



Appeal Decision

Site visit made on 15 January 2020

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/N1730/W/19/3238533

Wychwood Carp Farm, Farnham Road, Odiham, Hook RG29 1HS

- 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 Cooke against the decision of Hart District Council.
 - The application Ref 17/03036/FUL, dated 22 December 2017, was refused by notice dated 13 June 2019.
 - The development proposed is described as the "Change of use of land to B8 (storage) and stationing of X storage containers for personal storage use".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, the amended description refers to the stationing of 154 double stacked storage containers. I have considered the appeal on this basis.
3. Within its Statement of Case, the Council acknowledge that concern in respect of the effect of the proposal on amphibians and protected reptiles, which led to the second reason for refusal, can be satisfactorily addressed by a planning condition, should the appeal be allowed, in respect of a reptile mitigation strategy. On the basis of what I have seen, I have no reason to disagree with this stance and as such this matter does not form part of the main issues, I set out below.

Main Issues

4. The main issues raised in this case are the effect of the proposal on:
 - i) The character and appearance of the area, including the setting of Dogmersfield Park, a grade II listed park and garden, and
 - ii) Flood risk in the area.

Reasons

Character and appearance

5. The site sits within a rural location and comprises an area of land enclosed by metal fencing and which sits above the level of the adjacent highway. Beyond the confines of the appeal site and adjacent commercial uses, is a patchwork of fields interspersed with tree cover. Despite the existing development in proximity to the site and the busy adjacent road, the surrounding area retains a distinctly rural character. There are views of the site along the vehicular access, from the adjacent road. At the time of my visit, the development comprised predominantly single stacked containers, however there were a small number of containers double stacked also.
6. The presence of the few double stacked containers was clearly visible from the adjacent road and appeared as intrusive and harsh features. The addition of more double stacked containers would further exacerbate this appearance and result in a development that would be appreciably incongruous with the appearance of the wider area. The crude and unsympathetic appearance of the containers further highlights them as alien features.
7. I acknowledge that a variety of commercial uses take place on the adjacent site. However, due to their location and the presence of boundary screening along the highway, these have a less intrusive visual effect than that which is proposed. I also note that the appellant intends to include additional landscaping in proximity to the vehicular access in order to screen the development. However, this would take some time to become established and to provide sufficient screening. Furthermore, whilst I note the contention that the land is within the ownership of the appellant, it is not wholly included within the application site, nor is it indicated on any plans that it is within the control of the appellant. I therefore have concern over the ability of the additional landscaping to be delivered. In any event, the landscaping would not overcome my concerns above.
8. It has been drawn to my attention that permission has previously been granted on the site for the erection of a warehouse building. Despite an opinion being submitted, that this permission has been implemented, I note that there is no Certificate of Lawfulness in this respect. Notwithstanding that there is some disagreement between the main parties in respect of the implementation of the previous granted permission, details of this approved scheme have been provided and the approved building would be a substantial structure. However, it would be sited further from the road than the containers, limiting its visual impact. Additionally, the built form of a building, albeit a warehouse, would in my view be more appropriate at this location than the containers. As such, this approved scheme, even if capable of further implementation, would result in less harm than the scheme that is before me. It therefore does not provide a justification for allowing the appeal.
9. The site lies near to Dogmersfield Park, which is a grade II listed part and garden. The registered site extends to approximately 320 hectares (ha), comprising 8ha of formal and ornamental gardens and circa 312ha of parkland, farmland, and woodland. The significance of this designated heritage asset lies in it being an example of a late eighteenth century garden and pleasure grounds, set within a park of medieval origin, adjoining countryside to the south beyond the A287 Farnham Road which abuts the site.
10. In comprising a negative visual element within the area of countryside to the south of Dogmersfield Park, as I identify above, the scheme would be at odds

with the rural aspect which is in close proximity to, as well as forms part of the setting to, the listed park and garden, harming its significance as a grade II listed area.

11. I therefore find that, notwithstanding the adjacent commercial uses, the scheme would be harmful to the character and appearance of the area, including the setting of Dogmersfield Park, a grade II listed park and garden. Accordingly, the scheme conflicts with saved policies GEN1, GEN3, CON12 and RUR2 of the Hart District Local Plan (Replacement) 1996-2006 and First Alterations to the Hart District Local Plan (Replacement) 1996-2006 (the Local Plan), as well as policies NBE1, NBE3, NBE9 and NBE10 of the emerging Hart Local Plan: Strategy and Sites 2016-2032 (the Emerging Local Plan). Together, and amongst other things, these policies seek to ensure that development is in keeping with local character, that development does not adversely affect the character of the landscape, that development does not adversely affect historic parks and gardens, that development in the countryside does not have a significant detrimental effect on character, that development in the countryside is beneficial, that development respects the special characteristics of the district, that development should protect heritage assets and their settings, as well as that development should positively contribute to the overall appearance of an area.
12. The scheme would also conflict with the guidance of the National Planning Policy Framework (the Framework) in respect of conserving and enhancing the natural environment, as well as conserving and enhancing the historic environment.
13. Policy GEN4 is referred, however this specifically refers to sustaining or improving the urban design qualities of towns, villages and other settlements. Given the site is located in the countryside I do not consider this policy to be directly relevant. This however does not diminish the harm I identify above.
14. In failing to preserve the setting of the listed park and garden, I find that the scheme would result in less than substantial harm to a designated heritage asset. As required by paragraph 196 of the Framework, I have had regard to the limited public benefits of the proposed development identified, particularly in this case economic benefits. However, given the scale and nature of the scheme, any such benefits are not sufficient to outweigh the harm that I have identified.

Flood risk

15. The scheme involves the siting of storage containers, which has introduced a substantial area of impermeable surface within the site. Whilst the appellant contends that the presence of the containers has little influence on drainage, the containers themselves are likely, in my view, to result in an increased run-off rate of surface water within the site, as water will be collected from the roof areas and run off to the surrounding land. There appellant also refers to the containers being raised above the ground, however I observed that the containers are sited on concrete foundations and as such water will not be able to infiltrate under the containers. I note that the areas around the containers comprised areas of asphalt road planings, which the Lead Local Flood Authority (the LLFA) comments are capable of compaction, that would hinder infiltration of water through.

16. The LLFA comments that it has reviewed the Technical Note that was provided by the appellant. It considers that insufficient information has been provided in respect of runoff rates and discharge rates, connectivity to a nearby ditch and water quality treatment.
17. I am conscious that permission was previously granted on the site for a development comprising a warehouse building and a large area of hardstanding and it would appear that surface water would be connected to a watercourse on the southern verge of the A287 road. However, I have no information in respect of the detailed drainage information in respect of that scheme. Additionally, I have been provided with details of a recently granted planning permission on an adjoining site and I note that detailed drainage information was provided as part of that application to demonstrate that satisfactory drainage could be achieved.
18. The planning application form for the appeal scheme states that surface water would be disposed of to a soakaway. The Technical Note provided by the appellant indicates that surface water will collect within the voids of the planings and evaporate or slowly drain towards the access road and the watercourse. During high rainfall events, the appellant accepts that "puddling" will occur on the surface of the planings and that further rainfall will cause overland flow. In order to prevent this affecting neighbouring land, an area of kerbing is proposed which would direct overland flow away from the neighbouring land, and towards the access and watercourse. There is no information in respect of the capacity of the watercourse to accommodate these flows, without the potential to result in flooding downstream or overspill onto the adjoining highway.
19. On this basis, it has not been satisfactorily demonstrated that the scheme would provide adequate provision for surface water disposal. Thus, I am unable to find that the development would not result in increased flood risk. Accordingly, the scheme would conflict with policies GEN1 and GEN 11 of the Local Plan and policy NBE6 of the Emerging Local Plan. Together, and amongst other things, these policies seek to ensure that development includes provision for necessary improvements to infrastructure and does not unacceptably increase the risk of flooding, as well as that development would not increase the risk of flooding.

Other Matters

20. I have been provided with details of a recently granted planning permission on land adjacent to the appeal site. The appellant points to an inconsistency in decision making between this site and the appeal site. However, the development proposed in that recently granted scheme is clearly different from that of the appeal scheme that is before me. It permitted the erection of 30 business units for light industrial uses. Visually this would be different from the scheme that is before me, furthermore the economic benefits would likely be greater. As such, the existence of this permission has little bearing on my decision.
21. The appellant contends that due to its age, that the Local Plan is time expired. However, I am conscious of the guidance of the Framework at paragraph 213, which states that existing policies should not be considered out-of-date simply because they pre-date the Framework. The appellant has not pointed to any inconsistency with the Framework. As such, the weight given to conflict with

the policies of the development plan should not be reduced. In terms of the emerging plan, the Council highlight that this is at a late stage of preparation and as such I consider it appropriate to accord these policies significant weight.

22. Comment has been made in regard to possible changes in ground levels at the site and other possible unauthorised works. I have assessed the appeal scheme on the basis of the information that is before me. As I have found harm, sufficient to dismiss the appeal, these are not matters that I need to consider.

Conclusion

23. Whilst it is acknowledged that the principle of a commercial use is acceptable at this site, I find that there would be harm to character and appearance, as well as there being insufficient information in order to be able to conclude that the development would not result in an increased flood risk.
24. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR