



Bourne Valley Associates Ltd

Planning Statement
For
Change of use from Class E(g)(iii)
To
Class B8 (storage)
At
Home Farm, MacCallum Road,
Upper Enham, Andover, SP11 6HZ.
At
For Mr James Mitchell

Prepared by: Roger Prescott MRTPI

Bourne Valley Associates Ltd
Andover Lane Farm
Faberstown
Andover
Hampshire
SP11 9PE

Tel: 01264 850159

Email: info@bournevalley.co.uk

Project: COU to B8, Home Farm, Upper Enham
Reference: 01950-02
Date: 30th November 2023
Copyright Notice

Page 1 of 11
Issue 1

The contents of this document are the copyright of Bourne Valley Associates Ltd. It is released on the condition that it will not be copied in whole, in part or otherwise reproduced (whether by photographic, reprographic or any other method) and that the contents thereof shall not be divulged to any other person other than that of the addressee (save to other authorised officers of this organisation having a need to know such contents, for the purpose of which, disclosure is made by Bourne Valley Associates Ltd) without prior consent of Bourne Valley Associates Ltd.



Table of Contents

<i>Table of Contents</i>	2
1. Introduction	3
3. Development concept and proposed use	8
4. Access and Parking	9
5. Impact on Amenity	9
6. Principle of Development	10
7. Conclusion	11



1. Introduction

This Statement is in support of a planning application to Test Valley Borough Council (TVBC) for proposed change of use of two buildings at Home Farm, MacCallum Road, Upper Enham, Andover, SP11 6HZ. The application is submitted by Bourne Valley Associates, acting as agent on behalf of Mr James Mitchell, who owns the freehold of the site. The buildings already have planning permission for the change of use from agricultural to former use class B1. That classification no longer applied as from September 2020, when changes to use classes were implemented. TVBC was aware, at the time of granting the permission, that light industrial processes were to take place within the specific buildings that are the subject of this request. Therefore, we consider it reasonable to assume that the legal status of activities would now be regarded as “*E(g) Uses which can be carried out in a residential area without detriment to its amenity*”. The emphases on the two words are ours.

This category encompasses three use types:

- “*E(g)(i) Offices to carry out any operational or administrative functions,*
- *E(g)(ii) Research and development of products or processes*
- *E(g)(iii) Industrial processes*”

The buildings have been used for light industrial purposes, and thus currently fall, *de facto*, into use class E(g)(iii), or have permission to be so used.

The proposal is now to use both the buildings for storage purposes. Therefore, this application seeks a change of use from Class E(g)(iii) to Class B8 on both buildings although the change use might not be implemented at the same time. There would be no external modifications made to the building to facilitate the change of use. Historically, that change of use did not need planning permission, but it is now required, and so this application is being made.

The applicant has a prospective tenant who wishes to use two buildings for B8 purposes. As we explain within this statement, there is a further building within the farm complex that already has permission for B8 use, so that the principle of storage use at the site has already been accepted by Test Valley Borough Council.

2. Site Context and Planning History

The geographical context of the Home Farm is shown in Figure 1, in which the arrow points to the general location of the building proposed for the change of use. This building has previously been annotated as Building 02. The other building proposed for change of use has previously been annotated as Building 03.

Home Farm is at Upper Enham. However, as can be seen from the abstract from the proposals map of the adopted Test Valley Local Plan, Inset Map 19, Home Farm, identified by the red arrow, lies outside the settlement, which is identified in the yellow colour in Figure 2. Nonetheless, we recognise that the site is close to a number of residential properties, and therefore we are conscious that any use of the site should pay due regard to the impact on the amenity of neighbouring occupants.

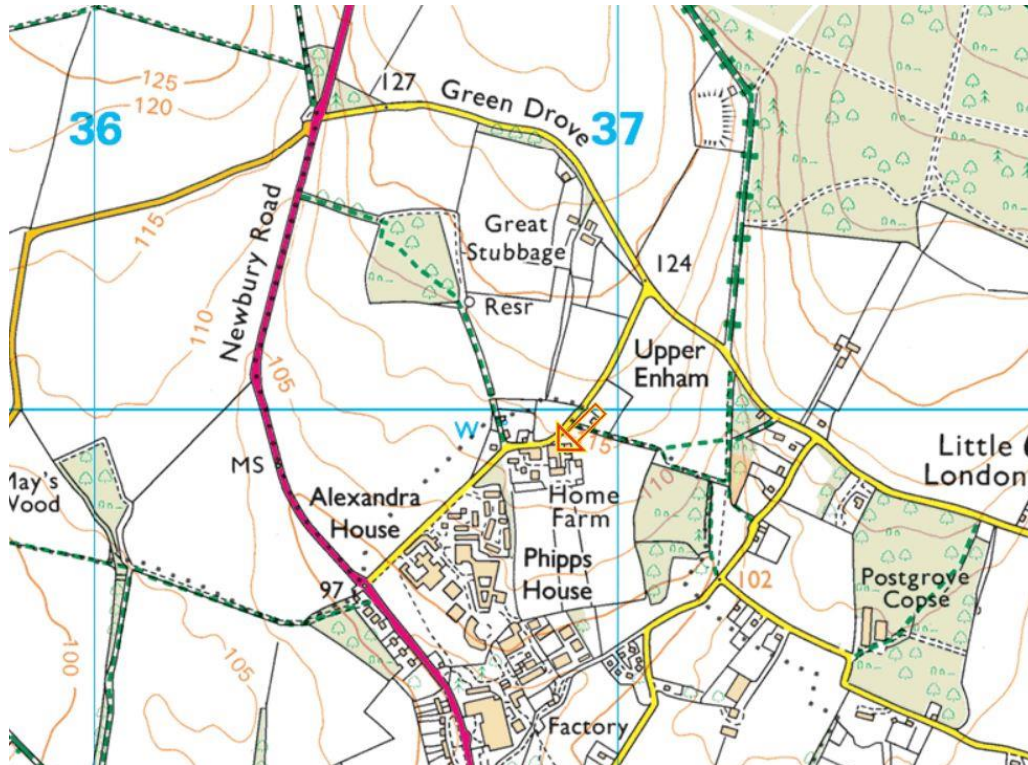


Figure 1 - Geographical context of Home Farm, Upper Enham

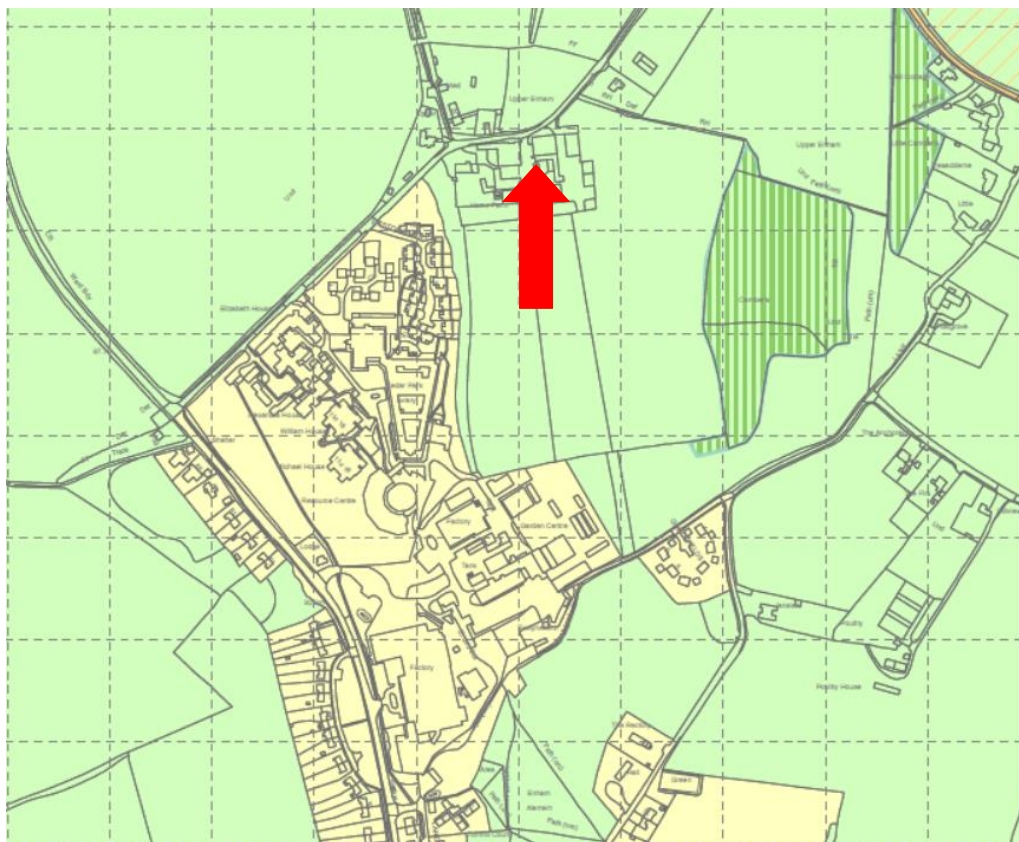


Figure 2 - Home Farm in relation to the settlement boundary



The location plan is formally submitted as Drawing 01950-00-H, Sheet 01. The red line, showing the application site, includes not only the buildings for which the change of use is sought, but also an area around them for parking, and the provision of an access to the highway, MacCallum Road. It has previously been agreed by TVBC that this access to MacCallum Road on the eastern side of the building is established. That eastern access may still be used, but only when essential (see below).

Figure 3 is an aerial photograph of the site. The red arrows point to the two buildings for which the change of use is proposed. The existing secondary access can be seen by the positioning of the car to the right of the upper building in the figure. It is there that new steel gates have been erected after gaining permission. The gates would be used only by the new tenant of the site, and by Mr Mitchell and his family in association with farming activities. The principal access on the West side will continue to be used by other tenants at Home Farm as well as the new tenants of Building 02.

The blue arrow in Figure 3 shows building 01, which already has permission for B8 use.

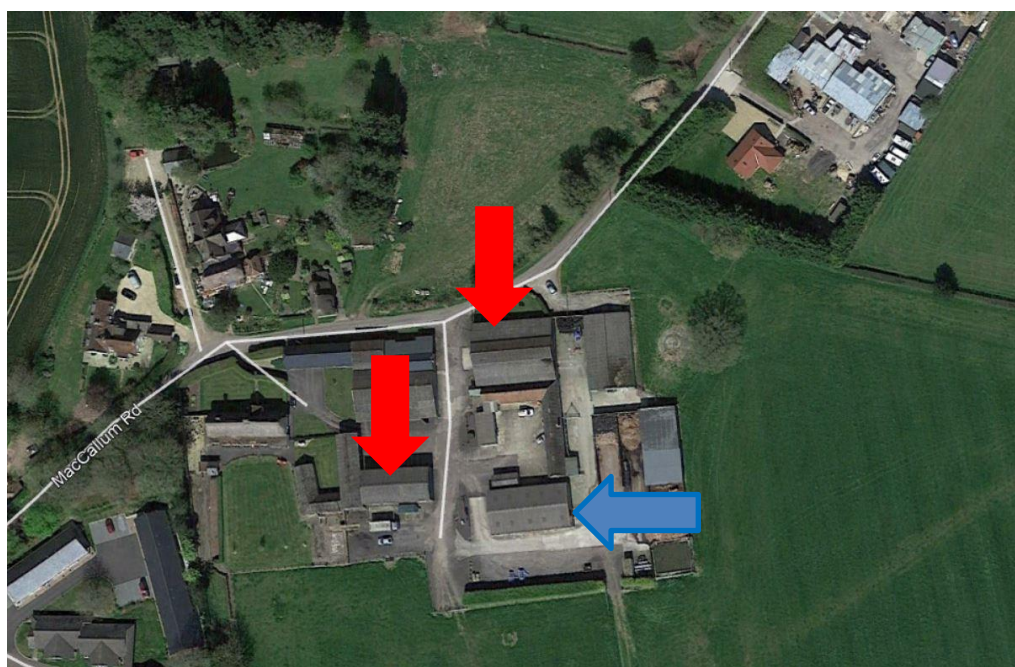


Figure 3 - Aerial photograph of Home Farm, Upper Enham

The principle of change of use of redundant farm buildings at the site has been accepted by TVBC through a number of existing planning permissions. There are two permissions relevant to this application. The first permission was granted in 2018 (reference 18/02490/FULLN) for the change of use from agricultural use of two buildings. The upper red arrow in Figure 3 points to Building 02, the subject of this application. The permission granted on 18th December 2018 was for:

“Change of use of two agricultural buildings, one to use class B1(light industrial) and the other B8, with associated parking.”

In the officer’s report on the 2018 application, it was stated:



“...it is considered that the proposal would lead to an enhancement of the immediate setting with regard to d) of policy LE16 and would integrate, respect and complement the character of the area and landscape character of the area with regard to policies E1 and E2.”

This comment was made because the buildings were to be re-clad, so that a much tidier appearance would be created. It is clear that those works were carried out in accordance with the approved plans..

Latterly, the building has been used for activities we consider fall within the ambit of use Class E. We note the comment in respect of pre-application advice, provided by Luke Benjamin (then of TVBC) on 28 April 2021.

“I would agree with your assessment that B1c uses now falls with Class E, in particular section g) iii - any industrial process, being a use which could be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke soot, ash dust or grit, as outlined within The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.”

We consider Mr Benjamin’s advice was sound.

Returning to the permission granted under 18/02490/FULLN, we note that though the case officer was conscious that one of the buildings was to be converted to B8, there were no specific concerns over storage use, over and above the light industrial use proposed. There was due consideration of impact on residential amenity, and it was considered that, with the imposition of conditions restricting activities to inside buildings and by hours of opening, such amenity would be safeguarded. Such conditions were thus imposed.

In respect of the roadside building, an application for change of use to B2 (20/02897/FULLN) was withdrawn before it could be determined, because of the level of opposition it drew from occupants of neighbouring properties and from TVBC’s Environmental Health Officers, despite technical support documents on odour and noise being submitted. We were advised then to seek pre-application advice. This suggested that it would prove very difficult indeed to gain planning permission for that change of use. Therefore, especially as the tenant’s lease is due to expire at the end of 2021, Mr Mitchell decided to seek an alternative tenant who would abide by the conditions imposed by the 2018 permission. That tenant used the building productively, but now wishes to cease business operations, and therefore an alternative tenant has been sought by Mr Mitchell. The most appropriate potential tenant wishes to use the site for storage of prestige cars: hence this application.

In January 2022, planning permission was granted, under reference 21/03252/FULLN, for external modifications including steel cladding, installation of roller door, door, window, and steel gates. In her delegated report, the officer wrote:

“Given the design and size of the gates, the fact that they would be an improvement on the existing grey metal sheet fence, and given that any views of the roller shutter door on the east elevation and the proposed cladding to the north elevation would be seen in the context of the existing farm buildings, it is considered that the proposals would not have an adverse impact on the character and appearance of the area in this countryside location. The proposal would therefore comply with Policies COM2 and E1 of the TVBRLP.”



In the light of comments on the earlier application for change of use to B2, she also considered the impact on neighbouring amenity. She concluded that the proposals would not give rise to an adverse impact and were therefore in accordance with Policy LHW4 of the TVBRLP, so permission was granted.

The modifications permitted in 2022 have now been implemented.

In August 2023 an application was submitted for that roadside building, under reference 23/02233/FULLN, for the sales of motor vehicles. In planning terms, that use does not fall within a specific use class, and is therefore regarded as “*sui generis*”. The application received objections from local residents concerned about amenity, despite their objections to previous applications being overcome, to the satisfaction of the case officers, by the imposition of conditions. However, there was also a holding objection raised by the Environmental Health Officer, because she was concerned over the certainty of visits to the site, despite the planning statement making it entirely clear that visits would be by appointment only. She was also concerned as to drainage means for car washing. That concern was noted, and there is NO vehicle washing proposed under this application.

There was also an objection to the *sui generis* use by Test Valley’s policy team, which had not objected to the changes of use from agricultural to B1 in the earlier applications. They commented that “*A commercial vehicle sales use does not require a rural location*”, and yet had not objected to earlier proposals for the site which also did not “require” a rural location. Moreover, the comments seeking clarification as to whether the vehicles were ones related to rural activities were irrelevant to the consideration of the application.

The policy team’s comments went on:

“Policy LE10 is specifically concerned with retaining a range of employment premises across the Borough, including manufacturing, office and warehouse premises, of different sizes and at a range of locations, to meet established economic development needs and to support economic sustainability. The requirements of LE10 have not been met by the submission. The proposal, as it stands, is therefore contrary to this policy and COM2.”

In reality, the adopted local plan does not define employment uses, and we note that the above comments refer to “*employment premises... including*”, thus implying that other uses might be acceptable under the plans. However, we considered it would be difficult to overcome the weight of objections, and therefore the application was withdrawn.

Before moving on, we have noted that the policy team did interpret Policy LE10 as seeking to retain “*warehouse*” premises, and thus we have assumed that an application to change from light industrial to warehousing (B8) would be acceptable in principle. Following the critical comments on the proposed sales use, Mr Mitchell has sought to lease the building for E9g)(iii) uses, but no interest has been raised.

The second building which is the subject of this application has permission for B1 use. The permission was granted in April 2020, under reference 20/00420/FULLN, which also gave permission for “*minor changes to elevations and materials*”. Similar conditions preventing external activities and controlling hours of operation were imposed on the permission. At the time of the application, the proposal was to assemble helicopter parts within the building, and local residents expressed concern about noise



generation and about the size of vehicles bringing the parts to the site. Those parts were to be transported by small vehicles, and therefore, in summarising the impact on amenity, the case officer wrote:

“With the recommended conditions, the intervening buildings and the separation distances to neighbouring residential properties, it is considered that the proposal would not have an impact upon residential or general amenity of the area. As such the proposal would be acceptable with regards to policies E8 and LHW4.”

The helicopter business was severely affected by Covid and it did not use the premises. Indeed, it has not been used for E9(g)(iii) uses, despite advertising its availability. The permission was implemented because most of the refurbishment works granted have been undertaken, but no change of use has, in reality, been fully achieved.

3. Development concept and proposed use

The detailed block plan for the change of use for both buildings is on Drawing 01950-00-H, Sheet 02. The hatched areas show the buildings, and proposed parking is also set out. For context, the building with permission for B8 use is also shown.

The proposal is to use both buildings for storage of vehicles, principally cars. The vehicles would only be stored in the building and not outside, thus complying with the restrictive condition applied to previous permissions for B1 use. There would not be any sales of vehicles from the site. It is expected that some 10 cars would be stored on the site at any one time.

Unlike the previous, withdrawn, application, there would be no visits to the site by the public. The only vehicle movements, other than those of staff, would be to delivery the vehicles and then to transport them away from the site. Some deliveries would take place with small delivery trucks and HGVs would not be used. Some cars would be driven to the site for storage and preparation, but only if the weather is good and the roads are dry.

Not only would there be storage at the site, but also professional preparation. These are “high-end”, often “performance” cars, commanding a high price bracket. The paintwork requires considerable care to achieve a strong lustre. This specialist valeting of vehicles, which is known in the motor trade as “detailing”, would take place inside the buildings only. The valeting would including “buffing” of the outside of vehicles, but that would not include any washing and would merely be to remove superficial oil and other deposits collected during transport to the site.

Any washing of the cars would take place at another site operated by the prospective tenant. Moreover, there would not be any paint repairs or spraying undertaken at this site.

The prospective tenant would undertake work on Saturday mornings, but there would not be any operation of machines on Saturdays, so the impact on weekend amenity will be minimised.

Unlike the proposals submitted in August 2023, there will therefore NOT be any parking spaces notionally illustrated outside the eastern side of the roadside building for valeting of vehicles.



There would be no servicing, repairs, testing, or spraying of vehicles at the site. For the most part, such activities would fall into Use Class B2. Through experience in seeking to regularise car spraying at the site, we recognise that such activities might bring about adverse impacts on neighbours, and would not be permitted. Therefore, both Mr Mitchell and his prospective tenant are content with a restrictive permission, as now sought.

As stated previously, there would be no further external changes to the buildings, though the remaining works to fully implement the 2020 permission to the western building (03) will be completed. However, the prospective tenant is seeking to apply cladding to 125mm or 150mm depth to internal walls and ceilings, initially to building 02, and possibly later to building 03. That measure would be beneficial in minimising sound emissions from the buildings, making the working conditions more pleasant, and reducing energy losses. We are content to provide further details of such cladding, to comply with a condition, were permission to be granted. It is also possible that a special room with additional cladding might be provided inside the building, and its details could be provided, as necessary. Both Mr Mitchell and his tenant are keen to ensure that the amenity of the neighbouring residents is not jeopardised, and believe the application of cladding would achieve that objective.

4. Access and Parking

There have been no critical comments raised by Hampshire CC as highways authority either to any of the previous applications or to the operational activities that have taken place. It will be recalled that cars have previously been brought to the site on trailers/carriers, prior to their restoration. Indeed, the degree of vehicular activity now proposed is likely to be less than with the previous B1 use, which ceased earlier in 2023. Therefore, there could be a limited positive impact on the volume of traffic using MacCullum Road: that is the numbers will be less than under the previous use. Certainly, the degree of vehicular activity will be less than that generated when there was a dairy at the site, and less than other uses served by MacCullum Road. Moreover, the type of transport vehicle would be small – limited to carrying one vehicle only at a time.

The use of the secondary access for the new tenant will be limited, as advised earlier on this statement. There is considerable room within the farmyard/industrial area to ensure that vehicles can exit onto MacCullum Road in forward gear from the primary entrance.

We are content to provide the level of car and cycle parking associated with the previous permissions for the site, although the requirements for B8 use are lower.

Accordingly, we consider there would be adequate provision of parking both for staff and visitors. Also, we believe that there would be a non-material change in the volume and type of vehicles using the site, except a possible reduction over previous activities.

5. Impact on Amenity

We are conscious that previous activities have proved problematic, but these have now been addressed, and the current proposals should be considered anew. Mr Mitchell and his prospective tenant are keen to establish good relations with his neighbours and, of course, to maintain them. We do not consider that the proposed B8 activity for vehicle sales will lead to inappropriate fumes or levels of noise, and should thus be acceptable to occupants of neighbouring properties and nor would



there be any issues relating to disposal of wastewater. Accordingly, we consider the development would accord with Policy LHW4: Amenity of the Adopted Test Valley Borough Local Plan.

6. Principle of Development

The application site lies outside the Enham Alamein settlement boundary and therefore is located in the countryside. Policy COM2 allows for development in the countryside provided that:

- a) *It is appropriate in the countryside as set out in Revised Local Plan policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside.*

The concept of re-use of the buildings in such a location has already been established. Moreover, through the permission of B8 at another building in the site complex, we consider that Test Valley BC recognises that such storage uses are acceptable in principle and in practice.

Policy LE16 allows for the re-use of buildings in the countryside for commercial use provided that:

- a) *The building is structurally sound and suitable for conversion without substantial rebuilding, extension or repair; and*
- b) *The proposal would not result in the requirement for another building to fulfil the function of the building being converted; and*
- c) *The proposed use is restricted primarily to the building; and*
- d) *Development would lead to an enhancement of its immediate setting.*

Previous applications have established that the building is indeed structurally sound. We can confirm that that the conversion of the building would not lead to the need for another building as the existing unit is about to be vacated; therefore part b) of LE16 is complied with. The proposed use would be limited to the building and therefore would no requirement for outside storage in accordance with part c) of LE16. Ensuring a beneficial use would enable the site as a whole, and both buildings would be retained in good condition and appearance to accord with part d) of LE16.

Policy LE17 allows for “the redevelopment, extension of buildings of new buildings on existing employment sites for employment use will be permitted provided that:

- a) *It is contained within the lawful employment site; and*
- b) *The proposal is well related to any retained building; and*
- c) *It does not include outside storage where this could be visually intrusive,*

The proposed change of use to vehicle sales would satisfy all three of these criteria and would therefore accord with policies LE16 and LE17 and therefore the principle of development should be accepted.



In the text relating to the planning history of the site, we have explained that the policy team's concerns under Policy LE10 would no longer than any substance. It should be noted that there would be three full time jobs created by these proposals, and possibly a couple of part-time jobs. Therefore, there would be an increase in job creation in comparison with the previous use. Issues of safeguarding of employment should thus fall aside under this proposal.

Indeed, we consider that objection to the principle of development would not withstand scrutiny at appeal. The acceptability of the proposal thus turns on the impact on amenity, and we believe that this issue has been covered fully. Nonetheless, we respect the professional opinion of the Environmental Health Officer and would be content to meet to discuss matters, to ensure a mutually acceptable proposal, including possible limits on noise emissions, if necessary.

7. Conclusion

Our client, his prospective tenant and we, as agents, all recognise that some previous activities at the site have proved unacceptable to neighbours and have breached planning permissions. Those breaches have been addressed, and the structure and materials of building 02 now comply with approved plans. We now seek permission for a change of use for both buildings that would both comply with the present permissions in terms of design and would also provide reassurance to those living nearby, through appropriate and reasonable controls on hours of operation and (understandably) on outside storage and activities.

Although the use of the buildings for storage falls into a different use class from E(g)(iii) the impact of the sales activities on the character of the site and on amenity would not be materially different from the most recent operations that proved acceptable and were certainly consistent with Use Class E(g)(iii). Indeed, the combination of voluntary controls and regulation by conditions could make the impact more beneficial to nearby residents.

We therefore believe that there are no impediments to TVBC granting planning permission for the proposed change of use, subject to necessary and reasonable conditions. We would be very happy to discuss such conditions with planning officers.

Please note that our client and we would be very happy to meet on site to discuss the application, if necessary, but we are content that the proposals meet both the principle of acceptable development and would also satisfy local environmental concerns.

Although the prospective tenant seeks to store cars, any permission could not be limited to such a specific use, and so the description of any permission should relate to B8 (storage) in general terms.