



Appeal Decision

Site visit made on 15 September 2021

by Mrs H Nicholls FdA MSc MRTPI

An Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/C1760/W/21/3276939

Land at Sleepy Hollow Farm, Ampfield Hill, Ampfield SO51 9BD

- 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 Rivendale Homes Ltd against the decision of Test Valley Borough Council.
 - The application Ref 20/01631/FULLS, dated 17 July 2020, was refused by notice dated 15 January 2021.
 - The development proposed is erection of office building (Use Class B1) (resubmission of 20/00310/FULLS).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Test Valley Borough Council against Rivendale Homes Ltd. This application is the subject of a separate Decision.

Preliminary Matter

3. The proposal seeks permission for an office building with reference to the outdated list of use classes under the Use Classes Order¹ (UCO) (use class B1). The new use Class E (Commercial, Business and Service) was created under the UCO revisions by way of the Amendment Regulations². However, the application was submitted whilst transitional arrangements were still applicable, meaning that it must be determined by reference to the earlier use classes.
4. Since the appeal was submitted, the Government has published a new National Planning Policy Framework (the Framework). As the main parties have had regard to the revised Framework in the submitted evidence, I have also considered the appeal on the same basis and no injustice has been caused.

Main Issues

5. The main issues are (i) whether the location of the proposed development accords with local policies that generally seek to locate businesses within the boundaries of settlements, unless justified otherwise; and (ii) the effect of the proposal on the character and appearance of the area.

¹ The Town and Country Planning Use Classes Order 1987, as amended

² The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Reasons

Location of development

6. The proposal comprises the construction of a detached office building with an integral garage/store. The building would be orientated broadly east-west to fill the width of the site, with parking and a separate bin store building to the south. The access would be shared with the adjacent newly constructed building and the neighbouring site to the east. Hedgerows and vegetation enclose much of the north and eastern boundaries. A post and rail fence encloses the western boundary with the adjacent office building and the southern boundary is presently undefined.
7. Much of the submitted evidence debates whether the former workshops that occupied part of the site were in lawful commercial use and whether the wider planning unit of which they formed a part was therefore in a commercial or at least mixed use. These factors were also disputed in the recent appeal case³. In the absence of a Certificate of Lawfulness, my colleague took a precautionary approach, concluding that the site should be treated as being within the countryside for the purposes of Policies COM2 and LE17 of the Test Valley Borough Revised Local Plan 2011-2029 (2016) (Local Plan).
8. Policy COM2 indicates that the principle of development is acceptable within a settlement boundary, unless appropriate in the countryside as set out within other Policies, including LE17, or where there is an essential need for such a proposal to be located in the countryside. Policy LE17 allows for the erection of new employment buildings where they would be contained within an existing lawful employment site and where they would be well related to any retained buildings.
9. There can be no dispute that the site falls outside of the Local Plan settlement boundary for Ampfield and a countryside location is not put forward as an essential business requirement. However, it appears that the adjoining newly constructed building extends over a far larger area than was occupied by the two former commercial workshops. Even if the previous existence of the two workshops provided the rationale for allowing the construction of the new building in the countryside, the extent of their site coverage has not dictated the precise extent of the replacement, now lawful, employment site.
10. In the proposal for the new building, the red line site area was allegedly tightly drawn around its footprint, presumably to the point of the western post-and-rail fence. However, given the manner in which the area and features on the ground have evolved since the time when the two former workshops existed (in relation to submitted aerial photography from 2005), the established eastern boundary hedgerow would appear to be a more natural site boundary by which to define the logical extent of the employment site. Therefore, even if an employment proposal were to sit adjacent to the defined red line area from the more recent redevelopment application, provided its eastern extent did not encroach into or beyond the eastern hedgerow, it would not alter the physical location of an existing site boundary into undeveloped countryside.
11. Therefore, in my opinion, owing to the relationship between the adjacent building, the red lined appeal site and the more readily definable, existing site

³ APP/C1760/W/20/3255627 dated 21 December 2020

boundaries, the containment of the site leads me to conclude that the principle of the proposal accords with Local Plan Policy LE17. In reaching this view, I acknowledge that some parts of the site to the south and south-east are yet to be enclosed in a logical manner along the edge of the access track by a hedge or similar feature. It should also be clarified that the 'containment' of the modestly-scaled appeal *site* within the boundary is strictly in a spatial sense, as distinct from the *proposal* being visually contained, which is addressed below.

12. I am also cognisant of the approach taken by my colleague in the recently dismissed appeal, but I am not bound by his decision and consider that the current features on the ground lead me to a different conclusion.
13. Consequently, the principle of the proposal owing to its containment within an employment site accords with Local Plan Policy LE17, and thus, as a consequence, also Policy COM2. Having regard to the well-related location of the site to the village centre of Ampfield and its local public transport services, and the aims of the Framework to promote sustainable growth and expansion of all types of business in rural areas, there is nothing before me to indicate that an alternative decision should be reached in this regard.

Character and appearance

14. I noted that the adjoining building is far larger than most found within the surrounding area, though it is well designed and built to a high specification. Neither it, nor the related bin stores or associated features are particularly apparent from the road owing to the lowered levels, degree of set back and screening afforded by existing landscaping, although there are some patchy sections of the hedge that permit views through.
15. The buildings are, however, clearly apparent from within the site and from the adjoining access road, as would be expected. The Public Right of Way (PROW) which passes through the adjoining countryside onto which the site backs also affords views above the hedges of the existing building from some viewpoints. It is from these views that the building appears substantial in scale relative to buildings in the surrounding area and only just nestled into the site in such a way that allows its visual effects to be contained to a very localised area.
16. The appeal proposal, whilst strictly detached from the adjacent building, would be sited in very close proximity thereto, and would be closer still to the existing eastern hedgerow. It would carry over the same orientation and design theme of the adjoining building, but owing to the modest size and elevation of the appeal site and overall large scale of the proposed building, particularly with regard to its height and width, the proposal would appear as a cramped form of development, laid out so as to be efficient in the extreme, with hardsurfacing covering all remaining available space. These aspects combined to render the site incapable of visually 'containing' the proposal.
17. The appellant has drawn my attention to the various amendments between the former and current scheme. Whilst I note that the proposal is for a narrower building than that shown dashed on the plans depicting the previous proposal, the reduction would only appear to minimise the degree to which the building would interfere with and undermine the eastern hedgerow. However, considered on its own merits, the proposal would still appear concerningly wide in relation to this very important boundary feature.

18. The alterations that have resulted in the building having a more broken roof form are improvements, but its overall scale, including its height, would still overcrowd the site and appear to cumulatively add to a substantial mass of built form. Whilst I acknowledge that the viewpoints from where the building would be seen cumulatively with the existing building are generally limited to views from the access drive and a few specific points of the PROW, the harm in these views would still be great and the buildings overly conspicuous in such views, with the higher land levels and the glazed gable feature only serving to exacerbate its prominence.
19. It has been suggested that the visual effects have been overstated and that the harm would only be experienced if viewers were specifically looking for the proposal within the context of the available 360 degree view. I do not consider that this would be the case and that the effects would be readily visible with consequent additional effects of urbanisation within a rural context. The value of the existing gap and role of the established vegetation in attempting to soften the effects of the existing development are at risk of being undermined by the current proposal.
20. The offer of additional landscaping to soften the effects is also noted, but there would appear to be too little meaningful space for it to be provided. This factor adds to the concern that the visual changes would be harmful and would be unlikely to diminish over time. Similarly, aspects such as the comparative ridgeline heights of nearby dwellings and buildings within the surrounding landscape do little to persuade me that the proposal should be considered acceptable. It is a very individual proposal that would lie adjacent to what is a uniquely large building within its rural context.
21. For the reasons above, the proposal would be harmful to the character and appearance of the area, contrary to Policy E2 of the Local Plan, which seeks to ensure the protection, conservation and enhancement of the landscape of the Borough, with development designed to avoid a detrimental impact on the appearance of the immediate area.

Other Matters

22. I note that the proposal is intended for a business that wishes to relocate to the area that has specific requirements in terms of office and garaging space. Whilst not seeking to undermine the employment benefits that this may bring to the area, there is insufficient evidence that the appeal proposal is the only means of achieving such an outcome, given that options such as separating the office and garage space may exist, and also given that the appellant company owns the adjoining office complex. Though it is said that the business has outgrown its existing premises, there is also little evidence of office employee numbers, present or anticipated, relative to the promoted benefits of homeworking, which a large purpose-built office would do little to aid.

Planning Balance and Conclusion

23. Whilst I reach the view that the principle of the proposal conforms with the Local Plan, I find that it would be harmful to the character and appearance of the area of countryside in which it would be situated. Consequently, given the thrust of the development plan to enable only proposals that are compatible with such, I regard the proposal as being in conflict with the development plan as a whole.

24. The economic benefits to the area, from the shorter-term construction phase and the longer-term employment prospects add modest weight in favour of the proposal. I also note the anticipated knock-on benefits to local businesses and the support for the scheme offered by the proprietors of such.
25. However, even considered in the context of the Framework, I do not regard that the benefits are sufficient to outweigh the anticipated harm or associated development plan conflict.
26. For the above reasons, the appeal is dismissed.

Hollie Nicholls

INSPECTOR