



Appeal Decision

Site visit made on 1 July 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/C1760/W/19/3222016

Bargain Farm, Frogmore Lane, Nursling, Southampton 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 James Mitchell, Lidl UK, against the decision of Test Valley Borough Council.
 - The application Ref 18/01484/FULLS, dated 8 June 2018, was refused by notice dated 7 August 2018.
 - The development proposed is the creation of a new access from Frogmore Lane and access spur road into Bargain Farm.
-

Decision

1. The appeal is allowed, and planning permission is granted for a new access from Frogmore Lane and access spur road into Bargain Farm at Bargain Farm, Frogmore Lane, Nursling, Southampton SO16 0XS in accordance with the terms of the application, Ref 18/01484/FULLS, dated 8 June 2018, and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Main issue

2. This is whether, with regard to the development plan's control over development in the countryside, the location of the development would be appropriate.

Reasons

3. During the course of this appeal, an appeal¹ on the same site, for a similar development, was allowed. In light of that planning permission, the Council has withdrawn its sole reason for refusal. I have no reason to disagree with the Council's position. Nor, having considered the findings of the Inspector in that appeal, whose main issue ran parallel to the issue in this case, together with the representations of Nursling and Rownhams Parish Council and neighbours, is there any substantive evidence to lead me to an alternative to the conclusion that this appeal too should be allowed. To do otherwise would be to reach an inconsistent and unreasonable decision, and to undermine certainty in the planning system.

¹ Appeal Ref: APP/C1760/W/18/3209462 of 10 July 2019

Conditions and conclusion

4. I have considered the conditions suggested by the Council. In addition to the statutory time condition (1), it is necessary for certainty to include a plans condition (2). For safety, the visibility splays indicated should be provided as a condition of development (3), however they do not need to be constructed any earlier than before the first use of the access. To safeguard the appearance of the area, a condition (4) to replace hedgerow lost in forming the visibility splays is required. The suggested condition for surfacing is unnecessary as the drawings indicate a bound finish. Given the limited extent of the development and its nature, I consider that no other conditions are necessary to make it acceptable in planning terms. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Whelan

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:

5847.001 Rev A	Site Location Plan
5847.002 Rev B	Autotrack Swept Paths
5847.003 Rev B	Access Road Scheme Layout
5847.004 Rev A	Autotrack Swept Paths
5847.005	Access Road Clearance Layout
5847.006	Access Road Surface Finishes Layout
5847.007	Access Road Signs and Markings Layout
5847.008	Access Road Drainage
5847.009	Access Road Levels Layout
5847.010	Access Road Construction Details
5847.011	Vertical Profiles Layout
5847.012	Cross Section
5847.013	Construction Details
- 3) Before the access hereby permitted is first used, visibility splays of 2.4m by 43m as shown on drawing 5847.003 Rev B Access Road Scheme Layout shall be constructed, and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1m above the level of the existing carriageway at any time.
- 4) Before the access hereby permitted is first used, a means of boundary hedgerow planting, of a type to be agreed in writing by the Local Planning Authority, shall be planted to replace any existing hedgerow lost in forming the required visibility splays. Any plants which die during the first five years shall be replaced in the next planting season.

END OF SCHEDULE OF CONDITIONS