



Appeal Decision

Site visit made on 25 November 2025

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

Appeal Ref: APP/Z1775/W/25/3371492

Unit 1, Thirty Two Acres, Eastern Road, Portsmouth PO6 1UW

- 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 ENI Land Ltd against the decision of Portsmouth City Council.
 - The application Ref is 24/00990/PLAREG.
 - The development proposed is described as: Continued use of land for siting of 29 storage containers, storage lockers, and an office container.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Portsmouth Local Plan is currently under review. The Council is currently consulting on an addendum to the Pre-Submission Portsmouth Local Plan 2020-2040 (PLP), prior to its submission for examination. The Council have referred to several PLP policies within their reasons for refusal. These relate to Employment Floorspace Targets (PLP25), Open Space (PLP45), and Local Green Spaces (PLP46). Due to the early stage the emerging PLP is at in the adoption process, its policies attract limited weight. Consequently, I have not considered the policies of this plan further in this appeal
3. The application form states that the use of the land commenced and that the containers have been in situ on the appeal site since 7 December 2023. I saw during my visit that the use of the site for container storage is taking place in accordance with the existing site plan 23060-114-K. Whilst I have considered the appeal on the basis that the material change of use has already taken place, I acknowledge that a number of the containers currently in situ are proposed to be relocated within the appeal site as part of the development.
4. The appellant provided several documents at the Final Comments stage. These relate to an extract from the Council's Playing Pitch Strategy, marketing and valuation evidence, employment land need data and a site layout plan demonstrating the sport facilities. These have been returned in accordance with the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009 (Statutory Instrument 2009/452) (as amended) and the Procedural Guide: Planning appeals – England which identifies that no new evidence will be accepted at final comments stage. The information and plan have not therefore been taken into consideration in my assessment.

Main Issues

5. The main issues are:

- whether the development is located in an appropriate location with respect to local planning policy; and
- the effect of the proposed development on the character and appearance of the area with particular regard to visual impact.

Reasons

Suitability of the site

6. The Thirty Two Acres site and the adjacent Farlington playing fields are allocated open space under Policy PCS13 of the Portsmouth Plan 2012 (PP). This open space forms part of a wider open space allocation that sits to the south of the railway line and is both north and south of the A27. To the south of the A27, the open space allocation comprises Farlington Marshes nature reserve. A small anomaly appears to indicate the area of the appeal site as white land on the Proposals Map. However, I am satisfied that the intention was for the allocation to include the appeal site.
7. Policy PCS13 of the PP supports a greener Portsmouth. In doing so, it seeks the refusal of planning permission for proposals that would result in the net loss of existing areas of open space, and those which would compromise the overall integrity of the green infrastructure network in the city, unless there are wider public benefits from the development which outweigh the harm.
8. The storage containers are currently situated on an existing car park and netball courts; however, the amended plan 23060-116-F proposes the relocation of the twenty-nine containers from the netball courts onto further hardstanding areas currently used for car parking. As the car parking supports the wider use of the site for sporting uses and open space, the continued use of the land for storage containers would result in the loss of open space and the reduction in parking provision for its users. I acknowledge that the proposed plans would relocate storage containers from the netball courts and that this has enabled Sport England to remove its objection. Nonetheless, the continued use of the site would remain at odds with its local plan allocation.
9. Employment uses falling within the 'B' Use Classes are supported within existing industrial and business estates under Policy PCS11 of the PP. Policy PCS11 references that sustainable economic development will be promoted by the provision of a flexible supply of office, manufacturing and warehouse land in the locations identified within the policy, such as in areas to the north of the site.
10. The container storage use falls within the 'B8' employment, storage, and warehousing use class in accordance with the Town and Country Planning (Use Classes Order) 1987 (as amended). As already identified, the appeal site is allocated open space and is not within an existing industrial or business estate identified within Policy PCS11. Consequently, the container storage use is not located within allocated employment land in conflict with Policy PCS11 of the PP and does not fall within the 'flexible supply'.

11. Nonetheless, the appeal site is well located in terms of vehicular access given its proximity to the A27. The site is also within walking distance, at around 650m, of the Farlington playing fields car park and Eastern Road. However, whilst the site is accessible by private means of transport, access by other means appears limited. I acknowledge that a bus service runs along Eastern Road, but it is unlikely that most of the storage facility users access the site by any other means than a private vehicle. However, due to its good connections to the highway network on the edge of the built-up area of Portsmouth, I regard the site as being within an accessible location.
12. For the above reasons, and despite my finding on accessibility, the development is not located in an appropriate location with respect to spatial planning policy. Accordingly, the development conflicts with Policies PCS11 and PCS13 of the PP, the requirements of which have been outlined above.

Character and appearance

13. The appeal site forms part of a wider area of open space that is highly visible from both the elevated A27 and the adjacent railway line. The open space provides a visual and spatial gap between the built-up area to the north and Farlington Marshes and the Solent to the south. Due to their active land use role alongside their visual and spatial roles, both the Farlington playing fields and Thirty Two Acres make an important and positive contribution to the character and appearance of the area.
14. The storage containers, lockers, and office unit, whilst of a form and function that matches their visual appearance, have no architectural merit. The existing buildings within Thirty Two Acres and Farlington playing fields are primarily low level, brick, changing room pavilions. As the containers and lockers are of an industrial nature, sat on an existing, visually open, car parking area, they appear incongruous when set amongst outdoor playing fields and courts used for sporting purposes. This is of particular importance, given the visual openness of the site and the level of visibility from public vantage points.
15. The existing buildings visually merge into the open space and sporting use of the site, whilst the storage containers and lockers, are at visual odds. The office unit is placed behind a taller metal building that sits adjacent to the existing boundary wall that separates Thirty Two Acres from Farlington playing fields and therefore has limited visual impact. However, despite the limited visual impact of the office container, it is only in situ on the appeal site as a result of the wider storage use. Whilst the existing boundary wall limits visibility of the storage use from Farlington playing fields and existing boundary hedging reduces visibility from the north, the site is visible across the playing fields from the A27 and the adjacent railway line.
16. Consequently, for the reasons given above, the development would have a harmful effect on the character and appearance of the area, with particular regard to visual impact, as a result of their size, bulk, height, and design.
17. Accordingly, the development conflicts with Policy PCS23 of the PP. This policy, amongst other things, seeks development that provides excellent architectural quality, appropriate scale, density, layout, appearance, and materials in relation to its context.

Other Matters

18. The appeal site is located adjacent to the Solent Waders and Brent Goose Network Special Protection Area (SPA), and the site is considered as functionally linked land. The Council considers that the development would impact on the SPA. However, Natural England has confirmed that any impacts on the immediate and adjacent Solent Wader and Brent Geese sites can be ruled out as the bird surveys demonstrate that protected species have continued to use the site with the containers in situ. Irrespective of the Council's and Natural England's findings here, as I am dismissing the appeal for other reasons, it is unnecessary for me to undertake an Appropriate Assessment as it would not affect the outcome of this appeal.
19. The application was submitted after the statutory requirement for a 10% biodiversity net gain (BNG) for minor developments was imposed. The appellant has declared that the development proposed is exempt from its BNG requirements as the material change of use has already occurred. However, the appeal proposes the relocation of several of the storage containers to other parts of the site within the red line boundary, where it appears that an area of grass has previously been removed. A BNG matrix has not been submitted, and I am unable to ascertain the area of habitat removed. Nonetheless, as I am dismissing the appeal for other reasons, it is not necessary for me to conclude on this matter as it would not affect the outcome of this appeal.
20. The appellant has drawn my attention to the Council's call for housing and employment sites as part of the PLP. I note that this appears to have occurred around the time as the refusal of planning permission. However, the request for sites is an essential and standard practice of building the necessary evidence base for a local plan review. As such, it is not an admission by the Council that its supply of employment land falls below the required level. Nonetheless, the refusal of planning permission was not based upon the supply levels of employment land. In any event, should the Council be in a position where insufficient employment land is available, this does not lead to an automatic approval for any employment development to be located anywhere within the Plan's area, especially land allocated for other purposes.
21. The availability of sites for storage purposes has been referred to by the appellant and reference is made to pre-application comments provided by two officers of the Council. I note that one of the comments acknowledged that the Council had no suitable sites for the use. However, this related to Council owned sites only and no assessment appears to have been made regarding wider employment site availability on private land.
22. The appellant has provided a list of users of the storage facility. This identifies that none of the users relate to the allocated use of the site as open space/sporting provision. This indicates that, whilst conveniently located for the businesses that use the site, the storage facility does not have a functional link to the site's location. I also acknowledge the letter of support from one of the storage facility users who are an Armed Forces Freight service provider that ships personal cargo from the UK to military personnel in the Fiji Islands, but it is not disclosed why the specific storage containers are required for this purpose.

23. Reference is made by both main parties regarding the possible need for an open space assessment. Paragraph 104 of the National Planning Policy Framework refers to the requirement for an assessment where open space is being built on. As the storage facility consists of both a material change of use and the installation of containers and lockers, this is a form of development that would require such an assessment. Nonetheless, as I am dismissing for other reasons, I do not need to explore this matter further.

Planning Balance and Conclusion

24. Development that results in a loss of open space and/or where the overall integrity of the green infrastructure network in the city is compromised, under Policy PCS13 of the PP requires the refusal of planning permission unless there are wider public benefits from the development which outweigh the harm.
25. The development is in an accessible location and appears to be used by local businesses due to its convenient location adjacent to the A27. The support that the facility provides to local businesses is therefore of moderate positive weight. The appellant also contends that the storage facility provides financial support to the adjacent sports and open space use. However, as no evidence is before me to support the appellant's contention, I attach limited weight to this as a public benefit.
26. I have already concluded that the development conflicts with the local plan in regard to whether the storage facility is in an appropriate location and its effect on the character and appearance of the area. I acknowledge that the users consider the development integral to their operations and businesses and that other facilities do not meet their requirements. However, the wider public benefits from the development are limited and do not outweigh the conflict with the PP and the harm associated with the development in this location.
27. For the reasons given above, 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. The appeal should therefore be dismissed.

P Brennan

INSPECTOR