



Appeal Decision

Site visit made on 12 December 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/C1760/W/22/3299969

The Pump House, Marsh Court Road, Stockbridge SO20 6JH

- 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 Mrs Gillian Boyer against the decision of Test Valley Borough Council.
 - The application Ref 22/00363/FULLN, dated 10 February 2022, was refused by notice dated 16 May 2022.
 - The development is described as "This is an existing disused pump house situated within a residential estate with full road access – the proposed plan does not alter or change the appearance of the building – we do not propose to make the building any bigger or smaller as what is already in situ".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The above description of development is taken directly from the application form. However, the wording used by the Council on the decision notice is more precise. This describes the development as the change of use of pumphouse to create a new dwellinghouse and use of land for ancillary parking and garden space. The development had already taken place at the time of my site visit and therefore I have determined the appeal on the basis that permission is being sought retrospectively.

Main Issues

3. The main issues are:
 - a) whether the scheme complies with development plan policy relating to the conversion of buildings in the countryside and, as part of this assessment, whether it preserves or enhances the character or appearance of the Stockbridge Conservation Area;
 - b) whether the development provides acceptable living conditions for its occupants, with particular reference to natural light, outlook and external amenity space;
 - c) the effect on the integrity of the Solent Marine European sites; and
 - d) the effect on highway safety on Marsh Court Road.

Reasons

Development plan policy on conversion of buildings in the countryside

4. The appeal relates to a former pumping station on Marsh Court Road. The site lies outside of the settlement boundary for Stockbridge as defined on Inset Map 45 of the Test Valley Borough Revised Local Plan (2016) (TVBRLP). Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if it is appropriate in the countryside as set out in specified policies, or if it is essential for the proposal to be located in the countryside.
5. Policy LE16 of the TVBRLP is directly relevant to this case as it relates to the re-use of buildings in the countryside. The policy permits the re-use of buildings for residential purposes where the proposal is for occupational accommodation for rural workers; where it is demonstrated that every reasonable attempt has been made to secure commercial use (including tourist accommodation); or where there is no other means of protecting and retaining a building which is of architectural or historic merit.
6. The building is not being used as an occupational worker's dwelling, neither have I seen any evidence to indicate that attempts have been made to secure a commercial use. Whilst there is some suggestion that the building may have been part of World War II activity in the area, the information regarding its history is limited and no substantive assessment has been made of heritage significance.
7. Even if I were to take the view that this is a non-designated heritage asset, the structure has been the subject of substantial alteration, including the painting of the external walls, installation of French doors, removal of a water tank on the roof and addition of a timber balustrade around a section of flat roof. These works have altered the appearance of the building such that its legibility as a former pumping station has been lost. Whilst I acknowledge that the site was previously derelict and a magnet for fly-tipping and nefarious activity, it has not been demonstrated that there was no other means of retaining the building in a manner which retains its original character.
8. Policy LE16 also contains general criteria relating to the re-use of buildings in the countryside. Criterion a) stipulates that the building should be structurally sound and suitable for conversion without substantial rebuilding, extension or alteration. The building appears sturdy, but it is not constructed to modern standards – for example, there are no cavity walls. I have not seen a structural engineer's report or any expert evidence relating to the works necessary to comply with the Building Regulations. Consequently, although the building is already occupied, it is unclear whether it meets the relevant standards.
9. One of the other stipulations of Policy LE16 (criterion d) is that development should lead to an enhancement of its immediate setting. Photographs within the Council's statement of case demonstrate that the building was originally a red brick structure, set back off the road within woodland. Rather than being a prominent feature of Marsh Court Road, this was a discreet, utilitarian building where form reflected function. Whereas previously it was hidden amongst trees, the building is now open to public view and has become a prominent feature of the street scene. The structure is unattractive and visually incongruous.

10. The remainder of the site is visible from the street. The appellant claims not to have removed or lopped trees, but it is evident that some works have been carried out. The verdant setting shown in the Council's photographs from 2019 has been lost entirely. The site frontage is now dominated by post and rail fencing and other types of fencing, and this has had an adverse impact on the character and appearance of the area. The fact that adjoining land has been the subject of large scale tree clearance does not justify the development.
11. The site lies within the Stockbridge Conservation Area where decision-makers have a statutory duty¹ to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The woodland within Marsh Court Road is an important contributor to the special interest of the Conservation Area and the setting of the village. The development has caused harm to the designated heritage asset contrary to TVBRLP Policy E9. It does not meet the requirement within TVBRLP Policy E1 for development to improve the character, function or quality of the area. There is also conflict with Policy E2 insofar as it seeks to ensure that development does not result in the loss of important local features such as trees, or have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located. There has been no enhancement to the setting of the building and for this reason there is conflict with TVBRLP Policy LE16 d).
12. Overall, I conclude that the development conflicts with development plan policy on development in the countryside and it fails to preserve or enhance the character or appearance of the Stockbridge Conservation Area.

Living conditions

13. The dwelling comprises a living room with open plan kitchenette, together with a separate bathroom and bedroom. The main living area is served by French doors, a high level window and a domed skylight, together with a pair of glass bricks which have replaced airbricks. Together, these openings provide some natural light, but the accommodation is gloomy with poor outlook. The environment within the bedroom is even more oppressive as there are no windows. This room is lit by a small escape rooflight in the corner of the room but there is a heavy reliance on artificial light and the ceiling feels low.
14. Externally, the property benefits from a small walled yard together with a relatively large curtilage. The yard is small and not conducive to sitting out, whereas none of the other areas are especially private, with users of Marsh Court Road having clear views across most of the land around the building.
15. Policy LHW4 of the TVBRLP states that development will be permitted provided that it provides for the privacy and amenity of its occupants and private open space which is appropriate for the needs of residents. New development should also receive adequate daylight and sunlight to create satisfactory living and working environments. The poor internal and external living environments mean that the development does not comply with this policy.

European protected sites

16. The location of the site is such that foul water from the development drains into the Solent Marine European sites. These sites comprise a Special Area of Conservation (SAC) and a number of Special Protection Areas (SPA) and Ramsar

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

sites² which together cover the major estuarine system of the Solent and its inlets. The habitats support nationally and internationally important numbers of migratory and over-wintering waders and waterfowl such as ringed plover and sandwich terns, as well as important breeding gull and tern populations.

17. There is a known issue, notified by Natural England at the national level, whereby nutrients enter watercourses and adversely affect environmental conditions for the qualifying features of the European sites. Additional population arising from new housing development leads to an increase in nitrogen and phosphorus within foul water discharge and this has the potential to harm the conservation status of the protected sites through eutrophication effects.
18. The Council directs me to Natural England guidance which sets out principles for achieving nutrient neutrality. This guidance includes a Nutrient Budget Calculator to assist in quantifying the impacts and the mitigation required to offset the nitrogen load from the development. The appellant has not engaged with the guidance and does not provide any substantive information on nutrient neutrality. Given that the Pump House was not being used as overnight accommodation prior to its conversion to a dwelling, the likelihood is that the development will have contributed to harmful eutrophication effects through its mains sewer connection.
19. Natural England advice is to take a precautionary approach in line with existing legislation and case law when addressing uncertainty and calculating nutrient budgets. Where there is a likely significant effect on European sites, a Habitats Regulations Assessment (Appropriate Assessment) is required prior to granting planning permission. This must demonstrate, beyond all reasonable scientific doubt, that the proposed development would not have an adverse effect on site integrity, either alone or in combination with other plans and projects. Based on the information presented, I am unable to rule out adverse impacts on the integrity of the Solent Marine European sites and consequently the scheme conflicts with Policies E5 and E8 of the TVBRLP and the Conservation of Habitats and Species Regulations (2017). This would be fatal to the appeal, even in the event of all other matters being acceptable.

Highway safety

20. The development provides parking space within the site to accommodate at least one vehicle, in accordance with Policy T2 and Annex G of the TVBRLP. An 'in' and 'out' arrangement allows for vehicles to enter and exit the site in a forward gear. However, the submitted plans do not show the visibility splays, which are a requirement of the Highway Authority, to ensure that drivers emerging from the site have adequate visibility of oncoming traffic along Marsh Court Road. Traffic speeds along this section of highway are generally low, but that does not obviate the need to ensure that new accesses are safe for all users of the highway in line with the requirements of Policy T1 of the TVBRLP.

Other Matters

21. The appellant has made various allegations in relation to the Council's handling of this case, including claims of lies, prejudice, favouritism and corruption. This is in addition to failings identified in respect of material not placed on the authority's website. It is open for the appellant to pursue these matters

² The list supplied by the Council comprises the Portsmouth Harbour SPA, Solent and Southampton Water SPA and Ramsar, Solent Maritime SAC and Portsmouth Harbour SPA/Ramsar.

through the Council's complaints procedures; they do not affect my decision on this appeal which has been determined on the planning merits.

22. Reference is made within the appellant's evidence to the "Right to Regenerate Plan". This was a Government consultation exercise, the outcome of which remains to be seen. I have therefore attached it limited weight as a material consideration. I have determined the application in accordance with planning law³ which requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.
23. It is contended that light within the building could be improved by creating new windows. However, my decision on the appeal is based on the plans submitted.
24. My attention has been drawn to two other developments in the locality. One is a garage/store building ancillary to an existing dwelling in the countryside, whereas the other is a scheme of three new dwellings within the Stockbridge settlement boundary. I do not have details of these cases, but it is clear that their circumstances differ from those of the appeal scheme which is for the creation of a new dwelling from an existing building outside of the settlement boundary.
25. The Council advises that it omitted to include the impact on protected species as a reason for refusal. A preliminary ecological assessment was conducted for a previous application, but the findings of this are out-of-date. An updated survey would ordinarily be required prior to any grant of planning permission. However, in this case site clearance has already taken place and therefore it would be appropriate to secure the survey information, together with any mitigation and biodiversity enhancement measures by means of a planning condition. My decision does not turn on this in any event.

Planning Balance and Conclusion

26. The development is contrary to TVBRLP policy as regards development in the countryside, heritage assets, standards of amenity, European protected sites and highway safety. This brings the development into conflict with the development plan taken as a whole. I have taken account of the appellant's arguments, but there are no material considerations to justify a decision otherwise than in accordance with the development plan.
27. Paragraph 202 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The development in this case has made use of a redundant building to deliver a new home. However, this benefit does not outweigh the harm to the Stockbridge Conservation Area.
28. For the reasons given above, and having taken account of the multiple representations of support, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

³ S38(6) of the Planning and Compulsory Purchase Act 2004