site be provided by vehicular access from Adanac Drive and pedestrian and cycle access from Frogmore Lane. The remainder of the land is identified within LP Policy T3 as a site for a park and ride facility. The policy is not prescriptive in relation to access arrangements, although it does require a detailed transport assessment which takes account of the Strategic and Local Highway Network.
4. Planning permission was refused on the grounds that the proposal would conflict with LP Policy COM02(b). This policy states that development outside the boundaries of settlements in the hierarchy will only be permitted if it is essential for the proposal to be located in the countryside. Although within the countryside for policy purposes, Bargain Farm is also allocated for development and therefore the clear intention is for the land to be urbanised before the end of the plan period.

5. It is contended that the appeal scheme is not essential. However, the redevelopment of the farmstead for housing has removed the original vehicular access into the site. Bargain Farm will therefore require a new access onto the highway network to facilitate its development. The appellant is seeking to deliver this infrastructure in order to provide certainty for potential developers.
6. Outline permission has already been granted for employment development on the western end of the Bargain Farm site and this would have been served by a dedicated access off Adanac Drive. The period for submitting reserved matters has lapsed and therefore the permission is no longer extant. Nevertheless, it is significant that the approved plans made no provision for access through the development into the wider Bargain Farm site. The decision, which post-dates adoption of the LP, is an implicit recognition that another point of vehicular access will be necessary to bring forward the remainder of the site allocation. Notwithstanding its requirement for a pedestrian and cycle access, there is nothing in planning policy to preclude a vehicular access off Frogmore Lane.
7. The Council does not provide any substantive evidence to support its argument that the junction of Frogmore Lane and Brownhill Way is nearing capacity. Furthermore, the evidence presented does not enable me to reach a conclusion on whether Adanac Drive would have the capacity on its own to serve the entire Bargain Farm site. Much will depend upon the future mix of uses and it may be that more than one access point is required.
8. I do not consider that the appeal should turn on highway capacity issues. The Highway Authority assessed the proposal on the basis that it would not attract or generate trips by any mode. This was the correct approach. All subsequent planning applications for Bargain Farm will be required to demonstrate, firstly that the junction form is appropriate to accommodate an agreed quantum of trips and specific vehicles, and secondly that the junction and road link has appropriate capacity to accommodate such developments. This will include an assessment of whether the junction of Frogmore Lane and Brownhill Way is suitable for the number of vehicle movements being generated. Improvements to the local highway network can be secured at that stage if necessary.
9. Various planning applications have already been submitted for the Bargain Farm site, including one for a food store. The Council is concerned that the plans for the latter do not include the access within the application site. However, this does not prevent consideration of whether the spur road and junction being sought under the present appeal are suitable to serve the development.
10. The Council accepts that, when taken in isolation, the proposed access junction and road would not have an adverse impact on the operation, capacity or safety of the highway network. The scheme would comply with LP Policy T1 inasmuch that it would not have a detrimental effect on the highway network. The parties agree that the proposal would not harm the character or appearance of the area. Given that the local plan allocations will most likely result in urban form extinguishing the countryside characteristics of the site, I concur.
11. To conclude, vehicular access is a prerequisite for enabling development on this allocated site, and therefore there would be no conflict with LP Policy COM02 in respect of policy on settlement hierarchy and development in the countryside. The proposal complies with the development plan taken as a whole, and there are no material considerations to justify refusal of permission.

## **Other Matters**

12. The appellant refers to various proposals for the wider Bargain Farm site. It would not be appropriate to prejudge the outcome of pending planning applications and therefore the benefits of these schemes have not had a significant bearing on my decision. That said, the need to bring the site forward for development in line with adopted planning policy carries significant weight.
13. I have noted the discrepancy between LP Policy LE5 and Map H. Paragraph 1.16 of the policy supporting text indicates that in the case of a discrepancy, the written statement prevails over the proposal maps. This reflects Regulation 9(2) of The Town and Country Planning (Local Planning) (England) Regulations 2012. I have attached very limited weight to the map annotation showing an access off Frogmore Lane.

## **Conditions and Conclusion**

14. In addition to the standard commencement condition I have attached conditions securing visibility splays and new hedging behind the splays, in the interests of highway safety and the character and appearance of the area respectively. I have omitted the Council's suggested condition relating to surfacing of the access, as these details have already been provided as part of the application.
15. For the reasons given above I conclude that the appeal should be allowed.

*Robert Parker*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The access hereby permitted shall not be brought into use until visibility splays of 2.4 metres by 43 metres have been provided. Within these visibility splays, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the adjacent carriageway at any time. The splays shall be maintained in accordance with these requirements for the lifetime of the development.
- 3) The access hereby permitted shall not be brought into use until a boundary hedgerow, of a specification to be first agreed in writing by the local planning authority, has been planted to replace any existing hedgerow lost to provide the required visibility splays. Any plants which die, or are removed or become diseased or damaged, during the first five years shall be replaced in the next planting season.

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