



Appeal Decision

Site visit made on 10 August 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2023

Appeal Ref: APP/C1760/W/23/3315124

Fishlake Cottage, Greatbridge Road, Romsey SO51 0HB

- 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 and Mrs DeSouza against the decision of Test Valley Borough Council.
 - The application Ref 21/00817/FULLS, dated 16 March 2021, was refused by notice dated 22 July 2022.
 - The development proposed is described as a change of use from open storage and as a builder's yard to residential use, erection of 2no. four-bedroom houses with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The principle of the proposed development having regard to its location outside the settlement boundary as defined in the development plan;
 - Whether sufficient information has been presented to demonstrate the proposed development would not harm the economic development needs of the area;
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on flood risk with particular reference to the Exception Test.

Reasons

Principle of Development

3. The Test Valley Revised Local Plan 2011 - 2029 (2016) ("The Local Plan") as the development plan for the area seeks to direct development towards the most sustainable locations balancing the need for development with the need to protect the countryside.
4. The appeal site does not fall within a settlement area and would therefore be part of the countryside. Policy COM2 of the Local Plan states that development outside the boundaries of settlements will only be permitted if appropriate in the countryside or a countryside location is essential. The proposal does not meet these exceptions and therefore conflicts with Policy COM2.

5. I therefore conclude that the proposed development would not be appropriately located conflicting with the spatial strategy of the development plan. However, before determining the appeal it is necessary to consider what if any other harm would be caused by the proposed development and whether there are any material considerations that may outweigh that conflict with the development plan.

Economic Needs

6. The appeal site benefits from a lawful development certificate for the use of the land for access and circulation of vehicles for purposes ancillary to the storage use buildings including deliveries to and collections from the said buildings.
7. The site has an established lawful use as set out within the parameters of the certificate and it is wholly reasonable to conclude that this use comprises an employment use with potential to meet economic development needs of the area.
8. While I appreciate the appellant could secure off site storage for their needs elsewhere, it has not been robustly shown that there would be no other demand for the existing use. In addition, the submitted evidence from Holt Consult Commercial Property Consultants shows confidence in demand for this site and therefore potential to contribute toward the economic development needs of the area.
9. I acknowledge the site detracts somewhat from the character of the area and the neighbour's preference would be to have a residential dwelling at the appeal site. However, there is limited evidence that the existing use has caused significant harm to the character of the area or amenities of residents.
10. The future is somewhat of an unknown quantity, however, uncertainty does not automatically translate into harm. That said, the existing site is unfettered by planning conditions. The appellant suggests future scenarios of potential harm, however, these are based on assumptions without reference to the limitations of the site nor any mitigation which may exist. It has not, therefore, been conclusively shown that this could amount to significant harm as required by Policy LE10b of the Local Plan.
11. Consequently, insufficient information has been presented to demonstrate that the loss of the existing use would not harm the economic development needs of the area. The proposed development would therefore conflict with the relevant provisions of Policy LE10 and COM2 of the Local Plan. These, amongst other things, seek to support the economy and meet the need for employment land.

Character and Appearance

12. The appeal site comprises two modest buildings and is laid to hardstanding with close board fencing, mature trees and vegetation to the site boundaries. Beyond the site the locality comprises a broadly rural character with a scattering of buildings including the former 'World of Water' site.
13. While occasional gable features exist, existing residential buildings are typically modestly scaled with low eaves. This reduced massing at first floor is important as it decreases the visual mass and scale of existing buildings. These modestly scaled buildings positively contribute toward the rural character of the area.

14. The proposed development would provide two storey dwellings with high eaves and gable ends. These high eaves and roof design features would contrast with the lower scaled prevailing character of the area harmful to the rural appearance of the area.
15. This harm would be compounded by the proposed raised platforms required under each dwelling. These platforms would elevate the proposed development further emphasising the visual harm identified above. This would create a development which would fail to compliment or integrate into its surroundings unacceptably harming the rural character and appearance of the area.
16. While there is a fence and landscape cover around the site, the submitted Landscape and Visual Appraisal ("the LVA") concedes that oblique and glimpsed views of the development may be possible above the fence and through or above the vegetation and trees. From my own site visit, during the summer period, such views through the site were possible albeit glimpsed in parts.
17. Nonetheless, this screening cannot be relied upon to hide an unacceptable development in perpetuity. I say this as even if all existing planting is evergreen, there is nothing before me to protect this screening from death or disease. Replacement planting would not be guaranteed, but if it was, it would take time to establish and this would not mitigate the visual harm I have identified.
18. Views into the site would also be possible through the access above the gates from the adjoining pavement and road. The height and the scale of the proposed dwellings in combination with the width across the site would be visible to both motorists and pedestrians on Greatbridge Road through this viewpoint. This visibility would draw the eye to the scale and mass of the proposed development adding harm to that already identified above.
19. Consequently, the proposed development would unacceptably harm the character and appearance of the area. The proposals would therefore be contrary to the relevant provisions of Policies COM2 and E2 of the Local Plan which, amongst other things, require development proposals to protect, conserve, and enhance the character of the wider landscape.

Flood Risk

20. The appeal site lies within Flood Zone 3a and the National Planning Policy Framework ("the Framework") at Annex 3 gives residential development a 'more vulnerable' flood risk classification. The National Planning Policy Guidance ("the NPPG"), amongst other things, requires an Exception Test for more vulnerable development in Flood Zone 3a.
21. The Exception Test, as set out at paragraph 164 of the Framework, requires proposed development to show that it provides wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
22. The appellant highlights the proposed benefits which include, economic benefits and high-quality design. However, such benefits would also be undermined as it has not been clearly demonstrated that the loss of the existing use would not harm the economic development needs of the area and I have also found harm to the character and appearance of the area.

23. The appellant also suggests that the proposed development would utilise sustainable construction methods, would be highly energy efficient, offer biodiversity conservation and enhancements while protecting high standards of water and air quality.
24. However, considering the emphasis of the Framework on using natural resources prudently, protecting the natural environment, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards with associated ecological enhancements.
25. A financial contribution and easement across the appellants land to improve access to Fishlake Meadows Nature Reserve has been offered. However, there is limited evidence before me to suggest the existing nature reserve suffers poor access or requires additional access routes.
26. While the improved access may be desirable, its overall contribution to existing accessibility across the nature reserve including for those with impaired mobility has not been clearly demonstrated. The financial contribution is also said to unlock other funding, however, there is very limited evidence to show what identified projects this further funding would be spent on.
27. My attention is drawn to the adjoining 'World of Water' site and the findings of the Exception Test as part of that application. Although I accept that the issues may have some similarities, the 'World of Water' site is a different development proposal on a site which appears to have a differing layout and use. The Exception Test depends on the specific circumstances of each case and whilst consistency is important each case must be considered on its own merits.
28. I note the comments about reductions in crime, however I have not been provided with robust evidence demonstrating the existing levels of crime or why redevelopment of the site would be the only way to reduce crime.
29. It has been put to me that the appeal site would reduce the need to travel and its location would be sustainable. However, for reasons set out later in this decision, I do not consider this to be the case.
30. I acknowledge the other benefits such as providing for future housing needs, types and tenures within the Borough, efficient use of previously developed land, education, training, support of community infrastructure and tourism. The sum of the benefits to the community from two additional dwellings would be modest.
31. The appellant argues that the Romsey Flood Alleviation Scheme would reduce the level of flood risk. While I have taken this into account, the site remains in Flood Zone 3a and I have considered it on this basis.
32. Therefore, given the limited quantum of development, all the deliverable benefits identified by the appellant, when considered in combination, would not constitute the wider sustainability benefits to the community that are necessary to outweigh the flood risk.
33. The appellant has set out mitigation measures to ensure that the development would be safe for its lifetime. I have no further evidence before me to conclude that these measures would not be sufficient, subject to conditions. However, as both elements of the exception test are required to be passed and as I have

concluded that the proposal fails with regard to the first element, I consider the proposal would fail the exception test overall.

34. I therefore conclude that the proposed development would not meet the requirements of the Exception Test contrary to the relevant provisions of Policies COM2 and E7 of the Local Plan, the Framework, and the NPPG which, amongst other things, seek to direct development to areas at lower probability of flooding and minimise the risk from flooding.

Other Matters

Location and Accessibility

35. The appeal site is located approximately 455 metres from the settlement boundary of Romsey with the distance to services and facilities within Romsey, approximately 1400 metres from the site. There are no immediate shops or services by the appeal site with a Petrol Station and convenience store just on the outskirts of the settlement area which involves crossing Greatbridge Road with no dedicated pedestrian crossing points.
36. The appellant states that Romsey Railway Station is sited approximately 1300 metres away and the closest bus stop is approximately 800m from the appeal site. Greatbridge Road is a rural road with a continuous flat pedestrian footway, however it is unlit along considerable sections between the appeal site and Romsey with limited benches to sit and rest.
37. The distances involved and the limited street lighting and seating along Greatbridge Road would therefore be likely to deter pedestrians, especially the elderly or pedestrians with young children, particularly after dark and in bad weather. As a result, there would be a strong likelihood that most future occupiers would be dependent on the private car to access most of the services in the area and further afield.
38. The appellant draws my attention to other appeal decisions where sites were found to be accessible. Although, these schemes may have similarities with the appeal proposal, they do not share the same location, relationship with the settlement or accessibility which I have considered above on its own merits. Consequently, I conclude that the proposed development would not be appropriately located.

Planning Balance

39. The proposal would optimise housing delivery (2 No dwellings) on a previously developed windfall site. The site would deliver economic benefits from the construction phase and from the future occupiers of the proposed dwellings.
40. Social benefits are also proposed including improved links to the nature reserve, reduction in potential for crime, education, training, support of community infrastructure and tourism. Environmental benefits would include landscaping, energy efficiency, sustainable construction, air and water quality and ecology enhancements.
41. However, given the relatively limited quantum of development proposed and my findings as set out earlier in this decision, I ascribe the cumulative impact of these benefits moderate weight.

42. The weight attributable to the harm, in respect to the loss of an employment site, the impact upon the character and appearance of the area and the risk of flooding, would attract substantial weight. Moreover, there would be harm to the spatial strategy of the plan and I have found the site would not be appropriately located.
43. Accordingly, the harm would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.
44. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issues.
45. The appeal site is within influencing distance of the Solent and Southampton Water European Designated Site and the Special Protection Area of the New Forest. Given my conclusions on the main issues, I do not need to carry out an appropriate assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) and therefore do not need to consider these matters any further.

Conclusion

46. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR