



Appeal Decision

Site visit made on 28 January 2025

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/C1760/W/24/3350079

Land east of Premier Way and South of Botley Road, North Baddesley, Southampton, Hampshire, SO52 9DP

- 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 Stratland Commercial Ltd against the decision of Test Valley Borough Council.
 - The application reference is 23/03214/FULLS.
 - The development proposed is the erection of 16 light industrial units (E(g)(iii) use) and an office (E(g)(i) use) including access, parking, landscaping and drainage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 16 light industrial units (E(g)(iii) use) and an office (E(g)(i) use) including access, parking, landscaping and drainage at Land east of Premier Way and South of Botley Road, Southampton, in accordance with the terms of the application, reference 23/03214/FULLS and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. The main parties were given the opportunity to comment on the implications of this for their cases. References to the Framework below relate to the latest version.
3. The appellant latterly requested that the development should allow for B2 and B8 uses based on the needs identified for the emerging plan. This would be a significant departure from what was applied for, and the Council and interested parties have not had the opportunity to respond to this. I have therefore not amended the description in this way.

Main issues

4. The main issues are:
 - whether the location is suitable for employment use, and
 - the effect on the character and appearance of the area.

Reasons

Suitability of the location for employment use

5. The site is located beyond the settlement boundary and therefore in the 'countryside' as defined by the Test Valley Borough Revised Local Plan (2016) (the Local Plan). The proposal does not meet any of the exceptions for development in this location listed in Policy COM2.
6. The purposes of the policy are to ensure proximity to facilities and to maintain sustainable settlements. In this case, the site is immediately adjacent to the settlement boundary of 'major centre' Romsey and close to the settlement of North Baddesley, a 'key service centre'. This means that the site is in proximity to recognised, established facilities and would likely contribute to maintenance of these. This limits the harm from conflict with the policy.
7. Use of a location beyond the settlement boundary for employment use is not consistent with the requirements of Policy COM2 of the Local Plan. However, for the reasons above the harm from this conflict is limited.

Character and appearance of the area

8. The land comprises a partly wooded paddock, largely surrounded by trees and high hedges. It is accessed from Botley Road via a tall metal gate and a gravel lane, which continues onwards to the nearby farm buildings.
9. The site is in the 'Romsey - North Baddesley Local Gap'. Policy E3 of the Local Plan states that development can be permitted if it does not diminish the physical separation and visual separation between the settlements or compromise the integrity of the gap. This is for the purpose of protecting the character of the countryside and shaping the settlement pattern of an area.
10. Development at this location would move the edge of built development in Romsey into the gap towards North Baddesley. At this location the gap between the settlements is small and any built form would inevitably diminish physical separation. However, the proposed buildings would largely be arranged in two narrow strips running parallel to existing development, which would minimise the intrusion.
11. When approaching from the east, the site is not easily visible until past the adjacent farm buildings. From this location the view of the site is dominated by tall, dense trees, with glimpses of the industrial estate behind. When approached from the west, views of the site are longer but also largely filtered through trees, even in winter.
12. The only clear and significant view of the site from the public domain is therefore over the hedgerows from Botley Road. Widening of the site entrance would make the site more visible from this location. It would be apparent that the site was an industrial estate rather than in agricultural use and this would cause the visual separation between the settlements to diminish.
13. Introduction of industrial buildings, associated access road and a wider, tarmac entrance and loss of grassland would lead to urbanisation of the site and the current characteristic 'openness' would be reduced. In this regard, the proposal would not positively integrate into the landscape character of the area.

14. However, it is proposed to retain almost all the trees and hedges, which provide valuable screening of the site from the public domain. There would be significant additional landscape planting, including new trees. Lighting and finishing materials can be controlled through conditions on the permission to control the impact on the character and appearance of the area. These measures would minimise the harm to the visual separation between settlements and urbanisation of the site's character.
15. In addition, views are narrow and fleeting because people would be travelling by car along the fast and busy road. There are also views into the site from the opposite footway, which I observed was sporadically used by walkers and cyclists. However, these views into the site would be limited in extent, and the harm minimised through the mitigation measures.
16. Although narrow at this location, sufficient gap would remain that the area would continue to read as two separate settlements. The character of Botley Road between the settlements would remain dominated by fields and rural uses, including a garden business and farm sheds. I am satisfied that the modest physical extent of this proposal, limited visibility and proposed mitigation measures mean that the integrity of the gap would not be harmed.
17. In conclusion, there would be some negative effect on the character and appearance of the area from a reduction in both the physical and visual separation between settlements, urbanisation of the locality and a reduction in openness, in conflict with Policies E2 and E3 of the Local Plan, which together protect the character the landscape. However, for the reasons above, the harm from this would be limited.

Other considerations

Need for employment sites

18. The Council states that the employment allocation in the current plan has not been delivered and is unlikely to be delivered in the near future. Recent studies associated with the emerging plan identify a need in the Southern Test Valley of over 40 ha of employment land and the Council conclude that there is a clear immediate and long-term need for additional employment land in the borough.
19. The application was supported by a Needs Assessment Report (November 2023). This concludes that supply in Romsey is extremely limited and there is a significant undersupply of suitable industrial space within Southern Test Valley. The Council has not challenged this, and I see no reason to doubt the findings. It is therefore not in dispute that there is a pressing employment need locally, both immediate and in the future.
20. I have not been provided with a local policy that supports a general increase in employment land. However, it has been brought to my attention by the Council that paragraph 85 of the Framework, which is an important material consideration, states that significant weight should be placed on the need to support economic growth, taking into account local business needs.
21. Related to this, it has been proposed that an Employment and Skills Plan is secured by a condition on the permission. This would be targeted at the provision of learning and apprenticeship opportunities during the construction phase of the development. This

would also contribute to supporting economic growth locally, in accordance with the Framework.

22. I conclude that there is a significant and immediate need for employment land locally. The proposal, including commitment to an Employment and Skills Plan, are matters of significant positive weight according to the policies in the Framework.

Biodiversity

23. There is no policy requirement to deliver 10% Biodiversity Net Gain (BNG) for applications made prior to February 2024, as in this case. For this reason, and allowing for the modest size of the development, I consider that the commitment to over 25% BNG would be a small benefit in favour of the development.

Other matters

24. The Ecological Impact Assessment identifies the site as being of 'regional value' for commuting and foraging by several species of bat. Woodland and scattered trees located on site all represent suitable habitats for breeding and nesting birds. The ecology officer has not raised any objection to the scheme, subject to a condition requiring that the mitigation measures outlined in the report are secured. I see no reason to come to a different conclusion.
25. Interested parties raised concerns regarding pollution and noise from the proposal. Class E(g) uses are those that can be carried out in a residential area without detriment to the amenity of that area by reason of, amongst other things, noise, smell and smoke. In addition, conditions are proposed that would control noise, hours of operation, construction and light. Accordingly, I am satisfied that there would be sufficient control, in addition to statutory requirements, on emissions from the development such that local amenity would be protected.
26. Given the surrounding woodland and distance of more than 150 m to local housing, I am also content that there would be no detrimental impact from overlooking, overbearing or shadowing.
27. Interested parties also raised concerns about the effect of increased traffic movements on highway safety and suitability of the proposed access. The number of additional traffic movements was not found to be detrimental by the Highways Officer and I see no reason to come to a different conclusion, given the modest size of the development. I observed that the current access is adequate to enter and leave the site safely, and a condition can be imposed to ensure appropriate visibility splays are maintained. It is also proposed that a condition to ensure adequate turning space on the site is imposed. Safe pedestrian and cycle access to the wider network would also be secured.
28. I have noted the concerns raised regarding potential cumulative effects with other new local developments, including on highway safety and pollution. I do not have any substantive information about these developments and their potential effects before me on which to base such an assessment. However, for the reasons above, I am satisfied that, in any event, there would be no harm to highway safety or the environment from the proposal.
29. The site has been allocated for employment in the emerging plan and there is debate between the main parties about how much weight this should attract. Beyond noting

that there is nothing in the emerging plan that would introduce new impediments to the proposal, I have not had to rely on it and have therefore not considered it further.

Conditions

30. The numbers below relate to the corresponding condition in the attached schedule.
31. I have considered the suggested conditions put forward by the Council against the tests set out in the Framework and Planning Practice Guidance. I impose most of the conditions, amending some wording in the interests of conciseness, precision and enforceability. I have amended the pre-commencement clause in several conditions where such details could reasonably be submitted prior to above ground development. The appellant has agreed to the remaining pre-commencement conditions in writing.
32. Condition [1] limits the life of the planning permission. The Council requested that the standard period for commencement be shortened from 3 to 2 years because the development is reliant on an existing need for employment land. I have nothing before me to suggest that this situation is likely to be remedied in 2 years and have therefore not imposed this restriction.
33. Condition [2] specifies the plans in the interests of certainty. The version numbers have been corrected. Reference to the tree pit drawing and landscaping plan are moved to the relevant conditions to improve their enforceability.
34. Condition [3] is required prior to commencement to protect any archaeology, given that the site is potentially of significance. The condition was amended to remove reference to 'within the application site/area indicated red' for the purposes of clarity and now clearly applies to the entire site. I have augmented the proposed wording to make it clear that a written scheme of investigation must be implemented.
35. The requirement for a Construction Traffic and Environmental Management Plan prior to commencement [4] is for the purpose of protecting local amenities, avoiding and mitigating effects on biodiversity, and in the interests of highway safety. Condition [5] protects existing trees and natural features during the construction phase for the purposes of preserving biodiversity, and character and appearance.
36. An Employment and Skills Plan must be approved prior to commencement [6]. This is targeted at the provision of learning and apprenticeship opportunities during the construction, and I have imposed it in the interests of economic development.
37. Condition [7] is necessary to control the timing of construction to protect local amenities. Condition [8] ensures that any contaminated material encountered is appropriately dealt with. Condition [9] ensures protection of protected species and secures the mitigation, compensation and enhancements outlined in the Ecological Impact Assessment.
38. A condition to control the finishing materials [10] is necessary to ensure that the buildings have a satisfactory external appearance.
39. Condition [11] is necessary to ensure that the development cannot be occupied until the landscaping works are carried out in accordance with the submitted scheme. I have removed the detailed list of requirements because the condition secures the need to agree the landscaping, which will necessarily include any relevant details. This secures the 25% BNG, as calculated in the 'Biodiversity Net Gain Assessment,

Monitoring and Management Plan' (ecosupport, 9 November 2023). I have removed the requirement for details secured elsewhere to avoid duplication and those items that are not relevant to the scheme, such as play equipment. I have removed the unnecessary requirement for a replacement tree scheme [12] to be submitted prior to commencement. Together, these conditions ensure that the character and appearance of the site is protected in the interest of visual amenity.

40. The requirement for a pedestrian and cycle crossing [13] is changed from being pre-commencement. The purpose is to ensure that the site can be safely accessed by pedestrians and cyclists once the site is occupied. Both parties have confirmed that the land belongs to the Highways Authority, and Council states that new pedestrian crossing works have been agreed in principle with HCC. I am therefore satisfied that the scheme is deliverable. I have referenced plan 115.0004-0006 P01 to ensure that the details are enforceable. This condition also secures the visibility splays illustrated, which are shown on the same plan, for the purpose of highway safety.
41. A condition to control parking and manoeuvring [14] is required in the interests of highway safety. A requirement to control lighting [15] is necessary to safeguard the amenities of the area and in the interest of protected species. I have added a clause to ensure that the development cannot be occupied until these are achieved.
42. Condition [16] secures efficient water use, in accordance with Policy E7 [16]. Reference to 'Wat 1' is to limit the required BREEAM rating to measures of efficiency rather than impose the wider Wat categories under BREEAM.
43. A condition to address flooding and drainage [17] is necessary to ensure proper management of surface water and to ensure foul water is connected to the mains supply.
44. Controls on the external storage of waste [18], refrigerated storage and lorries [19] and on the noise from external fixed plant or mechanical equipment [20] are necessary to protect the amenities and character of the area.
45. I have imposed, in part, the Council's recommended condition [21] to limit the premises to light industry and an office because other uses would not necessarily contribute to the identified employment need. However, any change to Class B2 would require planning permission and I have therefore not found it necessary to include this restriction.

Planning balance and conclusion

46. The site is beyond the settlement boundary and the proposal would not meet any of the exceptions for development at this location. However, given the proximity of the site to nearby centres the harm from this is limited. There would also be a small degree of harm to the character and appearance of the area, in conflict with local policy, including through a reduction in the Local Gap.
47. Set against this, the development would provide much needed employment land and opportunity, which is a matter of significant positive weight according to national policies. The commitment to a high level of biodiversity net gain is of small beneficial weight.

48. Overall, I conclude that the benefits of the proposal would outweigh the adverse effects. The material considerations in this case therefore indicate that the proposal should be determined other than in accordance with the development plan.

49. The appeal is therefore allowed.

B Davies

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun within 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - Proposed Site Plan (8847-A-100 P4) (Nov 2023)
 - Site Sections (8847-A-150 P1) (Nov 23)
 - Building A_GA Floor Plans (8847-A-200 P2) (Nov 23)
 - Building A_Elevations (8847-A-201 P2) (Nov 23)
 - Building B_GA Floor Plans (8847-A-202 P2) (Nov 23)
 - Building B_Elevations (8847-A-203 P1) (Nov 23)
 - Building C_GA Floor Plans (8847-A-204 P2) (Nov 23)
 - Building C_Elevations (8847-A-205 P2) (Nov 23)
- 3) No development (including site clearance) shall take place until:
 - i. An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii. Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority

No development shall take place other than in accordance with the Written Scheme of Investigation approved above.
- 4) No development (including site clearance) shall take place until a Construction Traffic and Environmental Management Plan has been approved in writing by the local planning authority. This shall include the control of noise, dust and details of the vehicle cleaning measures proposed to prevent mud and spoil from vehicles leaving the site during the site preparation and construction phases of development. It shall also include full details of the layout for parking and manoeuvring of vehicles during the construction period and the routing of construction traffic to and from the site. The approved Construction Traffic and Environmental Management Plan shall be adhered to throughout the construction process.
- 5) The development hereby approved shall be undertaken in full accordance with the provisions set out within the 'Arboricultural Impact Appraisal and Method Statement' (WT 063-23 AIA) (Wadey Trees, 2 November 2023). The specification of the protective fencing, ground protection or other precautionary measures shall comply with British Standard 5837:2012 (and any updates to this).

Such protection measures shall be installed prior to any site operations. Tree protection measures installed in discharge of this condition shall be retained and maintained for the full duration of construction. No activities or storage of materials shall take place within the Construction Exclusion Zone identified on the Tree Protection Plan (WTP2).

- 6) No development (including site clearance) shall take place until an Employment and Skills Plan has first been submitted to and approved by the local planning authority. The Employment and Skills Plan shall thereafter be implemented as approved.
- 7) Construction works (including site clearance) shall take place only between 07.30 and 18.00 on Mondays to Fridays, and 08.00 and 13.00 on Saturdays. No work shall take place on Sundays and Public Holidays.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) The development hereby approved shall be undertaken in accordance with the recommended mitigation, compensation and enhancements set out in the 'Ecological Impact Assessment' (ecosupport, 9th November 2023). Thereafter, the mitigation and enhancement measures shall be permanently maintained and retained in accordance with the approved details. The results of the proposed compliance checks, set out in Section 7.7 of the Ecological Impact Assessment shall be submitted to the local planning authority prior to occupation.
- 10) Prior to their installation, samples of all external facing materials shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 11) No development above ground level shall take place until full details of hard and soft landscape works have been submitted and approved in writing by the local planning authority. These details shall be in accordance with the Landscape Strategy (number 06) (HCUK Group, 3 April 2024). The development shall not be occupied until the landscaping works are carried out in accordance with the approved details and implementation programme, unless otherwise agreed with the local planning authority.
- 12) No development above ground level shall take place until a replacement tree planting plan and specification has been submitted to and agreed by the local planning authority. The replacement trees shall be planted in the approved positions no later than the first planting season following first occupation of the development. Tree planting shall take place in accordance with the recommendations in BS8545:2014 'Trees: from nursery to independence in the landscape -Recommendations' and the 'Tree Pit in soft landscape drawing' (number 07) (HCUK Group, 20 February 2024).
- 13) No development above ground level shall take place until a full scheme of works for the Botley Road pedestrian crossing and design of the vehicular site access

has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with plan 115.0004-0006 P01 (Paul Basham Associates, March 2024). The scheme shall be implemented as approved prior to first occupation of the development.

- 14) The development shall not be occupied until the vehicle parking spaces have been provided in accordance with the Proposed Site Plan (8847-A-100 P4) (Nov 23). Thereafter those spaces shall be retained for the parking of vehicles only.
- 15) The development shall not be occupied until external lighting is installed in accordance with plans 'Horizontal Illuminance (lux)' P01 (1 of 2) and P01 (2 of 2) (23 November 2023). Details of any additional external lighting shall be submitted to and approved in writing by the local planning authority. The lighting installations shall then be carried out in accordance with the approved details.
- 16) The development shall not be occupied until evidence demonstrating that the level of water consumption achieves a standard of water efficiency equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference 'Wat 1') has been submitted to and approved in writing by the local planning authority.
- 17) No building shall be occupied until the drainage systems for the site have been completed in accordance with the approved 'Flood Risk Assessment & Drainage Strategy' Ref 115.5004/FRADS/1/D (Paul Basham Associates, 26.03.2024) and 'Offsite Foul Connection' Drawing Ref 115.5004 - SK.01 P02 (28.02.2024).
- 18) The external storage of goods and materials shall not be permitted, apart from storage within vehicles, storage within closed storage containers and waste kept in suitable receptacles.
- 19) The site shall not be used for refrigerated storage and refrigerated lorries shall not be permitted to park on site between 2300 - 0700 hours.
- 20) Prior to the installation of any external fixed plant or mechanical equipment, an assessment of noise from the operation of the plant or equipment shall be undertaken using the procedures within British Standard BS4142:2014 and a report detailing the results, any attenuation measures and a maintenance programme shall be submitted to and approved in writing by the local planning authority. The plant, equipment and mitigation measures shall thereafter be installed in accordance with the approved details and retained unless replaced with equivalent plant, mechanical equipment or associated noise attenuation measures which do not exceed the approved noise levels.
- 21) The premises shall be used for use classes E(g)(iii) and E(g)(i) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).