



Appeal Decisions

Site visit made on 19 September 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal A Ref: APP/C1760/W/22/3310807

Land South West of Mill House, Mill House Lane, Longparish, SP11 6QH

- 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 Tony Buckingham against the decision of Test Valley Borough Council.
 - The application Ref 22/00613/FULLN, dated 4 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is construction of fence, following removal of existing fence, and retention of gate.
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Appeal B Ref: APP/C1760/W/22/3310808

Land South West of Mill House, Mill House Lane, Longparish, SP11 6QH

- 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 Tony Buckingham against the decision of Test Valley Borough Council.
 - The application Ref 22/00725/FULLN, dated 4 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is installation of rotary spikes, construction of fence and retention of gate, following removal of existing fence.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. I have used the address that the Council used as it is more accurate than the address entered on the application form.
4. A single application form was used for both proposals. The main parties agreed that the application would be split into two and was processed as such. My consideration of the proposals is made on the same basis.
5. The appeals relate to very similar proposals at the same site. A length of metal security fence and a metal gate has been erected at the site without planning permission. Both proposals seek the removal of the metal fence and its replacement with sections of post and wire fence. Both proposals seek the retention of the existing metal gate. The proposals are therefore part retrospective.

6. The proposals only differ in relation to the work that would be carried out to the side of the bridge. The appeal A proposal would see a fence erected along the side of the bridge that would be contiguous with adjacent sections of fence. The appeal B proposal would see a low section of rotary spikes fitted along the side of the bridge in place of the fence proposed in the appeal A scheme. I have therefore dealt with the two proposals together in my reasoning to avoid duplication.

Main Issue

7. The effect of the proposals on the character and appearance of the area, including the setting of the grade II listed building known as Millhouse and Mill¹, and whether the proposals would preserve or enhance the character and appearance of the Longparish Conservation Area.

Reasons

8. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
9. The appeal site is alongside a small bridge where the appellant has already erected a length of substantial fence and a gate to restrict access to his fishery. The bridge crosses the River Test and is part of a modest rural road that is private to the north, where it runs alongside the Mill. Thus, it is not used regularly for vehicular traffic but is popular for walking as it connects with footpaths and provides a pleasant area for recreation alongside the water. As a result, the area has a tranquil and natural character that is dominated by well established riverside vegetation and water.
10. The appeal site is within the Longparish Conservation Area (LCA). The LCA Appraisal divides the extensive area into several character areas, of which the appeal site is within the Upper Mill area. This area is dominated by the grade II listed Mill complex, which retains its original waterside setting, without the intrusion of recent development. The isolated position of the Mill, its association with the surrounding water courses and its verdant and natural river environment are significant contributors to the character and appearance of the wider LCA and important components of the listed building's setting that contribute to its significance.
11. The existing metal gate has a harsh and urban appearance. It is of a design that is commonly found in industrial settings, and as a result appears wholly out of place in the environs of the appeal site. Both proposals would see it retained alongside lengths of post and wire fence. These fences would have a more modest visual impact, especially as the posts weather down naturally over time, and would not appear out of place in this context. Their appearance would however only reinforce the inappropriate siting of the metal gate.

¹ List entry number: 1302097

12. Notwithstanding my general observations on the appropriateness of the fencing, I am of the view that it would be particularly harmful to see a length of fence extend along the side of the bridge, as is proposed in Appeal A. The plain and functional design of the bridge with its simple balustrade allows clear open views across the river. This is an arrangement that I observed at other river crossings nearby. Although a post and wire fence would still allow open views it would create a sense of separation between the road and water, which would be reinforced should vegetation be left to spread across the wire surface. Additionally, the appearance of two boundaries alongside each other would look clumsy and ill considered.
13. As an alternative, Appeal B proposes a length of rotary spikes along the edge of the bridge. These would be fitted behind the wall along the edge of the bridge, so they would not be prominent to view. On this basis I am satisfied that this element of the Appeal B proposal would not cause harm.
14. The retention of the existing metal gate would cause harm. Additional harm would arise from the Appeal A proposal in relation to the length of post and wire fence that would sit alongside the bridge. These impacts would erode the quality of the verdant and natural waterside setting of the area, which would harm the character and appearance of the LCA and aspects of the setting of the listed Mill complex that contribute to its significance.
15. In reaching this view I have been mindful of the observations before me that suggest that the main views of the listed Mill complex are gained from the area to the north of the site. From here the Mill and Millhouse can be observed easily in their riverside setting. The appeal site is around the corner from this area. However, there is a direct view of the listed buildings from the bridge if facing away from the appeal site, and the adjoining water dominated environment is important to the way the heritage asset is experienced upon approach from either end of the lane. For these reasons I am of the view that the area of the appeal site is a component of the listed building's setting that contributes to its significance.
16. In terms of the National Planning Policy Framework (the Framework) the harms identified are less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
17. Protecting property from trespass, theft and vandalism is a public benefit as such protections would reduce the scope for crime to be committed thereby creating safer places and reducing adverse economic impacts. Evidence submitted suggests that the existing fence and gate have prevented trespass. Added to this is the harmful impact of vandalism and unauthorised access on the carefully managed ecosystem.
18. However, there is nothing before me to explain why the existing gate is necessary to prevent access, and why a gate of a design that is more suited to this rural environment would not deliver a similar level of security. I note that the appellant is willing to consider an alternative gate, which further undermines the case for retaining the existing gate.
19. Similarly, the case for erecting a fence alongside the bridge is also lessened by the Appeal B proposal that includes a more discreet length of low level rotary spikes to achieve the same aim of keeping the site secure. There is nothing

before me to suggest that this alternative solution would deliver a reduced level of security. Thus, the weight I give to the benefits of the proposals to the security of the site are limited as it is not clear that either of the proposed solutions are the only way of improving site security.

20. I need to consider this in the context of Paragraph 189 of the Framework which states that heritage assets are an irreplaceable resource and Paragraph 199 which establishes that great weight should be given to the conservation of a heritage asset. I am not satisfied that the benefits would be sufficient to outweigh the harm identified.
21. In summary, the proposals would fail to meet the requirements of the LBCA as they would harm the special interest of the listed building and the character and appearance of the LCA. They would be contrary to Policies E1, E2 and E9 of the Test Valley Borough Revised Local Plan DPD 2011-2029. Together these Policies seek to ensure that development proposals integrate, respect, and complement existing character including landscape character and heritage.

Other Matters

22. The appellant advises that he is willing to replace the existing metal gate if the proposals are otherwise found to be acceptable. I have found that the metal gate causes significant harm to the character and appearance of the area for the reasons given. Both appeals would therefore fail on this basis. I have also found that additional harm would arise from the length of proposed fence that would run alongside the bridge. Therefore, even if the gate is replaced, Appeal A would still fail. However, allowing for the replacement of the metal gate could mean that I could allow Appeal B.
23. I need to consider whether the use of a condition to secure details of a replacement gate meets the tests set out in the Planning Practice Guidance, and established caselaw. Both descriptions of development refer to the retention of the gate, so I would be granting permissions for proposals that are different to that which has been applied for. Additionally, the appeal process should not be used to advance a scheme, and allowing either appeal on the basis that a different gate is installed would prejudice the interests of any interested parties who would not have the opportunity to comment on an alternative. I am thus of the view that the suggested condition would not be appropriate.
24. There is a reference before me to the deer fencing installed at Dever Springs Trout Fishery. This does not however weigh in favour of the proposal as this installation does not appear to include a metal gate.
25. Close board timber fencing has been erected alongside the grounds of the Mill, close to the appeal site. Whilst this raises some similar issues to the appeal proposal, I do not know the circumstances of this installation. It appears to have a different context in that it relates to the land immediately associated with the Mill. Additionally, it is not clear how the Council views this matter. On this basis it should not weigh in favour of the proposals.
26. If the appeals are dismissed it is suggested that discarding the gate would be wasteful. However, it is a complete unit that should be capable of straightforward re-use in a different context.

Conclusion

27. In conclusion, the proposals would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeals should be dismissed.

A Tucker

INSPECTOR