



Appeal Decision

Site Visit made on 10 November 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/C1760/W/21/3280098

Land off Embley Lane, East Wellow, SO51 6DN

- 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 L Rathor against the decision of Test Valley Borough Council.
 - The application Ref 21/00835/FULLS, dated 16 March 2021, was refused by notice dated 12 May 2021.
 - The development proposed is erection of new storage barn.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of new storage barn at Land off Embley Lane, East Wellow, SO51 6DN, in accordance with the terms of the application Ref 21/00835/FULLS, dated 18 March 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 20 July 2021, after the Council made its decision, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

3. The main issues are:
 - a) The effect of the proposal on the character and appearance of the area, and
 - b) Whether the site would be suitably located for the development proposed.

Reasons

Character and appearance

4. The appeal site is in an area that is largely rural in character but with a noticeable and consistent presence of built form along the lane in the vicinity of the appeal site. This includes large detached dwellings with associated outbuildings that are generally visible from the lane, with associated domestic boundary treatments, planting and entrances.
5. The proposed building would sit on ground slightly higher than the level of the lane, in a relatively discreet position alongside a substantial boundary hedge that is interspersed with mature trees. It would be distant from the recently completed stable building and the two would not be easily seen in the same

view from the public realm. It would thus not lead to a harmful grouping of buildings and the open view across the field from the entrance towards the higher level of the woodland would remain the dominant outlook over the site. Based on my observations on site I am satisfied that views of the building from the east would be very limited.

6. It would be possible to see the building through the existing hedge from the area of the lane to the south of the site. Furthermore, the site's western boundary is fairly open, so there would be some views of the building across the neighbouring land from this direction. There would be an area of land between the building and these boundaries. Additional planting could be added in these areas and the existing hedge planting could be supplemented to mitigate the impact of the proposal from these perspectives.
7. The building would have a functional appearance and simple form, and the proposed colour would ensure that it would not be prominent in its verdant context. On the basis that additional planting could be secured through an appropriately worded condition I am satisfied that it would not harm the character or appearance of the area. It would accord with Policy E1 and E2 of the Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 (LP), which together seek to ensure that development proposals should integrate, respect and compliment the character of the area including its landscape character.

Location

8. The site is remote from an existing settlement or village, in an area that the Council defines as countryside in accordance with Policy COM2 of the LP. Policy COM2 of the LP establishes that development in the countryside will only be permitted if it fits into a particular development type as detailed in the Policies listed under part (a) of COM2, or if it is essential for the proposal to be located in the countryside. The proposal does not relate to any of the development types set out in the Policies referred to in part (a) of COM2.
9. In terms of the second part of the Policy, I am satisfied that the proposal relates to the use of the site established by the recently erected stable building. The appellant explains that it is necessary for the management of the land, that it would provide storage for machinery and large quantities of hay, straw and foodstuffs beyond the volumes that could be stored in the relatively modest hay store of the existing stable.
10. I accept that the building could be considered large for the size of the holding, and larger machinery could be stored elsewhere and brought onto the site when needed. However, the Council's decision¹ to approve a building of the same size in the same location already without considering essential need weighs heavily in favour of the proposal. Furthermore, the storage provision within the existing stable building is modest, and I have found that the proposal would not be otherwise harmful to the character or appearance of the area.
11. In summary, I am satisfied that the proposal would accord with Part b) of Policy COM2 as it would be essential for it to be located within the proposed countryside location.

¹ Council Reference: 15/02327/FULLS

Other Matters

12. The Council confirms that the site is located in an area that is not of high flood risk and the proposal would make little material difference to the ability of the rest of the undeveloped field to absorb water.
13. In relation to highways impacts the proposal would utilise an existing recently constructed access. I concur with the views of the Council that additional trip generation arising from the proposal would be minimal.
14. It is likely that external light fittings to serve the building would be minimal, however this matter would be addressed by a suitably worded condition.
15. On this basis I am satisfied that these matters should not be main issues of this appeal and should not cause me to reach a different conclusion.

Conditions

16. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
17. I have imposed a condition to secure an ecological construction method statement, to ensure that the ecological value of the site is maintained. I have imposed a condition to secure biodiversity enhancements to ensure that the development accords with the requirements of the Framework. Both of these need to be pre-commencement conditions to ensure that matters relating to the site's existing ecological and biodiversity value are properly understood before the development commences. I have also imposed a condition to control external lighting to avoid impacts on protected species.
18. I have imposed a condition relating to the protection of existing trees, owing to the sites proximity to existing hedges which include mature trees. This needs to be a pre-commencement condition to ensure that protection measures are in place before work commences. I have also imposed conditions relating to landscaping. Both of these conditions are necessary to ensure that the impact of the development is appropriately mitigated and to safeguard the character and appearance of the area.

Conclusion

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

A Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: TV/AJW/725/1/001, TV/AJW/725/1/002 and TV/AJW/725/1/003.
- 3) Prior to the commencement of the development hereby approved, an Ecological Construction Method Statement, incorporating a detailed mitigation strategy for reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the agreed method statement.
- 4) Prior to the commencement of the development hereby approved, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall then proceed in accordance with the agreed details, with photographic evidence provided to the Local Planning Authority within 6 months of occupation.
- 5) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837: 2012 shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details as so-approved (the Approved Scheme). No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, soil moving or any other operation involving use of motorised vehicles or construction machinery) until any tree protection works required by the Approved Scheme are in place on site. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme. The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.
- 6) The development hereby approved shall not continue above ground level until full details of hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. Details shall include:
 - a) proposed finished levels or contours;
 - b) means of enclosure;
 - c) hard surfacing materials;
 - d) planting plans;
 - e) written specifications (including cultivation and other operations associated with plant and grass establishment);

- f) schedules of plants, noting species, plant sizes and proposed numbers/densities;
- g) programme of implementation.

The landscape works shall be carried out in accordance with the approved details and the implementation programme, which shall be undertaken no later than the first planting season (November – March) following first use of the barn.

- 7) The development shall not be used or occupied until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping shall be maintained in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.
- 8) No external lighting shall be installed in association with the development hereby approved unless details of such have been submitted to and approved in writing by the Local Planning Authority. Details should be in the form of a detailed lighting strategy that should follow best practice guidance outlined in Guidance Note 08/18 Bats and artificial lighting in the UK. Once approved, all external lighting installations shall be carried out in accordance with the agreed details.

End of Schedule