



Appeal Decision

Site visit made on 1 April 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal Ref: APP/N1730/W/24/3353724

Land Adj Cove Brook and Field Off Hawley Road, Blackwater, Camberley, Hampshire GU17 9EP

- 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 Glenn Brown of ColourMotion Ltd against the decision of Hart District Council.
 - The application Ref is 23/02713/FUL.
 - The development proposed is change of use to vehicle parking and storage (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. While not laid out as shown on the submitted plans, there was parking of vehicles on the site at the time of my site visit. The main parties refer to the development having already commenced, and I have assessed the scheme on that basis.
3. The appellant submitted a Floodplain Storage Assessment (FSA) and Commercial Property Review (CPR) at the outset of the appeal. As such, the Council and other parties have had opportunity to comment on them. A plan provided later clarified ground level changes as suggested in the FSA. The Council commented on it and it did not significantly alter the scheme. As such, parties would not be prejudice by my taking these into account.

Main Issues

4. The main issues are:
 - Whether the appeal site is an appropriate location for the proposed development with regard to the local development strategy,
 - The effect of the development on flood risk,
 - The effect of the development on the character and appearance of the area; and
 - The effect of the development on biodiversity.

Reasons

Development Strategy

5. Policy SS1 of the Local Plan¹ seeks to focus development such as that proposed to existing Strategic and Locally Important Employment Sites and land identified on the policies map of the Local Plan. The appeal site is not within any of these locations and is in the countryside.
6. Policy NBE1 relates to development in the countryside and refers to rural enterprises being supported in line with Policy ED3. Policy ED3 allows for development that supports the rural economy subject to certain criteria including enabling the continuing sustainability or expansion of a business or enterprise. The Local Plan definition of a rural enterprise provides examples of what these could be but does not state it is a closed list. The supporting text of Policy NBE1 however, states that development in the countryside will be permitted where it can be demonstrated that a countryside location is both necessary and justified. It refers to encouraging uses related to the land.
7. The appeal scheme is for the storage and parking of vehicles, part of a wider business not in a countryside location and not land based. Moreover, it would not be in traditional heritage industries or a hi-tech start-up enterprise. While the Head Office is relatively close to the appeal site, it is at a different location. No clear evidence is provided to demonstrate that this type of development needs to be in the countryside due to its general or operational requirements.
8. The appellant indicates that the site was, at least in part, used for grazing horses prior to the appeal scheme. As proposed plans and other evidence do not show any clear demarcation of that area, it has not been demonstrated what, if any area of the site could be considered previously developed land.
9. The CPR indicates that there were no suitable other sites available for the appeal scheme. The appeal site is in the appellant's family's control and being close to the Head Office, would reduce the distances to travel between the 2 locations. However, in terms of the specific requirements of the nature of the use, there is no clear justification as to why the search area was restricted to 1 mile from the Head Office given this is said to be above the likely walkable distance in any event. It has not been shown why sites a greater distance from the Head Office would fail to meet the operational requirements. Therefore, there may be other locations further from the site that are not in the countryside but are available and suitable.
10. Given the above, whatever my findings on character and appearance, it has not been shown that the appeal scheme is a rural enterprise or that a countryside location is both necessary and justified.
11. Consequently, the appeal site is not an appropriate location for the proposed development with regard to the local development strategy. It is contrary to Policies SS1, NBE1 and ED3 of the Local Plan where they seek to direct development to certain locations and set out exceptions for development in the countryside.

¹ Hart Local Plan (Strategy and Sites) 2032

Character and Appearance

12. Although the other side of Cove Brook, the appeal site is located amongst other commercial and industrial uses. It is not disjointed or separate to the existing similar uses. It is viewed with these and the railway line behind creates a clear separation between the appeal site and the land beyond. Vegetation largely screens and filters views of the site from close by and longer distance ones from nearby public rights of way. The presence of numerous vehicles and hardstanding on site has changed the appearance of the site. Nonetheless, the appeal scheme does not appear discordant or out of keeping with the surrounding context.
13. As such, the development has not harmed the character and appearance of the area. It accords with Policies NBE1 and NBE2 of the local plan where they require no adverse impact on visual amenity and scenic quality of the landscape.

Flood Risk

14. The FSA and further plan clarified the calculations for loss of floodplain storage and changes in levels to mitigate this within the site. There is no detailed evidence to the contrary or to show that the proposed works would not be feasible. Were the appeal to be allowed, conditions could be imposed to require the relevant works to take place.
15. Therefore, the development does not increase flood risk. It would accord with Policy NBE5 of the Local Plan where it, in part, states development should not increase the risk of flooding elsewhere.

Biodiversity

16. Mitigation measures are set out in the Preliminary Ecological Assessment which could be subject to planning conditions were the appeal allowed. While limited information is provided with regard to managing surface water run-off in relation to potential pollutants, in the absence of compelling evidence to indicate such measures are not feasible, this could also be addressed by condition if necessary.
17. Therefore, the development would not harm biodiversity and accord with the biodiversity and environment protection aims of Policies NBE4 and NBE6 of the Local Plan.

Other Matters

18. There are economic benefits from the scheme in relation to the existing business, employment and the wider economy. A location close to the Head Office of the business would potentially limit journeys in comparison to sites further away with associated sustainability and traffic safety implications. These would align with elements of the National Planning Policy Framework relating to these matters.
19. Notwithstanding this, it has not been shown that the appeal site is the only way of achieving these aims and limited information on the implications of the site not being used have been provided. Moreover, given the scale of the site and business these benefits, and those associated with the efficient use of land, would be moderate. A lack of harm from other issues is a neutral factor.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
21. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR