



Appeal Decision

Site visit made on 30 January 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2024

Appeal Ref: APP/M1710/W/23/3327413

Joinery Unit, Unit E1, Woolmer Farm, Woolmer Lane, Bramshott, Liphook GU30 7RD

- 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 Steve Mellstrom of Colesfield Farming Partnership against the decision of East Hampshire District Council.
 - The application Ref 33125/054, dated 10 March 2023, was refused by notice dated 14 July 2023.
 - The development is described as 'the change of use of Unit E to a joinery workshop, including the siting of a storage container and the retention of a dust extraction unit, all as described in the planning statement.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development subject to this appeal has already been carried out and the change of use to a joinery workshop has commenced.
3. The address given on the application form refers to Unit E1; however, the description of the development refers to Unit E, which is the adjoining unit. The appeal site and unit are clearly identifiable from the red line site plan. I have therefore considered the appeal based on the plans before me.
4. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.
5. Both main parties advise that there are current Enforcement Notice appeals relating to an adjoining unit (Unit E). However, I have considered the planning merits of this appeal only, as the Enforcement Notice appeals are not before me.

Main Issues

6. The main issues are the effect of the development on:
 - the character and appearance of the area;

- the living conditions of occupants of neighbouring residential properties, having particular regard to pollution, including noise and disturbance; and,
- highway safety.

Reasons

Character and appearance

7. The appeal site lies within a rural area, outside of any defined settlement boundary and is accessed via narrow rural lanes. Unit E1 comprises of a metal clad building, which is located at one end of a former farmyard. Some of the neighbouring units have been converted to commercial uses. The side elevation of the unit lies a short distance away from the boundary of the site. Beyond the boundary fence is a small, wooded area and beyond that is Woolmer Lane, which provides access to residential properties, including Ludshott Manor, which is a Grade II listed building. There are further residential properties on the opposite side of the road to the site entrance.
8. Planning permission was granted on appeal in July 2020 to change the use of this former agricultural building to Use Class B1(c)¹. The appellant seeks planning permission to change the use of this unit to a joinery workshop, which falls within Use Class B2 (general industrial). This appeal also seeks to retain a storage container and a dust extraction unit.
9. The storage container is sited to the front of the unit. It is largely screened from the public realm by the existing buildings, the boundary treatment and surrounding soft landscaping. Nevertheless, as a result of its positioning directly to the front of the unit, it is a prominent feature within the former farmyard. It is utilitarian in appearance and creates visual clutter, which detracts from the character and appearance of the area.
10. The extraction unit is sited on the side of the unit at a high level. It is a sizeable installation, which is light grey in colour and of an industrial appearance. The existing trees and boundary treatment provide some screening of the extraction unit from the public realm. However, the extraction unit is visible from the road and appears as an incongruous and visually discordant feature on this modestly sized, former agricultural building. While the extraction unit could be clad, this does not form part of the appeal scheme. It is also a matter of dispute between both main parties on whether such works would require planning permission in their own right. As a result, I do not find that such works could be secured by condition and I therefore give the proposed cladding limited weight in my decision.
11. At the time of my site visit, sawing and clanging from within the unit were audible outside, with the doors closed. With the exception of noise from a shoot that was taking place in the locality (which is a traditional countryside pursuit and such noise is not out of keeping in a rural area), the area was relatively tranquil with limited noise from other surrounding uses or vehicular traffic. While I turn to the issue of noise in greater detail below, I find that the use of the unit as a joinery workshop, including deliveries, unloading and loading and noise from the extraction unit result in a harmful level of noise and disturbance, which harms the tranquil character of this rural area.

¹ Ref: APP/M1710/W/19/3223071

12. For the reasons given above, I conclude that the development is harmful to the character and appearance of the area. The development conflicts with Policy CP20 of The East Hampshire District Local Plan: Joint Core Strategy, adopted 2014 (the Core Strategy) and Saved Policy C14 of the East Hampshire District Local Plan: Second Review 2006 (the Local Plan). These policies among other things require that development protects and enhances local distinctiveness, sense of place and tranquillity and does not harm the character of the countryside. The development also conflicts with the Framework, which requires that decisions should contribute to and enhance the natural and local environment.

Living conditions

13. There are residential properties a short distance away from the appeal site. While the extraction unit was not in operation at the time of my site visit, the evidence before me indicates that the extraction unit currently contributes to a noise level of 44dB at The Old Dairy, which is one of the closest residential properties. The appellant's noise assessment predicts that noise levels at The Old Dairy are currently 12dB above the representative weekend background noise levels, which indicates a significant adverse impact.
14. The appellant advises that a 5 metre high acoustic screen could reduce noise levels to no greater than 5dB above background noise levels, where plant noise is unlikely to be distinguishable. The appellant considers that a 5 metre high screen would be permitted development and could be secured by condition. The 5 metre high screen does not form part of the planning application and there is no lawful development certificate before me to confirm such works would be permitted development. Alternative mitigation measures are discussed in the appellant's case, but there are limited details of a scheme before me. As a result, I give the proposed mitigation measures limited weight in my decision.
15. The appellant advises that two employees work within the unit and there are two deliveries a month by a 12 tonne lorry or occasionally an 18 tonne lorry. Finished products are collected weekly by a truck. While I appreciate that there are likely to be low levels of vehicular movements associated with this business, the vehicles are typically larger and noisier than those that would supply goods to a light industrial use class. I find that the deliveries, unloading and loading, moving timber around by forklift truck and the use of larger delivery vehicles causes noise and disturbance, which is more akin to an industrial area, rather than a tranquil part of the countryside.
16. The appellant advises that the unit has been insulated internally and that the doors are closed during the operation of machinery. The appellant's Noise impact Assessment demonstrates that noise breakout from the unit would not result in a harmful level of noise disturbance to the nearest residential property. Based on the evidence before me and my site visit, I find that the operation of machinery within the unit does not result in a significant level of noise disturbance to the occupants of neighbouring properties when the doors are closed. However, neighbouring occupants would be subject to a harmful level of noise disturbance if the doors were open. I note that the appellant would be happy to accept a condition that the doors remain closed during operation. However, I do not find that such a condition would be reasonable particularly during times of hot weather.

17. For the reasons given above, I conclude that the development is harmful to the living conditions of the occupants of neighbouring residential properties. The development conflicts with Policy CP27 of the Core Strategy, which seeks to prevent pollution, including noise pollution. The development also conflicts with the Framework, which requires that developments create a high standard of amenity for existing and future users.

Highway safety

18. The site is accessed via Woolmer Lane to the south or via a track which provides access to Tunbridge Lane to the west. Both routes require a vehicle to travel along narrow rural lanes, which have limited passing spaces. As a result, they are not suited to movements of large commercial vehicles. While third parties advise that occupants of Woolmer Farm do not have a right of way over part of Woolmer Lane, I found both routes to be unsuitable for large commercial vehicles.
19. I appreciate that vehicular movements associated with the joinery unit are relatively low and are unlikely to be significantly greater than vehicular movements associated with a light industrial use. Nevertheless, the type and size of vehicles accessing the unit, which includes 18 tonne lorries is inappropriate for these sub-standard rural lanes. Furthermore, given the lack of passing spaces and footways, the development is likely to result in conflict with other road users and pedestrians, which would be harmful to highway safety.
20. For the reasons given above, I conclude that the development conflicts with Policy CP31 of the Core Strategy and saved Policy C14 of the Local Plan. These policies among other things seek to ensure that traffic generated by a development is not of a type or amount inappropriate to local rural roads and that development considers the need for safety of other road users.

Other Matters

21. Ludshott Manor is a Grade II listed building, which is located to the south-west of the appeal site on higher level land. In accordance with the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the listed building in the determination of this appeal. The significance of Ludshott Manor, insofar as is relevant to this appeal is derived from its grand stature as a former country house and its early nineteenth century architecture. The surrounding landscape and agricultural heritage of the area, contribute to the significance of this listed building. Given the change in levels and intervening buildings and trees, I do not find that the development is harmful to the setting of the listed building.
22. The appellant argues that policies in the development plan and the Framework support the conversion of rural buildings to economic uses. However, the development plan and the Framework also require that development does not harm the character and appearance of an area, the living conditions of neighbouring occupants or result in harm to highway safety. I therefore give this argument limited weight in my decision.
23. I acknowledge that a nearby unit has recently received planning permission to be used as a tree surgery business. This is a materially different use, which is not incompatible with a rural area, which is adjacent to woodland. There are

also limited details before me of this scheme and I therefore give it limited weight in my decision.

24. The appellant argues that the farmyard could be used for agricultural purposes again which would cause noise and disturbance to neighbouring residents. However, farming activities and noise are traditionally experienced within a countryside location and I give this argument limited weight in my decision.
25. The appellant states that the development could result in the appeal site becoming abandoned and derelict. However, there is limited evidence before me to suggest that the appeal site could not be used for an alternative purpose that would be more in keeping with its rural surroundings and result in less noise and disturbance. I appreciate that the dismissal of this appeal could result in the joinery workshop closing and loss of employment for the two staff. However, this does not outweigh the harm that I have identified to the character and appearance of the area, the living conditions of neighbouring residents and highway safety. Restricting the use of the unit to a joinery workshop only, would not outweigh my concerns as outlined above.

Conclusion

26. For the reasons given above, the development conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. Therefore, the appeal is dismissed.

A James

INSPECTOR