



Appeal Decision

Site visit made on 24 November 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020

Appeal Ref: APP/H1705/W/20/3248772

Land at Berry Court Farm, Bramley Road, Little London, Tadley RG26 5EZ

- 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 Philip Snook against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 19/00237/FUL, dated 23 January 2019, was refused by notice dated 12 September 2019.
 - The development proposed is change of use of land from agriculture to the secure storage of touring caravans and motorhomes.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Upon inspection of the site, it is clear that the proposed change of use has already commenced. I note the planning history of the proposal, however, I have determined the appeal solely on the basis of the evidence before me.

Main Issues

3. The main issues are:
 - i) whether the proposed location is suitable, having regard to the requirements of local and national policy;
 - ii) the effect on biodiversity; and
 - iii) the effect in relation to drainage and contamination.

Reasons

Location

4. Policy EP4 of the Basingstoke and Deane Local Plan 2011 – 2029 (2016) (LP) relates to the Rural Economy and identifies a number of scenarios where development proposals for economic uses will be permitted. Due to the nature of the proposal and the site, the first three criteria are not relevant to the proposal. Criterion 'd' relates to enabling the continuing sustainability or expansion of a business or enterprise, including development where it supports a farm diversification scheme and the main agricultural enterprise.
5. The supporting justification to this policy states that farm diversification schemes can contribute a significant source of income for farmers. Despite this,

I have no evidence before me to confirm that the proposal relates to farm diversification, or that it would help to sustain the main agricultural enterprise. In the absence of any compelling evidence on this point, I find that the proposal would fail to meet the requirements of this policy.

6. Criterion 'e' relates to small-scale new business, provided that it is not in an isolated location. In terms of the location, to the north and north east of the site is a solar farm, which physically and visually separates the appeal site from Berry Court Business Park. The site is bounded by the main road to the south, however, beyond the road is expansive open countryside. In addition, land to the west of the appeal site is also open countryside and the site is substantially removed from the nearby small settlement of Little London. Moreover, the appeal site is not within a settlement policy boundary.
7. Due to the lack of nearby buildings, and the clear physical and visual separation from nearby development, I find that the appeal site is within an isolated location. Accordingly, the proposal would not comply with this specific requirement, regardless of the size of the business.
8. Paragraph 83 of the National Planning Policy Framework (the Framework) also relates to supporting a prosperous rural economy. It confirms that policies should enable amongst other things, the sustainable growth and expansion of all types of business in rural areas, and the development and diversification of agricultural and other land-based rural businesses.
9. In relation to these matters, the proposal would not represent the growth or expansion of a business. Instead, it is a newly located operation. In addition, for the reasons identified above, I have no evidence before me to confirm that the proposal would represent the development and diversification of agricultural businesses. Therefore, I find that the proposal does not gain support from the Framework.
10. Both the Framework and local policy make reference to environmental impacts and the need to be sensitive to surroundings. In this regard, I note the comments in relation to the bund and the screening effect that it creates. Despite this, based on the evidence before me, the status of the bund, and whether or not it requires planning permission, is unclear. However, for the reasons identified above, I have found the location of the appeal site to be unsuitable for the development proposed. As a consequence, whether or not the proposal would be sensitive to its surroundings would not alter nor outweigh this fundamental policy objection. Accordingly, I am satisfied that there is no need to consider this matter further as it would not alter my conclusions on this main issue.
11. For the reasons identified above, I conclude that the appeal site would not be suitable for the proposal. It would therefore fail to accord with Policies EP4, EM1 and EM10 of the LP as well as the requirements of the Framework. Taken together, these seek amongst other things, high quality development which supports the rural economy.

Biodiversity

12. Policy EM4 of the LP seeks to avoid significant harm to biodiversity, or if that is not possible, that it is adequately mitigated. In addition, Paragraph 170 (d) of

- the Framework requires development to minimise impacts on biodiversity and provide net gains.
13. The refusal reason refers to a previous consent that relates to the adjacent Solar Farm which was subject to conditions that related to biodiversity matters. Despite this, due to the commencement of development, the Council consider that some of the mitigation measures secured by the previous consent have been compromised by the work to commence this proposal.
 14. Consequently, the appeal has been accompanied by an Ecological Mitigation and Enhancement Report. This appears to be a thorough document and identifies a number of mitigation and enhancement measures that would seek to improve the performance of the development from a biodiversity perspective. However, what is less clear is whether the proposal would also provide sufficient measures to mitigate any additional harm caused to the Solar Farm requirements.
 15. Due to the close proximity of the appeal site and the Solar Farm, and because they are in the same ownership, I find that the requirements of the adjacent consent are a material consideration in my assessment of the appeal. I note the comments from the appellant that these requirements are inconsistent, contain factual errors, and are confusing. However, I do not have the full details of this case before me, and therefore I can only give these concerns very limited weight,
 16. Nevertheless, based on the evidence that I do have, it is clear that the adjacent consent has been materially affected by the proposal, however marginal this may be. Although the report provided by the appellant appears thorough in relation to the appeal proposal, it is less clear whether the measures proposed would offer sufficient cumulative mitigation. Accordingly, I conclude that the proposal would have a harmful effect on biodiversity. It would therefore fail to comply with Policy EM4 of the LP, and guidance contained within the Landscape, Biodiversity and Trees Supplementary Planning Document (2018), as well as the requirements of the Framework. Taken together, these seek amongst other things, to minimise impact and provide net gains for biodiversity.

Contamination

17. The proposal required a substantial level of material to be brought onto the site to enable the use to be functional. However, based on the evidence before me, it is not clear whether the material presents a risk to site users and off-site receptors. Without such information, the risk of contamination is unknown. Consequently, based on the evidence before me, I conclude that the proposal could have a harmful effect on drainage and contamination. It would therefore fail to accord with Policies EM7 and EM12 of the LP as well as the requirements of the Framework. Taken together, these require amongst other things, development which would not lead to unacceptable risks to human health or the natural environment.

Other Matters

18. I note the comments in support of the proposal which relate to the need for the development and that the site is well-managed. Whilst these matters attract

some very limited weight in favour of the proposal, they do not alter nor outweigh the fundamental concerns that I have identified above.

Conclusion

19. For the reasons identified above, the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR