



Appeal Decision

Hearing Held on 2 July 2019

Site visit made on 2 July 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/W1715/W/18/3207484

Thorneydown Farm, Moorhill Road, Southampton SO30 3AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Messers J & J Mobey against Eastleigh Borough Council.
 - The application Ref F/17/81667, is dated 9 October 2017.
 - The development proposed is creation of a landscaped embankment; demolition of existing buildings and the creation of a new detached 2 storey building comprising offices and storage areas, erection of a detached workshop and the change of use to display and caravan sales with associated office and workshop.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a landscaped embankment; demolition of existing buildings and the creation of a new detached 2 storey building comprising offices and storage areas, erection of a detached workshop and the change of use to display and caravan sales with associated office and workshop at Thorneydown Farm, Moorhill Road, Southampton SO30 3AY in accordance with the terms of the application, Ref F/17/81667, is dated 9 October 2017, subject to the conditions in the attached schedule.

Preliminary matter

2. Part of the works within the description of development, namely the creation of a landscaped embankment, have commenced. Therefore the development has been partially implemented and I have had consideration of this when considering the appeal.

Main Issue

3. Following the discussion at the hearing I consider the main issue to be the effect of the proposal on the character and appearance of the area, with particular regard to its location within the strategic gap.

Reasons

4. The appeal site is located immediately adjacent to Moorhill Road. There is some established planting and mature trees along the front boundary, however the site is also visibly permeable in places which allows long reaching views across the wider landscape towards the M27. The land adjacent to the site gently

slopes away and creates a softly undulating character, which is open and interspersed with mature trees and hedgerows.

5. The appeal site includes a number of existing dilapidated and vacant buildings. The adjacent farmhouse is derelict, however it does not form part of the appeal proposal, the appeal site includes the area of the wider site that is closer to the roundabout. I shall return to the relevance of the farmhouse later in my decision.
6. The use of the site would include the sale and maintenance of caravans. The caravans would be arranged in a slightly sporadic way, with the intention to create a less formal and rigid experience. Due to the topography of the land the caravans would be sited slightly lower than the adjacent highway, and with the addition of landscaping the caravans would be largely screened from the public realm. There would be some hardstanding, however this would be interspersed with large areas of soft landscaping and grassed areas which would retain a rural element to the site, and this would be an improvement on the historic and existing appearance of the site. The renewed use of the site would be seen within the context of the existing and established development along Moorhill Road, and adjacent to land associated with a large golf club. This reinvigorated and carefully designed site would not appear alien or incongruous, and would be a clear improvement on the current experience of the land.
7. Whilst I accept that the general concept of caravan sales is a site with caravans lined up, similar to a car sales site, and this creates a rather industrial image, this does not have to be the case for all sites. The approach of replicating a more natural and spacious environment for sales would be a welcome and creative use of the site. The additional landscaping and green buffer zone would enhance the site, and the use of the land for the siting of caravans would keep the structural element of the site more temporary in nature as it would avoid significant permanent structures, which could be erected pursuant to the lawful use of the site.
8. The concept of the strategic gap clearly serves a purpose in ensuring that development does not encroach into carefully selected areas of open land that play an active role in retaining the separation of urban form. However, the appeal site in its current state does not actively contribute to the purpose of including land in the strategic gap as it contains a number of buildings and is not entirely visually permeable. It therefore has an existing developed character which does not enhance the openness of the land further within the gap. With regards to the proposal before me I consider that the use of the land for caravan sales and maintenance would not result in harm to the character of the area, the visual openness of the wider landscape, or the functional purpose that it serves in restricting the sprawl of development. The site is well contained, and with the use of the existing boundaries and further landscaping, alongside the change in land levels, the proposed use of the site would not result in harm to the character of the area.
9. Due to the location of the site I find that the use would conflict with Policy 1.CO of the Eastleigh Borough Local Plan Review (2006) (the Local Plan) as it would not meet the specific criteria set out in that policy with regards to the development on sites outside of the urban edge. However, I find that the proposal would not conflict with the aim of Policy 2.CO which restricts

development which would physically or visually diminish a strategic gap. It would not result in harm to the character of the area, and would result in the reuse of a currently dilapidated site, it would therefore comply with Policies 18.CO and 59.BE of the Local Plan which restrict developments that may affect the landscape character of the area, and require development to take account of the site context and layout. The use of the site would comply with the provisions of Policies 5.CO and 10.CO of the Local Plan which permit farm diversification and the replacement of non-residential buildings in the countryside.

Other matters

10. The appeal site has an existing access onto the highway. Whilst there are some large trees located between the access and the roundabout, the canopies are not within sightlines for drivers of vehicles travelling along the highway or entering and existing the site. Vehicles generally travel at a lower speed in close proximity to the roundabout, and I am satisfied that subject to a suitable condition addressing highway matters the development could be accommodated without a risk to highway safety. The proposal would therefore comply with Policy 100.T in supporting the aim of the Borough of Eastleigh Transport Strategy.
11. The farmhouse is currently derelict, however it could in theory be renovated and made habitable. It is a short distance from the proposed workshop and would be the nearest residential property to the site. The noise assessment was discussed at the hearing, and I am satisfied that subject to the compliance with condition restricting the noise levels when taken from the nearest noise sensitive property the proposal would not result in harm to nearby or future occupiers.

Conclusion and conditions

12. The proposal would involve development on a site outside of the urban edge, and there is conflict with the development plan in this regard. However, I have taken account the existing development on site, its lawful use and the principal of additional lawful development within that use, and the absence of harm caused by the proposal to the strategic gap or the character of the landscape and general area. In this particular case these material considerations would outweigh the conflict with the development plan. Accordingly, for the reasons above I conclude that the appeal should be allowed and planning permission granted.
13. The conditions proposed by the council in its statement of case were discussed at the hearing. As the development has been partly implemented it is not suitable to impose a commencement condition, and on the basis of the evidence a condition relating to water quality would not meet the relevant test of necessity.
14. I have specified the plans for certainty. Conditions relating to materials, landscaping and arboriculture matters are necessary in the interest of protecting the character of the area. Conditions relating to a construction method statement, Road Safety Audit and securing visibility splays are necessary in the interests of highway safety. A condition relating to noise is necessary to protect the living conditions of any future occupiers should be the

farmhouse be refurbished and occupied. Ecological conditions are necessary to protect and enhance the natural environment.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be implemented in accordance with the following plans numbered: 17 115 001, 17 115 003, 17 115 004, 17 115 005, 17 115 006, 17 115 007.
- 2) No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - a) measures to control the emission of dust and dirt generated by demolition and construction works, including measures to prevent mud on the highway;
 - b) a scheme for controlling noise and vibration from demolition and construction activities;
 - c) arrangements for the routing/turning of lorries and details for construction traffic access to the site;
 - d) the arrangements for deliveries associated with all construction works. Details to include accessing the site and lorry routing.
- 3) No further works as specified within section 55 of the Town and Country Planning Act 1990 shall be carried out until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall not be brought into use until an independent Stage 1 Road Safety Audit is undertaken, submitted and approved in writing by the Local Planning Authority. Details submitted shall include drawings to indicate 'Keep Clear' markings on Moorhill Road to enable vehicles to turn through queuing traffic into the site. The development shall be carried out and maintained in accordance with the approved details.
- 5) The development hereby permitted shall not be brought into use until a plan showing the visibility splays (at the junction of the access and public highway) have been submitted to and approved in writing by the Local Planning Authority. Nothing over 0.6m in height above the level of the carriageway shall be placed within the approved visibility splay.
- 6) The maintenance of caravans shall only take place within the identified workshop. The level of noise emitted from the site shall not exceed 55dB at any time during the permitted hours as measured at the boundary of the nearest noise sensitive property.
- 7) No further works as specified within section 55 of the Town and Country Planning Act 1990 shall take place on site until an arboricultural method

statement and tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations) is submitted and approved by the LPA. The approved arboricultural method statement and tree protection plan must be adhered to in full.

- 8) No further excavation, demolition or development related works shall be carried out until evidence has been submitted and approved by the LPA that the tree protection measures have been installed, as detailed in the tree protection plan. Once approved, no access by vehicles or placement of goods, chemicals, fuels, soil or other materials shall take place within the fenced area. Tree protection measures shall be retained in their approved form for the duration of the work. This condition may only be fully discharged upon completion of the proposed development, subject to agreed supervision statements.
- 9) No further works as specified within section 55 of the Town and Country Planning Act 1990 shall start until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping (including trees and boundary treatment) and shall provide details for timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard.
- 10) For a period of no less than 5 years after planting, any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of the same species, size and number as originally approved in the landscaping scheme.
- 11) The development hereby permitted shall be implemented in accordance with the recommendations outlined in Section 4 of Phil Smith's Ecological Appraisal and Phase 1 Bat Survey report, dated November 2017. Prior to first occupation, Eastleigh Borough Council shall receive written confirmation from an appropriately qualified ecologist that the development has been carried out in accordance with the recommendations set out in Section 4 of the ecological report and the agreed CEMP.
- 12) The use hereby permitted shall only be carried out on the site, and deliveries taken, between the hours of 09.00 to 17.00 Monday to Friday and 09.00- 12.00 Saturdays and at no time on Sundays or Bank Holidays.

END OF SCHEDULE

LIST OF APPEARANCES:

FOR THE APPELLANT

D Howells – Pure Town Planning

FOR THE COUNCIL

A Winch – Senior Planning Officer

C Martin – Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

Attendance List

Plan Number 17 115 007

Appeal Notification Letter

Notification of Venue