



Appeal Decision

Site visit made on 25 June 2024

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/W1715/W/23/3332895

Moorlands Farm Botley Road, West End, SOUTHAMPTON, SO30 3HD

- 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 Country Homes against the decision of Eastleigh Borough Council.
 - The application Ref is F/22/93835.
 - The development proposed is demolition of all existing buildings and detailed planning approval for light industrial floorspace [Use Class E(g)(ii) & E(g)(iii)], warehouse floorspace [Use Class B8] and estate office (Use Class E(g)(i)).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised drawings and supporting documentation were submitted during the course of the consideration of the application by the Council. I can confirm that my decision is based on these plans.
3. I have been provided with details of the planning history of the site, including a lapsed permission for a dog training facility¹. I have also been referred to a number of employment uses operating from the farm² and was able to see that there were caravans on site. Nonetheless, as far as I am aware the appeal site's last use was as a farmstead and I have no evidence before me to suggest otherwise. Therefore, I have determined the appeal on the basis that the site has been in agricultural use.
4. Following the receipt of the appeal, further information was submitted relating to the nearby Moorgreen Meadows Site of Special Scientific Interest (SSSI). In the light of this evidence³, the Council has confirmed that it would no longer be defending the second reason for refusal set out within the decision notice.
5. During the appeal proposal a completed planning obligation has been submitted. The Council considers this to have overcome the third reason for refusal. I refer to this later in my report.

¹ F/18/84683

² Appellant's Statement of Case.

³ Natural England: Moorgreen Meadows SSSI Whole Feature Assessment, July 2023

Procedural Matter

6. Following my site visit it was clear to me that not all of the buildings identified as existing remained. Therefore, I wrote to both parties requesting their views on the significance of this, which I have considered in determining the appeal.

Background and Main Issue

7. Given that the second and third reasons for refusal have fallen away, the main issue in this case is the effect of the proposal on the character and appearance of the area, with particular regard to development in the countryside.

Reasons

8. My attention has been drawn to similar sites which have been allocated for employment uses following the recent local plan examination. However, the appeal site lies within open countryside, as defined within the Eastleigh Borough Local Plan 2016- 2036 (LP), adopted 2022 and I must apply the relevant policies accordingly, taking into account any material considerations.
9. The appeal site includes a former farmstead where the majority of buildings identified in the plans are in an advanced state of disrepair and in some cases are no longer standing. Moreover, the surrounding land is no longer grazed.
10. As the existing use of the site is not an employment use, and the proposed development is not for agricultural purposes the appeal proposal does not accord with criterion 1a) of Policy S5 of the LP. Moreover, as its last use was for agricultural purposes it is not consistent with the definition of previously developed land as set out in the glossary to the Framework.
11. It was clear from my site visit that none of the existing buildings, including the farmhouse, have any architectural merit, nor make a positive contribution to the character or appearance of the area. Nonetheless the buildings, most of which are not atypical of buildings found on smallholdings or larger farms, are grouped relatively close together on concrete hardstanding within an enclosed open field. Notwithstanding that the busy M27 lies to the west and is clearly audible and Wellington Park is immediately to the east of the access road, the site has the incontrovertible character of open countryside.
12. This is consistent with the site's designation as open countryside within the recently adopted LP, and the M27 Corridor Landscape Character Assessment which references that the character of the wider area is dominated by the motorway and that the land directly adjacent consists of heath- associated pasture and woodland which retains a rural character. The LP is clear that much of the land identified as open countryside, including sites within the urban fringe, is under pressure from development and non-agricultural uses and subsequent urbanisation. However, for the avoidance of doubt, the appeal site does not lie within a Strategic Gap and therefore falls to be determined under countryside policies.
13. The proposed development includes four buildings, one of which has been identified to serve as an estate office. This will be smaller in footprint than the other buildings and will have a pitched roof. The other three would be larger, rectangular, flexible spaces which could be either be used for light industrial use, warehousing, or a mixture thereof.

14. I am aware that significant efforts have been made in the design of the buildings and planting so as to be sympathetic to their countryside location. These include the use of green roofs, and the articulation of the northern elevations to give the impression of separate individual buildings with the use of contrasting facing materials, such as weathered wooden slats, inspired by rural buildings.
15. Nonetheless, irrespective of the above, the proposed buildings are of a scale, and form that are substantively larger both in height and footprint than the remaining buildings on site which are relatively small structures. In addition, the proposed development is clearly commercial in nature. This would have a significant impact on the character and appearance of the area.
16. Moreover, the distribution of the built development, given the size of the proposed buildings together with the associated SUDS pond, parking, and access arrangements to the site, would extend significantly further to the south, north and east than the existing and previously extant buildings and the footprint of the lapsed permission. However, I note Building A would be further away from the western boundary than the existing structure and that that the development would remain outside the 15 m ecology buffer from the SSSI.
17. As such, whilst I am aware that the route of the gas pipeline provides a visual gap between the adjacent industrial estate and the site, the overall scheme would be read as being closely associated with other nearby and similar built form within the existing settlement boundary, rather than as open countryside.
18. Following my accompanied site visit I walked the length of the public footpath (PROW 10) which runs to the west and north of the site. Given the amount of vegetation where the footpath is accessed off Botley Road, it appeared that the footpath was not well used. Nonetheless, it was clear to me that when viewed from short distance viewpoints from the public footpath at the north and east of the site that the extensive development would be visible even when the substantial planting, including the proposed orchards which would act as screening, had been established. During the winter months when there would be less leaf cover this situation would be further exacerbated.
19. Given the band of woodland and existing and proposed screening there would only be a negligible effect on any glimpsed views when travelling along the motorway.
20. As a whole, the effect of the proposed development, in relation to density, scale, massing and layout on the character and appearance of the area would be to result in a significant adverse urbanising impact which would be to such an extent, notwithstanding that the existing farmstead is in a poor state, so as not to improve the overall appearance of the site. Consequently, this would be contrary to Policies S5, DM1 and DM18 of the LP.

Benefits

21. I have been referred to the poor state of repair of the existing farm buildings and that the site has been and is prone to acts of vandalism, including arson. The proposed development should reduce or indeed completely stop such instances. I consider this to be a benefit of the scheme. However, I accord this moderate weight in favour of the development given that any development of the site would have a similar impact.

22. The appeal proposal would provide employment facilities for which I understand there is significant demand given the excellent transport links to the site, and as articulated in letters of interest and reflected in the strength of the market for such employment facilities. Moreover, I understand that the proposal would not adversely impact on the Council's employment strategy. Consequently, I accord this benefit considerable weight in favour of the development.
23. I note that the appeal proposal would be close to Wellington Park industrial estate and that this is seen to be a benefit of the scheme. However, whilst there may be some synergy from this relationship, I accord this benefit minimal weight in favour of the development.
24. The proposed development would result in a Biodiversity Net Gain (BNG) of both habitat and hedgerow calculations of 36% with a positive impact on the nearby SSSI. This is a significant benefit to which I accord considerable weight in favour of the development.
25. The proposed development would include photovoltaics and meet BREEAM excellent standards. However, an excellent rating is required to be policy compliant. Therefore, this does not weigh in favour of the development.
26. I have been referred to the installation of electric charging points as a benefit of the scheme. However, given the recent changes to the building regulations requiring the provision of EV chargers I do not consider this to be the case.

Other Matters

27. It is common ground between both the appellant and the Council that developer contributions towards sustainable transport and public art contained within the completed planning obligation are necessary.
28. However, given my conclusion above, I am not required to take a view as to whether these obligations meet the legal tests.
29. The previously approved dog training facility is no longer an extant permission and relates to a significantly smaller footprint. My understanding is that it had been granted planning permission on the basis of the specific circumstances relating to its proposed use which are not applicable to the appeal before me.
30. I have been referred to another proposal for employment uses elsewhere about which I have been provided with very little information. I am also aware that the planning refusal was the result of a member overturn, and that the scheme had benefited from officer support. However, I have determined the appeal on its own merits and on the basis of the evidence before me.

Planning Balance and Conclusion

31. As set out above, I have found that the appeal proposal would result in a significantly adverse urbanising impact on the character and appearance of the open countryside and would conflict with policies S5, DM1 and DM18 of the LP. As such, I consider that the proposal is contrary to the development plan as a whole. I accord this conflict very significant weight.
32. The positive benefits of the scheme include the redevelopment of a site which is currently prone to vandalism and arson; additional modern purpose built flexible light industrial accommodation, warehousing and an estate office close

to existing employment uses in a highly accessible location and built to high environmental standards and which would include significant BNG.

33. Cumulatively, I accord these benefits considerable weight in favour of the proposed development.

34. Nonetheless, I consider that the appeal proposal's benefits would not provide material considerations that would overcome the conflict with the plan taken as a whole. As such, a decision other than in accordance with the recently adopted development plan would not be justified.

Conclusion

35. For the reasons set out above I dismiss the appeal.

Louise Nurser

INSPECTOR