



Appeal Decision

Site visit made on 10 May 2024

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/W1715/W/23/3324228
Hound Road, Netley, Southampton SO31 5FS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Conrad Energy (Developments) Ltd against the decision of Eastleigh Borough Council.
 - The application Ref is F/20/88834.
 - The development proposed is described as the erection of a flexible power generation and battery storage facility with associated infrastructure, access and boundary treatment.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site forms part of a field which is accessible from Hound Road, accordingly it does not have a full postal address. It is identified by the following grid reference: Easting 447232; Northing 108917.
3. The appeal submission included a Noise Impact Technical Note (NITN) which did not form part of the original application. However, I am satisfied this does not alter the proposal but rather seeks to clarify elements of that proposed. Its inclusion as part of the submission would not therefore be prejudicial to any other parties and I have made my decision accordingly.

Main Issues

4. The main issues are whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside; the effect of the proposed development on the character and appearance of the surrounding landscape, and the Settlement Gap; and whether the noise impact of that proposed would be acceptable.

Reasons

Location

5. The main parties agree the appeal site lies within the countryside. Eastleigh Borough Local Plan (LP) Policy S5 seeks to control development in the countryside with part 1 listing appropriate development types, and part 2 setting out the criteria appropriate new development should meet.
6. LP Policy S5 part 1 g) provides for essential public utilities and refers to LP Policy DM9 which guides such development. LP Policy DM9, amongst other

things, allows for new utilities infrastructure essential to meet the needs of new and existing communities.

7. The main parties also agree the proposal would be considered an essential public utility and the Council supports the need for such development. There is nothing in the evidence for me to conclude otherwise. However, Policy DM9 also states that a full justification including an assessment of alternative means of provision is required where conflict is identified with other parts of the LP, as within the Council's reasons for refusal.
8. This has been interpreted by the main parties to mean whether the proposed use could be accommodated elsewhere. This reflects the wording of superseded Policy 1.CO of the previous Local Plan which required it to be shown that the proposal cannot be reasonably accommodated in a more suitable location.
9. The appellant submitted an Alternative Sites Assessment (ASA) and subsequent addendum. The ASA and addendum both conclude the appeal site is the most appropriate location. However, these documents do not show a clear sequential assessment of the sites. Nor have sites with similar attributes been scored similarly. Specifically, the appeal site and Additional Site 2 where the local constraints are explained identically except the appeal site's location within the countryside and settlement gap is not taken into account. Thereby the appeal site is graded green whilst Additional Site 2 is graded red. I therefore only give these documents very limited weight.
10. It is acknowledged that there are some clear functional locational benefits to the site such as the proximity to the sub-station and gas main. Nevertheless, from the information provided it has not been shown that the appeal site is the most suitable location for the proposal and therefore, in my mind, does not meet the high justification requirements set by LP Policy DM9 to overcome conflict identified within other parts of the LP. Consequently, the proposal fails to comply with LP Policy DM9 and accordingly LP Policy S5.

Character and appearance

11. The appeal site is part of a larger open field which although partially surrounded by mature hedging is clearly visible from Hound Road and Hamble Lane. It forms part of a larger group of fields and paddocks separated by hedging and wire fencing. This group of fields is bordered by Hound Road, Hamble Lane, a new housing development at Luck Road, and along one edge is linked to the next group of fields and paddocks by a wooded area. On a wider scale this pattern of groups of fields is repeated to form a patchwork of open space which creates a characteristically countryside landscape that provides both a visual and physical separation between the surrounding villages and areas of development.
12. Although the appeal site is in the countryside, there are pockets of semi-rural or agricultural development including to one side of the appeal site, Hamble Farm. Hamble Farm is a cluster of light industrial units. They are low level and relatively modest sized buildings, which although industrial in use have a semi-rural appearance and constitute an established premises that is well screened by mature hedging from the fields and paddocks behind.
13. The proposal would in effect extend development beyond the boundaries of Hamble Farm onto undeveloped land and provide new screening along the rear

- and side boundaries as mitigation for the visual impact of the proposal. There would also be a new access road which would dogleg across the field broadly along the line of an old fence which has largely fallen down.
14. The appellant's Landscape and Visual Impact Assessment (LVIA) concludes that the impact on landscape character would be kept to a minimum through sensitive design and siting advice as well as extensive additional landscape mitigation measures. Paragraphs 4.12 – 4.19 of the LVIA sets out the designed in mitigation through selection and siting. This includes the colour the plant would be painted; the use of existing access points where possible; the retention of the existing hedgerows; and the introduction of additional trees and hedgerows.
 15. With time it is plausible that the proposed landscaping could create adequate screening which would not be dissimilar to that existing around Hamble Farm. However, the proposal would be very industrial in character at odds to the countryside setting and semi-rural buildings of Hamble Farm, immaterial of what colour the plant is painted. It would also narrow the open views from the Hound Road / Hamble Lane junction. In conjunction with the visual and physical intrusion the new access road would have by bisecting the field and creating a new entry point in the hedge along Hamble Lane, the proposal would introduce a form of urbanising development in an area which is predominantly countryside thereby causing unacceptable harm to the character and appearance of the immediate landscape.
 16. My attention has been drawn to appeal APP/V3310/W/20/3263845. Notwithstanding that the location of this appeal is some distance away, from the details provided this scheme appears to be of a similar scale, character, and design to the adjacent buildings. This cannot be said for the proposal before me. The circumstances are not, therefore, sufficiently alike to draw a direct comparison.
 17. The Council's landscape officer's comments are also noted within Appendix 15 of the appellant's statement of case. Although they have a conciliatory tone, they clearly state that the proposal would be erosive, and the proposed screening planting would not provide landscape betterment. They do not therefore alter my findings.
 18. Accordingly, the proposal would have an unacceptable impact on the surrounding landscape's character and appearance. It would therefore fail to comply with LP Policies DM1 and DM4 insofar as they require new development to not have such an impact.

Settlement Gap

19. The appeal site is set within a Settlement Gap (SG) which provides a visual and physical separation between settlements as well as retaining the countryside setting of those settlements.
20. Notwithstanding the urbanising effect the proposal would have in terms of the character and appearance, it would physically intrude beyond the existing defined boundaries of Hamble Farm into an undeveloped and open field. It would thereby constitute an increase of development within the middle of the SG so visually erode the countryside setting the SG creates. Spatially any increase in development within the SG would also weaken the physical

separation between the surrounding settlements thus weakening the principal reason for the creation of the SG.

21. Accordingly, the proposal would fail to protect the SG and so would not comply with LP Policy S6, as far as it requires new development to not undermine or have an urbanising effect on the SG.

Noise

22. From the information before me it is likely the proposed development could have a harmful effect on nearby residents and local ecology in relation to noise. However, it is also evidenced in the NITN that with appropriate mitigation, using acoustic silencers or using specific low-noise plant, any auditory harm could be reduced to within acceptable levels. This could be dealt with by a pre-commencement condition requiring the specific detail of the low-noise plant and/or silencers to be used.
23. Accordingly, the proposed development could comply with LP policies DM1, DM8 and DM11 insofar as they seek to protect against unacceptable environmental impacts from noise.

Other Matters

24. The Government's commitment to energy as set out in the various documents¹ referred to by the appellant, is acknowledged. As is the National Planning Policy Framework's (the Framework) support of the transition to a low carbon future. However, the Framework also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Therefore, although the proposal would align with the energy aims, I do not find this to outweigh the harmful impact the proposal would have on character and appearance and the SG.
25. The appellant has stated the proposal would be temporary for a period of 30 years. This does not alter my findings in relation to the harm identified.
26. In relation to flood risk, trees, highways and other environmental considerations beyond noise, the proposal is not considered harmful. However, a lack of harm is a neutral factor so cannot weigh for or against the proposal.

Balance and Conclusion

27. Whilst I have found for the proposal in the fourth main issue this does not outweigh the harm identified in the first, second and third main issues. Consequently, the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

¹ Overarching National Policy Statement for Energy EN-1 and EN-2; Revised National Policy Statement for Energy EN-1 and EN-2; Smart Power by the National Infrastructure Commission: March 2016; the Energy White Paper – Powering out Net Zero Future; the National Grid ESO – Future Energy Scenarios; the Department of Energy Security and Net Zero – Powering Up Britain; and the UK's Integrated National Energy and Climate Plan.