

Appeal Decision

Site visit made on 4 September 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2019

Appeal Ref: APP/L1765/W/19/3224995

Mitre Blue Light Ltd, Botley Road, Bishops Waltham SO32 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ibex Land and Property against the decision of Winchester City Council.
 - The application Ref 18/00534/FUL, dated 27 February 2018, was refused by notice dated 15 October 2018.
 - The development proposed is construction of five, B1 starter units with parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ibex Land and Property against Winchester City Council. This application is the subject of a separate Decision.

Preliminary matter

3. The National Planning Policy Framework (the Framework), which was revised in July 2018, was subsequently updated on 19 February 2019. References to the Framework within this decision relate to the latest version published in 2019.

Main Issue

4. The main issue is whether the proposal would constitute acceptable development within the countryside.

Reasons

5. The appeal site lies within an area of rural character located to the South of Bishops Waltham, and forms part of a small cluster of properties, which includes several residential dwellings and agricultural buildings. The lengthy planning history associated with the appeal site indicates that the existing building was previously used for employment purposes, although the Council's submissions suggest that it is currently in use as an unauthorised gym.
6. Policy MTRA4 of the Winchester District Local Plan Part 1 (LP)¹, defines the countryside as land outside the built-up areas of Winchester, Whiteley and Waterlooville, as well as the settlements covered by LP Policies MTRA2 and MTRA3. The site lies outside the settlement boundary for Bishops Waltham and, in planning policy terms, therefore sits within the countryside. In accordance

¹ Winchester District Local Plan Part 1 – Joint Core Strategy (Adopted March 2013).

- with the requirements of Policy MTRA4, development in the countryside is only permitted in restrictive circumstances.
7. These include proposals which have an operational need for a countryside location, reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing, proposals requiring on-site expansion of established businesses or to meet an operational need, and small scale sites for low key tourist accommodation. I ascribe significant weight to the Council's spatial strategy and defined settlement boundaries which, insofar as is relevant to the appeal, are considered broadly consistent with the objectives set within the Framework, by seeking to primarily focus development in settlements.
 8. The Framework is generally supportive of economic growth in rural areas, notably by accepting that sites may have to be found adjacent to or beyond existing settlements, to meet local business and community needs in rural areas. Within the development plan, this has been translated in the requirement to demonstrate a need for the expansion of established businesses, which applies to both the conversion of existing buildings and new buildings.
 9. The appeal scheme would enable the creation of five B1 starter units within the countryside. However, no substantive evidence has been submitted to demonstrate that there is an operational need for the proposed units to be located within the countryside. Additionally, the proposal does not appear to be justified by the need to support the expansion of existing businesses or meet an operational need. The proposal would not fulfil any of the exceptions listed by Policy MTRA4 and would therefore not accord with this policy.
 10. The appellant has drawn my attention to LP Policy MTRA2, which he considers relevant to the appeal proposal. This policy relates to development within the Market Towns and Larger Villages, which notably include Bishops Waltham. However, Policy MTRA2 clearly seeks to direct development within existing settlement boundaries in the first instance.
 11. The policy adds that sites outside settlement boundaries should only be considered where an assessment of capacity within the built-up area has identified a need, a community need or local community aspirations. This is also acknowledged by the Inspector's Report on the Examination of the Local Plan². Although I note that Bishops Waltham Parish Council has expressed support for the proposal, Policy MTRA2 clearly states that these community need or local community aspirations have to be identified through a Neighbourhood Plan or other process which demonstrates clear community support. It is suggested that this need is clearly established by the Council's recent Call for Housing and Employment sites. However, in the absence of further evidence in that regard, this matter has not led me to a different conclusion.
 12. The appellant has submitted evidence of a number of existing businesses seeking premises to relocate to, though I note that the proposed starter units would not appear large enough to meet the requirements of some of these businesses. Additionally, whilst there may be a need to provide additional

² Report on the Examination of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (File Ref: PINS/L1765/429/6).

employment space within the area, the submitted evidence does not demonstrate with certainty that this need cannot be accommodated within the defined settlement boundary of Bishops Waltham or other towns.

13. There is disagreement between the parties regarding the nature of the site. However, whether or not the whole of the site has to be considered as previously developed land (PDL) is not determinative for the purposes of the proposal before me, as it does not form part of the criteria listed within LP Policy MTRA4. Even if the site was regarded as PDL, this would therefore not overcome the conflict with the development plan.
14. I note the appellant's comments in respect of the site's relation to Bishops Waltham. However, it is clear that despite its relative proximity to the edge of the town, the site lies outside the defined settlement boundary. The absence of a continuous footway along Botley Road would constitute a disincentive to journeys on foot, which would be further exacerbated by the lack of street lighting in that location. Traffic speeds along Botley Road may also limit the attractiveness of this route for cycling. Furthermore, having regard to the information before me, the site does not appear to be served by public transport either.
15. It is therefore highly likely that commuters would rely on private motor vehicles, which is regarded as the least sustainable mode of transport. Consequently, the proposed scheme would not be located within an accessible or sustainable location. This is notably exemplified by the level of parking which would be provided as part of the proposal. In reaching this conclusion, I have had regard to the benefits of the proposed scheme, notably in respect of highway safety and potential improvements to the living conditions of neighbouring residents, but these would not outweigh the harm which I have identified.
16. For the foregoing reasons, I conclude that the appeal scheme would not accord with the Local Plan's spatial strategy and would not constitute acceptable development within the countryside. It would therefore conflict with LP Policy MTRA4 and the Framework.

Conclusion

17. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR