



Appeal Decision

Site visit made on 10 July 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th august 2024

Appeal Ref: APP/C1760/W/24/3338096

**Matbro Industrial Estate, Longparish Road, Wherwell, Andover, Hampshire
SP11 7AR**

- 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 Mr Joe Edwards, Middleton and Portway Estate against the decision of Test Valley Borough Council.
 - The application Ref is 23/02675/FULLN.
 - The development proposed is change of use of land forming Harewood Industrial Estate to open-air storage (Use Class B8) (Retrospective).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) Whether it is essential for the proposal to be located in the countryside; and ii) The effect of the proposal on the character and appearance of the area.

Reasons

Location

3. The appeal site is broadly triangular in shape located to the south of an estate road used to access Harewood Forest Industrial Estate. Access to the site is gained off the estate road which itself is accessed from the B3048. The A303 Trunk Road runs to the north of the site.
4. The Harewood Forest Industrial Estate is identified as a strategic employment site at Annex E to the Test Valley Borough Revised Local Plan ('RLP'). The extent of this site is not defined on the inset maps which form part of the RLP. As such, whether the site is included within the designation and/or has a lawful employment use to inform the decision making process, is a matter of fact and degree.
5. I have been referred to aerial photographs which include the appeal site taken in 2000, 2005 and 2013. These preceded the adoption of the RLP which designated Harewood Forest Industrial Estate as a strategic employment site. The aerial photographs show that historically, the appeal site has been laid to grass and bordered by mature landscaping. Based on the aerial photographs, the appeal site had the appearance of a field enclosed by boundary planting. There is nothing to suggest that this was not the case immediately prior to the appeal site

being used for the extant storage use (which commenced about 7 years ago). Also, there is no planning history which confirms a historic use of the appeal site for employment purposes.

6. Since the submission of the appeal, the Council published its Draft Local Plan 2040 Regulation 18 Stage 2 ('Draft Plan') for consultation in February 2024. Unlike the RLP, the Draft Plan does show the extent of the strategic employment site and includes the appeal site within its boundary. As such, the appeal site is being proposed as part of a Strategic Employment Site as identified by Policy SS8 of the Draft Plan. This Policy states that development at Strategic Employment Sites 'will be supported for employment uses in accordance with the Development Plan.' Nevertheless, the Draft Plan is at an early stage and could be subject to change. Therefore, at this stage the Draft Plan attracts limited weight in the decision making process.
7. In view of the above, and even though it is accessed off the estate road and is opposite a Grain Store Unit, I do not consider the appeal site to be part of Harewood Forest Industrial Estate for the purposes of the RLP. The appeal site is also beyond any settlement boundary. Areas outside of defined boundaries are classed as countryside for the purpose of planning policy in respect of the RLP.
8. Policy COM2 of the RLP says that development outside the boundaries of settlements will only be permitted if: a) it is appropriate in the countryside as set out in RLP policy COM9-COM15, LE10, LE16-LE18; or b) it is essential for the proposal to be located in the countryside.
9. RLP Policy LE10, supports alternative uses on existing employment sites, allocated employment sites, or sites with planning permission for employment use, which have not yet been fully implemented, and strategic sites. As already stated, the appeal site does not have planning consent and is not part of any strategic site in the RLP.
10. Policy LE17 of the RLP relates to the redevelopment, extension of buildings or erection of new buildings on existing employment sites for employment use. The appeal site is occupied by a use without the benefit of planning permission.
11. Therefore, the proposal is not supported by the above policies or any of the others specified within part a) of Policy COM2 of the RLP.
12. Accordingly, the proposal falls to be considered under part b) of Policy COM2 of the RLP. The relevant test is whether it is essential for the proposal to be located in the countryside. The supporting text to this Policy advises that: 'In some cases it is essential for a development to be located in the countryside. For example, occupational accommodation or the re-use of buildings.' This suggests that the nature of the development, is such, that it is absolutely necessary for this to be located within the countryside.
13. The appeal site is occupied for open storage by Bryan Hirst Ltd Metal Recycling. This is an established business which currently operates waste recycling operations across Hampshire. The appellant's Commercial Viability Report ('CVR') sets out the requirements of the business in terms of storage needs; advises on limitations of the existing site at Bullington Cross (approximately 3.8 miles to the east of the appeal site). The business initially sought expansion of the Bullington Cross site but this was not achievable because of existing highway infrastructure. The CVR also highlights alternative sites, which have been considered and

discounted for various reasons, including lack of direct link to the A303 and unsustainable rents.

14. The appellant's submissions identify that the business requires a site within 4 miles of the Bullington Cross site with quick and easy access to the strategic road network. This is to minimise disruption and inefficiencies caused by 'double handling' of goods, and delays in deliveries between the two sites.
15. However, the appellant's Highway Technical Note, confirms that along with the Bullington Cross site, the business also uses a site in Basingstoke off Crockford Lane for recycling. I have limited information about the Basingstoke site. Moreover, the CVR makes no reference to this. Therefore, I cannot be certain that the proposal clearly achieves the logistical and associated environmental benefits, as suggested in the CVR. Also, the Highway Technical Note says that the appeal site is used exclusively for the storage of empty skips, containers and trailers. As such, I am unclear how this reduces the 'double handling' of goods. Furthermore, I cannot be certain if the search for alternative sites also accounted for those in proximity of the Basingstoke site and whether or not expansion of this site would have been feasible. In light of these reasons, I attach limited weight to the CVR.
16. The appellant asserts that should the appeal site not receive consent, storage at the Bullington Cross site would have a detrimental impact on the existing business and would significantly reduce the workable area of waste management and recycling. This would reduce the operating efficiency of the main site and in turn the economic performance and viability of the business. In the absence of detailed information about existing layouts for the recycling sites, economic performance, and viability information, I am unable to support these assertions.
17. Even if I accept the appellant's evidence, this suggests that the use of the appeal site for open storage is mainly driven by logistical and economic requirements of the business. Notwithstanding such requirements, an open storage use by its nature can be accommodated in non-countryside locations. As such, it has not been clearly demonstrated why it is essential for the extant storage use to be located in the countryside. Therefore, the proposal conflicts with RLP Policy COM2.

Character and appearance

18. The appeal site comprises an area of hardstanding, which is largely screened by mature planting including mature Oak trees. The abovementioned Grain Store Unit lies to the north of the site, existing commercial buildings are located to the west and south. To the east of the appeal site is a small cluster of dwellings which are separated by intervening landscaping.
19. Although the appeal site is near to the industrial estate, it is free of any built development. Because of this, its landscaped boundaries and adjoining landscaped areas, the appeal site supports the area's prevailing rural character.
20. Also, the appeal site is visible from the access road. The boundary treatment along its frontage, in part, is low and sparse and does little to mitigate the large containers, which are prominent and visually intrusive.
21. Nevertheless, my visit only represents a snap shot in time and any visual impact associated with the appeal site would alter due to seasonal variations in the natural screening and the extent of storage at the site. The appellant is willing to

provide additional landscaping and there is sufficient space along the site's frontage to establish a more robust planting screen.

22. Whilst there is some indication of the area for storage on the submitted Site Plan, there is no information about the maximum heights for storage. Such details, along with information on external lighting and noise management (in the interests of the amenity of the area) could be controlled through a Management Plan. This, and any proposed landscaping could be secured through planning conditions if the appeal is successful.
23. Consequently, the proposal would not have an unacceptable effect on the character and appearance of the area. I, therefore, find no conflict with Policy E2 of the RLP. This Policy seeks to ensure the protection, conservation and enhancement of the landscape of the Borough.

Other Considerations

24. The proposal supports an existing business and there are social and economic benefits associated with this. Therefore, this also accords with the aims of Paragraph 85 of the National Planning Policy Framework ('the Framework'). I afford this significant weight.

Other Matters

25. Because I do not consider the proposal demonstrates an essential requirement for this to be located in the countryside, a personal permission limited to the occupier of the site, would not address the conflict with the development plan in respect of the first main issue.

Planning Balance and conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear.
27. I have found that subject to conditions, the proposal would not harm the character and appearance of the area. There would be some social and economic benefits associated with the proposal, which I have afforded significant weight.
28. However, there is conflict with the development plan in respect of the proposal being located in the countryside and in conflict with the Council's strategy for the location of development. This conflict weighs substantially against the proposal.
29. Therefore, in the particular circumstances of this case, the material considerations are not sufficient to justify a decision other than in accordance with the development plan. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR