The Planning Inspectorate

Appeal Decisions

Site visit made on 23 September 2019

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal A: APP/C1760/C/19/3221142
The land and premises at Wynford Industrial Park, Belbins, Romsey S051 0PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jonathan Mace of Wynford Properties Ltd against an enforcement notice issued by Test Valley Borough Council.
- The enforcement notice was issued on 14 December 2018.
- The breach of planning control as alleged in the notice is: Without planning permission the making of a material change in use of the land from agricultural use to open B8 storage use.
- The requirements of the notice are: To remove from the land all materials, equipment and storage containers and to cease the use of the said land for the purposes of B8 open storage.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B: APP/C1760/C/19/3221144
The land and premises at Wynford Industrial Park, Belbins, Romsey S051 0PW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jonathan Mace of Wynford Properties Ltd against an enforcement notice issued by Test Valley Borough Council.
- The enforcement notice was issued on 14 December 2018.
- The breach of planning control as alleged in the notice is: Without planning permission the creation of a bund, hard standing and the erection of fencing on the Land.
- The requirements of the notice are: To remove from the said land the earth bund, the hard standing and the fencing.
- The period for compliance with the requirements is nine months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since the appeals have been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal C: APP/C1760/W/19/3220890
Wynford Industrial Park, Belbins, Romsey S051 0PW

- 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 J Mace of Wynford Properties Ltd against the decision of Test Valley Borough Council.
- The application Ref 18/01039/FULLS, dated 20 April 2018, was refused by notice dated 8 August 2018.
- The development proposed is change of use of land to open storage (Class B8).

Summary of Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice upheld.

Appeal B

2. The appeal is dismissed and the enforcement notice upheld.

Appeal C

3. The appeal is dismissed.

Preliminary Matters

4. The appellant withdrew the ground (c) and (f) appeals in respect of Appeal B in an email of 22 August 2019. Appeal B therefore proceeds on ground (a) only.

5. Appeal A relates solely to the change of use and Appeal B only the operational development that has been undertaken. Appeal C relates to the refusal of planning permission for the change of use although the operational development that was subsequently enforced against is included as part of the proposal. I have therefore considered the appeals on this basis.

Appeal A

Main Issues

6. The main issues are:

   i. the effect of the change of use on the character and appearance of the area; and,

   ii. whether the open storage use is appropriate in its countryside location.

Reasons

7. The site is located in largely rural surroundings albeit situated alongside and accessed via the Wynford Industrial Park, which also consists of caravan storage. To the immediate north a further industrial land use operates.

8. The site itself amounts to approximately 1.6ha and forms part of a larger area of land that was formerly used for the extraction of minerals and resultant deposit of waste materials. It was subsequently restored and has a domed topography, although is relatively flat across its central part, and set to grass.

Character and appearance

9. The site had therefore been restored and had the appearance of a field. During my site visit I observed that approximately half of the site was in use for

caravan storage with the remainder divided in order to demarcate between various open storage uses/businesses.

10. The adjoining Wynford Industrial Park is set at a considerably lower level, which reduces its prominence within the wider landscape. The change of use has however resulted in a significant incursion by means of the subdivision of the previously restored site. The site concerned represents a large area which, given its alien rectangular form, is poorly related to other landscape features of the immediate locality.

11. Furthermore, given its elevated position, owing to the surrounding domed topography, the storage of caravans as well as the significant quantum of other items stored at the site would be conspicuous, and the site can be seen from the road. The site cannot be seen in significantly wider views, but rather it is the immediate and localised views of the site which presents an open storage use as one that is visually intrusive.

12. Whilst I acknowledge that some landscaping has been undertaken in the form of tree planting, further landscaping measures or other features, that could be controlled by planning conditions, would in my view only serve to emphasise the subdivision and open storage use. Similarly, planning conditions restricting the height of stored items would not ameliorate the harm given its already elevated position. For the reasons set out in Appeal B below, the bunds and fencing would not provide a satisfactory form of mitigation that would overcome my concerns.

13. I conclude that the change of use is harmful to the character and appearance of the area and so conflicts with Policy E2 of the Test Valley Borough Revised Local Plan DPD 2011-2029, January 2016 (the RLP). This policy, amongst other things, requires development to not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located; and, the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area. For the same reasons, it fails to accord with the achieving well designed places objectives of the National Planning Policy Framework.

Location

14. Policy COM2 of the RLP identifies a settlement hierarchy within the Borough. The site is outside of the settlement boundary for Romsey and is therefore in the countryside. The appellant accepts that it is not essential for the open storage use to be located in the countryside and therefore, to accord with this policy, development will only be permitted if it is appropriate in the countryside as set out in other policies of the RLP.

15. To this effect both parties have drawn my attention to Policy LE17 of the RLP, which relates to employment sites in the countryside. This consists of three criteria, all of which must be satisfied. The storage use is however not contained within the lawful employment site, the Wynford Industrial Park, as it extends the boundary into the countryside. The supporting text to this policy however then explains that developments which *'involve the extension of the site boundary into the countryside would be considered on their individual merits. Open storage will only be permitted if it is not visually intrusive.'* However, I have already found the change of use is visually intrusive such that it is harmful to the character and appearance of the area.

16. Accordingly, I conclude that the open storage use is not appropriate to its countryside location and therefore conflicts with Policies COM2 and LE17 of the RLP. These policies, amongst other things, identify a settlement hierarchy and only permit development that is appropriate in the countryside and in the case of open storage, not visually intrusive.

Other Matters

17. It has been brought to my attention that planning permission was granted for open storage/caravan storage in 2017. However, this site is in a materially different location to that of the appeal site and so does not alter my findings in relation to the main issues in this appeal.

18. I appreciate that a representation from SUEZ raised issues in respect of the Environmental Permit they hold for the site. However, as I am dismissing the appeal on other grounds, I need not consider this matter further.

Conclusion

23. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal B

Main Issues

19. The main issues are:

    i. the effect of the bunds, fencing and hardstanding on the character and appearance of the area; and,

    ii. the effect of the bunds and hardstanding on water management.

Character and appearance

20. The site now consists of substantial earth bunds around the perimeter of the area where the open storage use is taking place. The entirety of the area within has been set to a hardstanding, consisting of compressed scalpings.

21. I accept that the previous landform of the site, and indeed that which remains around it, is a man-made feature. Its general appearance was however not conspicuous within its countryside location.

22. The bunding can be seen in views from the road, despite the screening provided by the roadside hedgerow. The bunding is clearly not a natural feature in the local countryside and is more conspicuous, owing to its elevated location, length and height, than others that adjoin the Wynford Industrial Park, including the caravan storage area to the west.

23. I am therefore not persuaded on the evidence before me that an elevated area of hardstanding, extending to some 1.6ha, with continuous bunding of approximately 3m in height around the perimeter, as well as numerous fences, reflects the landscape character of the area within which it is located. It is in my view visually intrusive and fails to positively integrate with the landscape character of the area given the size of the site, its elevated positioning and conspicuous rectangular form. I therefore do not accept that the developments

contribute to protecting the natural environment by protecting the local landscape.

24. I conclude that the bunds, fencing and hardstanding are harmful to the character and appearance of the area and so conflict with Policy E2 of the RLP. For the same reasons, it fails to accord with the achieving well designed places objectives of the National Planning Policy Framework.

Water management

25. There is little evidence that regard was had to surface water management and drainage at the time the works were carried out. However, following percolation tests a drainage strategy[1] has been designed based upon collecting runoff from four sub-catchments to a new swale and detention basin so that all runoff would be retained on site and disposed of by means of infiltration. This strategy has been designed such that all runoff from the site will be managed in accordance with DEFRA guidance concerning sustainable drainage systems.

26. I am consequently satisfied, had I been allowing the appeal, that suitably worded planning conditions could have secured adequate water management measures such that the development would comply with Policy E7 of the RLP. This policy, amongst other things, requires development to comply with national policy and guidance in relation to flood risk. I also do not find a conflict with Policy COM2 of the RLP in this regard as it is concerned with settlement hierarchy.

Conclusion

27. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Appeal C

28. Appeal C relates to the refusal of planning permission for the change of use although the operational development that was subsequently enforced against is included as part of the proposal.

29. I have been provided with comparatively limited evidence concerning the benefits the developments bring in terms of meeting economic objectives or the specific needs of local communities in respect of storage and so afford this only moderate weight.

30. I accept that the developments do not give rise to other planning harms, however, the absence of other planning harms is not a positive factor in favour of the appeal. It has also been brought to my attention that the site has been submitted to the Council as a potential strategic employment site. I have however not been made aware as to how advanced this process is and so afford this matter limited weight.

31. Appeal C therefore does not raise further substantive matters which outweigh or lead me to a different conclusion in respect of the developments, and I do not consider that planning conditions would overcome the harms I have already identified.

[1] Pitman Associates, January 2019

32. For the reasons given, I conclude that the appeal should be dismissed.

Overall Conclusion

33. I have found the change of use and operational developments visually intrusive such that they are harmful to the character and appearance of the area. The open storage use is consequently not appropriate to its countryside location. Whilst water management concerns could be addressed by suitably worded planning conditions and the use may assist in meeting some local community need in respect of storage, as well as economic objectives, this does not outweigh the harm I have identified.

34. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notices and refuse to grant planning permission.

Formal Decision

Appeal A

35. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

36. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal C

37. The appeal is dismissed and planning permission refused.

Paul T Hocking

INSPECTOR