



Appeal Decision

Site visit made on 23 May 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/C1760/W/22/3312425

Woodland, Dunwood, Dunwood Awbridge SO51 0GF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by School Lane Holdings against the decision of Test Valley Borough Council.
 - The application Ref 21/01701/OUTS, dated 27 May 2021, was refused by notice dated 17 August 2022.
 - The development proposed is a log cabin for charcoal burner workers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is for outline planning permission with all matters reserved for future approval. Therefore, I have treated any details submitted with the appeal application relating to access, appearance, landscaping, layout and scale as indicative.
3. Whilst a request has been made for me to take into account PPG7¹, this was superseded by PPS7². In 2012, PPS7 was also superseded by the National Planning Policy Framework (the Framework). Therefore, I have determined the appeal based on the Framework as the relevant national policy in place at the time of my decision.

Main Issue

4. The main issue is whether the location of the proposed development would be suitable, having regard to local and national planning policies regarding development in the countryside.

Reasons

5. The appeal site is located outside the boundaries of the hierarchy of settlements set out in Policy COM2 of the Test Valley Borough Revised Local Plan 2016 (the Local Plan). Therefore, for the purpose of the development plan, the site is located within the countryside where development is strictly controlled. Policy COM2 of the Local Plan stipulates that development in the countryside will only be permitted if it is: a) appropriate; or b) essential to be located in the countryside. Further, to be appropriate, Policy COM2 identifies other policies relevant to this assessment, including Policy COM10 which relates

¹ Planning Policy Guidance 7: The Countryside – Environmental Quality and Economic and Social Development

² Planning Policy Statement 7: Sustainable Development in Rural Areas

to occupational accommodation for rural workers in the countryside, setting out five criteria that need to be evidenced for the development to be supported. Of these criteria, the main parties agree that bii) – bv) apply and I have no substantive reasons before me to conclude otherwise. However, bi) is disputed, namely whether or not there is an essential functional need for the dwelling based on evidence of that business.

6. The proposed development comprises a log cabin to provide accommodation for employees of a business³ which produces charcoal using wood from the Dunwood Manor Woodland which surrounds the site. Due to growing demand, the business could increase charcoal production via the operation of additional, more efficient burners. These would require close monitoring by staff during the lighting, burning and cooling processes. Monitoring and the control of burner temperatures remotely would be problematic. However, as acknowledged by the appellant, is it possible for these processes to be undertaken by several employees working shifts, even if this is not the appellant's ideal approach. Consequently, irrespective of the timings for each burner cycle and the 24-hour nature of the work, I have little substantive evidence before me that demonstrates the business could not be operated by several employees working a shift pattern.
7. Although business accounts accompanied the appeal application, these relate to the existing charcoal production process and, therefore, do not reflect the overall strategy or provide a rural business plan should additional burners be used. As such, even in the hypothetical situation involving hiring additional employees and staff living off-site, I am unable to conclude with certainty that a modest profit could not be generated by the business.
8. Even if I were to consider the proposed development would be linked to a new venture or new business in the countryside and/or would provide temporary accommodation, Policy COM10ai) also requires that an essential functional need for the dwelling should be demonstrated. Furthermore, the ability to provide temporary accommodation under permitted development rights on the appeal site does not automatically mean that favourable weight should be given to the grant of temporary planning permission.
9. Overall, the need for workers to be accommodated on the appeal site has not been demonstrated. In the absence of more detailed information, I am unable to conclude that the proposed development would meet an essential functional need for the business.
10. Consequently, I conclude that the location of the proposed development would not be suitable, having regard to local and national planning policy regarding development in the countryside, contrary to policies COM2 and COM10 of the Local Plan in this regard. I also find conflict with Chapter 5 of the Framework which requires housing in rural areas to be responsive to local circumstances and needs.

Other Matters

11. The proposed development would result in some economic, social and environmental benefits from the growth of the business, the occupation of the log cabin, ecological enhancements and the continued conservation of the

³ Black Fox Woodland Produce

surrounding woodland. However, given the scale of the appeal scheme, and based on the limited financial evidence before me, such benefits would be modest. Furthermore, all these benefits could be delivered irrespective of the implementation of the proposed development, therefore I attach limited weight to them. Overall, these benefits would not outweigh the harm I have identified above and the associated development plan conflict.

12. The site is located near the Solent and Southampton Water Special Protection Area (SPA) and the New Forest SPA. The Council's decision notice included two reasons for refusal relating to the SPAs as it had not been demonstrated that the proposed development would not cause harm to these European Sites. Although the appellant has confirmed a willingness to enter into legal agreements in these respects, I have not been provided with these. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SPAs, in accordance with the Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further as this would not alter the outcome of the appeal.

Conclusion

13. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR