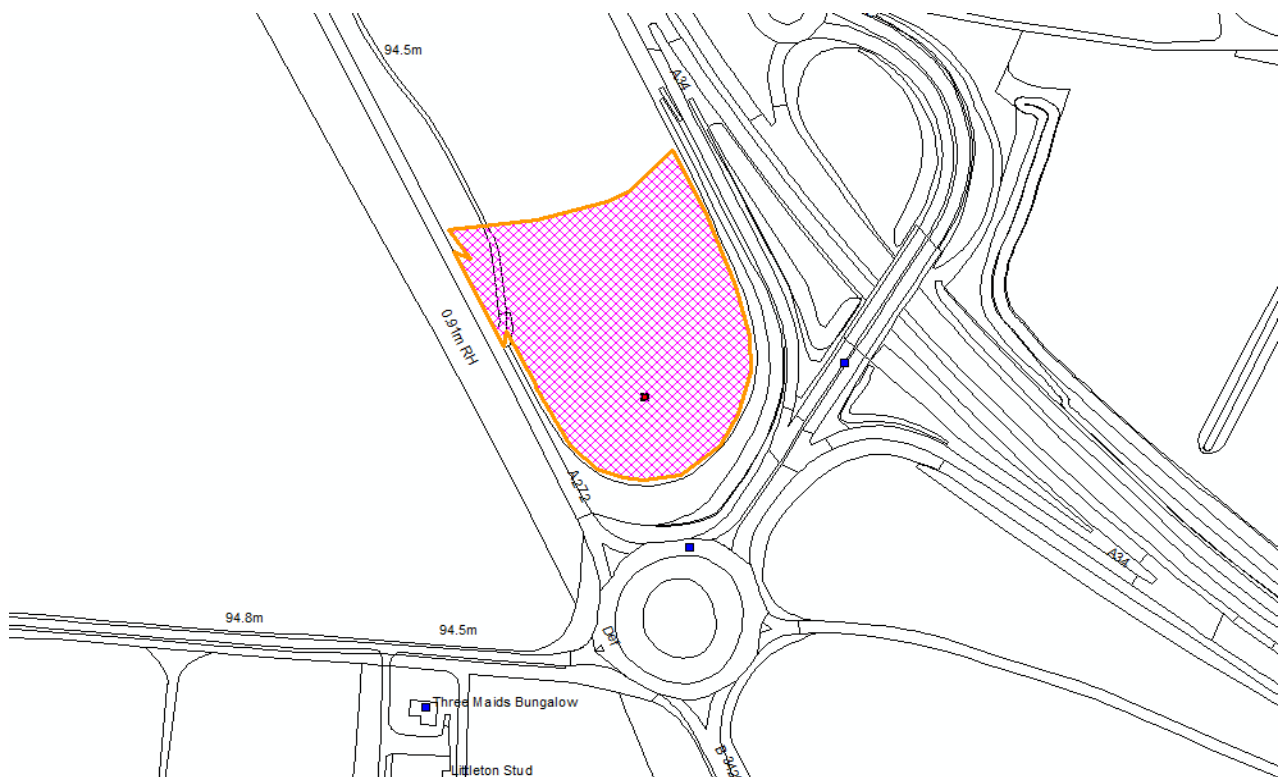


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/01594/FUL  
**Proposal Description:** Development of an Electric Vehicle Charging Station (EVCS) with associated means of access, internal parking and roadways, siting of ancillary power generation, storage and distribution infrastructure, landscaping and engineering works, erection of ancillary restaurant, outdoor seating and play area.  
**Address:** Three Maids Field, Andover Road, Littleton Hampshire  
**Parish:** Headbourne Worthy  
**Applicants Name:** Instavolt Ltd  
**Case Officer:** Liz Young  
**Date Valid:** 25 May 2023  
**Recommendation:** Refuse  
**Pre Application Advice** No

**Link to Planning Documents**

[23/01594/FULhttps://planningapps.winchester.gov.uk/online-applications/search.do?action=simple](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)



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**Reasons for Recommendation**

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**General Comments**

The application is reported to Committee because of the number of letters of support received contrary to the Officer's recommendation.

**Amendments to Plans Negotiated**

None

**Site Description**

The application site comprises a parcel of agricultural land amounting to approximately 1.8 hectares. The site is located between the A272, and a slip road giving access to the A34. Access is obtained from the west boundary of the site off the A272. A roundabout junction which connects these roads and others is immediately south of the site. The areas between the site and the roundabout and slip road are wooded and the site slopes gently down towards the slip road. Screening to the adjoining agricultural land to the north is relatively limited. There is currently no built development within the site. The site is not directly adjoined by any residential properties and the closest neighbouring dwelling lies approximately 130 metres to the south west.

The nearest public right of way (PRoW) is located just over 600 metres to the east of the site. This footpath runs from the B3420 Andover Road to the south, to South Wonston to the north east.

In terms of background, whilst the site is currently in agricultural use it is included on the Hampshire County Council Minerals and Waste Safeguarded Sites as it benefits from an extant consent for the development of an inert waste recycling facility (granted on appeal under reference 20/01765/HCS). This consent has not been implemented and expires in June 2025.

On the land immediately to the north of the application site permission was granted in May 2023 for the construction and operation of an anaerobic digestion facility (reference 22/02037/FUL). This has been implemented on this development (works have commenced). Prior to this consent was granted in 2020 (20/02311/FUL) for a solar farm on land further to the north. This consent has now been implemented and the solar farm is in place. A motor cross site lies on the land immediately east, across the A34, and part of this site is also in use as a waste processing site.

**Proposal**

Consent is sought for an Electric Vehicle Charging Station (EVCS) with associated works including an ancillary restaurant and solar array. The service station is proposed to be operational 24 hours a day and the applicant states that the proposal would be one of the largest electric vehicle ("EV") hubs in the UK

The main vehicle charging station would comprise 33 car charging bays, four large van charging bays, four drive-through charging bays for large/towing vehicles and three designated disabled bays (although all bays are stated to be suitable for disabled users).

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The proposed solar array would occupy the north section of the site and would extend to an overall area of approximately 0.2 hectares. Information which accompanies the application indicates that it is intended that the energy generated from the array would feed into the grid and not be a 'community' scheme. The solar array would be enclosed by 2m high, metal posts and netting.

The access (currently a field gate and farm track) would remain in its current location but would be re-configured to form a widened bell mouth at right angles to the highway. It has been designed to reflect the access arrangements for the extant waste processing consent. An internal access road would then extend east into the site before running south down to the main service area and restaurant area (which would lie centrally within the site). The restaurant would be located at the southern extent of the development and ground levels would be lowered around the footprint of the building. This would be the main built form associated with the proposal and it would be a single storey building incorporating a large roof canopy and mono-pitched roof profile reaching a maximum height of approximately 5 metres. A solar array would occupy the full extent of the roof (approximately 380 square metres). Across the rest of the building, external facing materials would comprise blue / black brickwork with timber effect cladding above. Full height glazing is proposed around the principal elevation and windows would be metal framed.

An ancillary substation is proposed immediately east of the restaurant and a play / outdoor seating area is proposed to the south west.

With regards to landscaping across the rest of the site, post and rail fencing would enclose the main service area. The substation compound would be enclosed by closed boarded fencing. Hardsurfacing would comprise a combination of asphalt around the main access and turning areas, paving around the restaurant, concrete to the substation, and areas of permeable paving and hoggin.

External lighting is proposed throughout the site and along the internal access road. These would be bollard lights placed at regular intervals (between 8 and 5 metres).

Details of signage (nine signs in total) have also been included as part of the application submission. Signs would be freestanding and would measure up to 2.5 metres in height. They would be located on the main access, along the internal access road and within the site itself. Signage materials have not been specified.

With regards to soft landscaping a planting specification (including new trees and grass mixes) has been included on the proposed site plan. An ecological buffer zone (bare chalk substrate) is proposed in the north part of the site between the solar array and the land to the north.

## **Relevant Planning History**

### *Application Site*

Development of an Inert Waste Recycling Facility at Land at Three Maids Hill, off A272, Winchester SO21 2QU (20/01765/HCS) (Appeal against refusal allowed 20 June 2022) – *This was a County Matter Planning Application*

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Change of use from agricultural to Motocross and associated viewing areas, toilet facilities and noise barriers (RETROSPECTIVE) (temporary permission for five years)  
(03/00212/FUL) Refused 24.04.2003

(AMENDED DESCRIPTION) Golf course including fairways, tees and greens and access  
(92/01096/OLD) Refused 30.01.1992

*Adjacent Sites*

Change of use from motocross, to a Construction, Demolition, Excavation Waste Management Facility, involving importation, treatment and storage of waste and aggregates, with offices, structures and vehicle parking (retrospective). Importation and storage of road planings for crushing and screening to create recycled aggregate, including associated buildings, structures and vehicle parking. Provision of silo for concrete batching operation with storage, office and parking. With internal separation bunds and landscaping at Down Farm, Storage Land (23/02126/HCS) Three Maids Moto Cross, Down Farm Lane, Headbourne Worthy Hampshire SO22 6RG Pending decision

The construction and operation of an anaerobic digestion facility, ancillary infrastructure, landscape planting and the construction of a new access road and access from the A272 (22/02037/FUL) Land To The East Of The A272 - Permitted 10.05.2023

Construction of a solar farm and battery storage facility together with all associated works, equipment and necessary infrastructure (20/02311/FUL) Land To The East Of The A272 And West Of The A34 - Permitted 19.05.2021

**Consultations**

Strategic Planning Policy – Raise concerns in relation to lack of policy analysis in relation to:

- How the Proposal would meet the criteria in LPP2 Policy DM10 - Essential Facilities & Services in the Countryside
- A consideration of alternatives - for example, why the existing EV charging facilities at Sutton Scotney service area could not be expanded/improved
- External lighting design and specification across the site

WCC Ecology – No objections subject to conditions

WCC Drainage – No objections subject to conditions

WCC Tree Officer – No objections subject to conditions

Environmental Protection Contaminated Land – Objection raised on the basis of incompatibility with the neighbouring permitted use

Landscape Officer- Further information required in relation to the following:

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Relationship between proposal and adjacent site
- Additional boundary treatment
- Sustainable Drainage
- Parking rationale
- Planting design and maintenance
- Lighting and signage rationale / impacts

WCC Archaeology – No objection subject to conditions

Crime Prevention Officer -No comments received

Southern Water – No objections raised

Highways Authority – No objections subject to provision of visibility splays and the implementation of site access and pedestrian infrastructure prior to occupation with a S278 agreement entered into prior to commencement.

Lead Local Flood Authority – No objections raised

Minerals and Waste Planning Authority – Raise concerns over insufficient information to establish whether the proposal would meet the requirements of Policy 16 of the Hampshire Minerals and Waste Local Plan

**Representations:**

Headbourne Worthy Parish Council – No objections raised

Littleton and Harestock Parish Council – Support:

- Proposal would have a reduced impact in comparison with the extant consent and would address previous concerns in relation to noise and dust
- Proposal would create a green industrial park alongside neighbouring developments
- Notwithstanding support in principle there are concerns over the provision of the electrical power, site drainage and sewerage disposal, light pollution and ecology

5 Objecting Representations received from different addresses citing the following material planning reasons:

- Wrong location
- Harmful increase in traffic
- There are already facilities in South Wonston, Newbury, and Southampton.
- Loss of greenspace
- Harmful noise impacts on Littleton Stud which would be significant in disturbing the horses
- Inappropriate development in open countryside

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

7 Supporting Representations received from different addresses citing the following material planning reasons:.

- Ideal location for EV charging
- Climate Change benefits
- Lack of EV charging in the locality
- Would be an improvement on the consented use
- Would not impact upon neighbouring residents
- Clarification required relating to the power supply, site drainage and sewerage disposal
- Proposal would accommodate a wide range of visitors
- Will support the transition to electric vehicles
- Instavolt has a good reputation as a reliable network operator,
- Electric vehicles are quieter in operation than petrol and diesel, so noise pollution should not be significant
- Employment benefits

One neutral comment received from Acorn Bioenergy (operator of the Anaerobic Digestion Facility on land immediately north of the proposal):

- Works have fully commenced on the anaerobic digester
- Fully in support of all applications and proposals which help support the transition of our society to a more sustainable low carbon future.
- Consideration should be made of how the neighbouring applications would sit next to each other from an operational perspective, given the Electric Vehicle Charging application is the agent of change in this instance, and would be open to the general public

Legal Opinion submitted by the applicant in support of the application:

- The operational need is self-evident
- There are no relevant local plan policies and therefore the tilted-balance applies
- The site is close to a substation with capacity, and there is a Point of Connection (“POC”) on site
- The site has extant planning permission for an aggregate recycling development, including vehicular access from the A272 in the same location, a significant area of hardstanding and buildings and storage barns up to 7m high
- LPP2 Policy DM10 does not apply, and the only relevant policy for assessing the principle of the location is MTRA4
- Recent High Court authorities have emphasised that alternatives are only relevant to consideration of a planning application in exceptional circumstances
- Important for drivers who travel long distances or who do not have access to charging points at home or at work
- MWP Policy 16 Policy itself does not refer to ‘potential infrastructure sites’ and the applicant’s case could be strengthened at appeal by further evidence in the form of a statement from the proposed operator of the recycling facility to explain why the infrastructure is not viable in this location

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Reference is made to an appeal decision (allowed) in respect of Redevelopment of existing scrap yard and haulage depot to create Electric Car Charging Service Station serving 104 cars
- The opinion states that the benefits of the proposal would be as follows:
  - Help to deliver an efficient and affordable EV charging network and support the transition to zero emissions transport
  - Provide direct and indirect employment and support the Cotswolds visitor economy
  - Enhance the landscape character and scenic beauty of the AONB by removing the conifer planting and replacing this with a more natural landscape treatment with resultant biodiversity benefits
  - Reduce noise and air pollution for those living close to the A429 and the site
  - Reduce the number of unnecessary HGV movements on the A429

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework (2023) (NPPF):

Section 2 –Achieving Sustainable Development

Section 4 – Decision Making

Section 6 – Building a Strong Competitive Economy

Section 8 – Promoting Healthy and Safe communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Flooding

Section 15 – Conserving and Enhancing the Natural Environment

National Planning Practice Guidance:

Renewable and Low Carbon Energy 2023

Natural Environment 2019

Minerals 2014

Winchester Local Plan Part 1 – Joint Core Strategy (2013) (LPP1)

Policy DS1 – Development Strategy and Principles

Policy MTRA4 - Development in the Countryside

Policy CP6 - Local Services and Facilities

Policy CP8 – Economic Growth and Diversification

Policy CP10 – Transport

Policy CP11 - Sustainable Low and Zero Carbon Built Development

Policy CP12 – Renewable and Decentralised Energy

Policy CP13 – High Quality Design

Policy CP15 – Green Infrastructure

Policy CP16 – Biodiversity

Policy CP17 – Flooding, Flood Risk and the Water Environment

Policy CP20 – Heritage and Landscape Character

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Winchester District Local Plan Part 2 – Development Management and Site Allocations  
(2017) (LPP2)

Policy DM1 – Location of New Development  
Policy DM10 – Essential Facilities & Services in the Countryside  
Policy DM15 – Local Distinctiveness  
Policy DM16 – Site Design Criteria.  
Policy DM17 – Site Development Principles  
Policy DM18 – Access and Parking  
Policy DM19 – Development and Pollution  
Policy DM22 – Telecommunications, Services and Utilities  
Policy DM23 – Rural Character  
Policy DM24 – Special Trees, Important Hedgerows and Ancient Woodlands  
Policy DM26 – Archaeology  
Policy DM29 – Heritage Assets  
Policy DM34 – Signage

Hampshire Waste & Minerals Plan – Adopted October 2013

Policy 16 – Safeguarding – Minerals Infrastructure

Supplementary Planning Documents

National Design Guide 2019  
High Quality Places 2015  
Landscape Character Assessment 2022  
Design Guidance for the Control of Shopfronts and Signs

Other relevant documents

WCC CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN  
2020 – 2030

Electric Vehicle Charging Infrastructure Study for Winchester City Centre and District  
October 2018

Road to Zero Strategy – HM Government 2018

Transport Decarbonisation Plan – Department for Transport 2021

Draft Local Transport Plan 4 – Hampshire County Council April 2022

'Taking Charge: The Electric Vehicle Infrastructure Strategy' (the 'EV Strategy') – HM  
Government 2022

Powering Up Britain - Department for Energy Security and Net Zero 2023

EV Smart Charging Plan 2023 – HM Government 2023

**Case No: 23/01594/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Future of Transport Regulatory Review: zero emission vehicles Government response' -  
Department for Transport October 2023

### **Carbon Neutrality and Policy Overview**

The WCC Climate Change Emergency Declaration Carbon Neutrality Action Plan was published in December 2019 in response to the Intergovernmental Panel on Climate Change (IPCC) statement that, "global warming is likely to reach 1.5°C (above pre-industrial levels between 2030 and 2052). It sets out the immediate actions the council will take to address this emergency and provides a plan to measure annual district progress towards meeting the 2030 target. This includes specific measures in relation to the impact of transport.

With regards to National Policy the Transport Decarbonisation Plan sets out measures to decarbonise all forms of Transport and to promote walking and cycling and gives consideration to freight and public transport alongside the electrification of the private car.

With regards to the private car in particular, the Government's 2018 Road to Zero Paper states an intention to ban the sale of new petrol and diesel cars and vans by 2040. It notes the importance of 'range anxiety' for drivers considering the purchase and use of an EV and sets a number of objectives for increasing the provision of charging points on the strategic and major road network. It is also the case that Highways England have a target of ensuring that there is a charging point every 20 miles on the Strategic Road Network (SRN) by 2020.

The Ten Point Plan for a Green Industrial Revolution, published by the Prime Minister on 18 November 2020, places emphasis upon the urgency to develop an efficient and reliable EV charging network by bringing forward the ban on the sales of petrol, diesel and most hybrid cars to 2030.

### **Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up to date development plan without delay.

The application site is located within open countryside and would therefore fall to be assessed under primarily under LPP1 Policy MTRA4. This policy seeks to limit development in open countryside to proposals which have an operational need for a countryside location, along with proposals involving the re-use of existing buildings, development relating to established businesses or proposals for low key tourism accommodation. It is also relevant that LPP1 Policy DS1 states that development proposals will be expected to make efficient use of land within existing settlements and prioritise the use of previously developed land in accessible locations.

The proposed development does not involve the re-use of existing buildings or relate to an existing business and would result in the introduction of a significant new element of built

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

development and associated activity into open countryside. With regards to the requirement to demonstrate the need for a countryside location, there is no specific information which accompanies the application which demonstrates that the proposal needs to be located in open countryside as opposed to a defined built up area, or an area where development already exists such as an established service station.

Whilst the submitted legal opinion states that recent High Court authorities have emphasised that alternatives are only relevant to consideration of a planning application in 'exceptional circumstances', if the case were to be made that the proposal does have an operational need to be located within open countryside (therefore ensuring compliance with Policy MTRA4) it would be a reasonable expectation that it would need to be established that the development could not reasonably be undertaken in a built up area or more sustainable location.

Paragraph 6.6 of the planning statement states that the site has been chosen based on its proximity to the strategic road network, near to both the A34 and the M3 and the point of connection to the electricity grid, which is stated to be a key planning and viability consideration (as opposed to a need to be specifically within open countryside). The development is therefore not promoted primarily as an essential service to the local community under either LPP1 Policy CP6 or LPP2 Policy DM10 as it is intended to serve a much wider catchment.

As acknowledged within the supporting text to the above policies, their overarching objective is to contribute to the overall sustainability of a neighbourhood, settlement, or wider rural area, by providing local facilities which help avoid unnecessary trips by car particularly where there are no alternative facilities for some distance. In this instance the planning submission does not identify a local need arising from the immediate area (for example Littleton or Kingsworthy) as the proposal would primarily serve vehicles making longer trips which are more likely to originate from outside the immediate locality. With this in mind it is considered that the proposal would not meet the criteria contained within Policy DM10 as it would not provide an essential service to serve local communities or meet an identified need for the development within the area.

The applicant also makes reference regards to the solar farm development to the north, suggesting that this establishes a precedent for new development within the locality regardless of its countryside location. However, it is not considered that the impacts of this would be directly comparable to the current proposal, which includes buildings, hardsurfaces, signage, external lighting and a significant element of vehicular activity. Furthermore the NPPF defines solar energy generation as essential infrastructure and there are specific policies in place within the Local Development Plan which support the general principle of renewable energy development proposals across the District. Specifically, LPP1 Policy is supportive of the generation of renewable and decentralised energy in the District and does not explicitly seek to limit such development to built up areas.

Overall, having regard to the policy requirements identified above, the site's location in open countryside and the lack of a robust justification accompanying the application it is concluded that the development would not be in accordance with the Development Plan.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

In light of the identified policy conflict, and in the absence of any policies directly relevant to the provision of electric vehicle charging infrastructure, the proposal must be assessed on its merits (having regard to other material planning considerations).

The NPPF acknowledges the increasing importance of electric vehicles in achieving sustainable development and states in paragraph 112 that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Therefore, there is clearly planning policy support for such proposals. With electric vehicle ownership steadily increasing, the provision of a major charging facility within the District is of clear benefit in terms of facilitating sustainable development. Notwithstanding this, national policy seeks to promote the introduction of charging facilities within accessible locations.

The applicant's submission makes it clear that the proposal is intended to serve the strategic road network (and refers to Zap Map – the UK map of electric car charging). However, the analysis of need does not appear to go beyond this (for example through looking at recent work undertaken by Highways England which looks to establish gaps in charging infrastructure). It is also understood that more locally, Hampshire County Council are in the process of undertaking a strategic review of Council owned land adjacent to roads of importance for potential installation of rapid EV charge points for public use. This would also present an opportunity to establish more clearly the areas where there would be scope to introduce EV charging facilities on the local road network.

The Department for Transport's Transport Decarbonisation Plan, "Decarbonising transport: a better, greener Britain" (updated 12 January 2023) (on page 99) states an intention to work with Highways England to deliver at least 6 high powered, open access chargepoints (150–350 kilowatt capable) at existing motorway service areas in England but does not explicitly promote the development of new service stations to deliver this. A further consideration is that the Department for Transport's Road to Zero Strategy (updated 12 September 2018),

The Department for Transport's Transport Decarbonisation Plan, "Decarbonising transport: a better, greener Britain" (updated 12 January 2023) (on page 99) states an intention to work with Highways England to deliver at least 6 high powered, open access chargepoints (150–350 kilowatt capable) at existing motorway service areas in England but does not explicitly promote the development of new service stations to deliver this. A further consideration is that the Department for Transport's Road to Zero Strategy (updated 12 September 2018), states that to meet long distance en-route rapid charging requirements, the number of rapid chargers located near the major roads network needs to expand to 1,170 by 2030 (from 460 in 2016). However, it also acknowledges that the number of chargers needed on the SRN in the longer term may not need to increase in line with the rate of EV uptake given longer battery ranges, new charging technologies and a greater proportion of EVs able to use faster rapid charging technologies. It is therefore acknowledged that there is wider policy support for additional charging infrastructure on the strategic road network. However it is also relevant that Highways England are seeking to meet some of this need through the provision of additional charging infrastructure at existing service stations.

The WCC Electric Vehicle Charging Infrastructure Study (2018) is a further relevant consideration and reflects wider objectives of reducing car dependency and congestion.

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

seeks to focus charging infrastructure around areas within settlements in order to serve taxis, city / park and ride carparks, rural / town carparks, on street parking and also increased provision close to public transport links. This document, and also the UK Electric Vehicle Infrastructure Strategy together recognise that the vast majority of drivers will do most of their charging at home, overnight. The legal opinion submitted by the applicant also acknowledges this.

Across the various strategies the emphasis (in respect of EV) is towards encouraging take up of electric vehicles, additional charging provision at motorway services and providing on street / at home / at work infrastructure (for example the On-Street Residential Scheme, the Local EV Infrastructure Fund and the Electric Vehicle Homecharge Scheme).

The applicant's submission makes reference to a number of case studies (appended to the Planning Statement). These include on street public chargepoints in London Boroughs and other built up areas, mobility hubs and charging infrastructure within existing carparks. The majority of the cases referred to form part of a package of wider sustainable transport measures (which is broadly reflective of government policy). There are no specific cases which are directly comparable to the current proposal (ie electric vehicle charging stations in rural locations).

The most notable recent planning decision within the local area relates to a scheme permitted on appeal within the South Downs national Park off the A3, near Buriton (SDNP/21/06431/FUL). The scheme comprised 60 eco lodges, 1,330m<sup>2</sup> of tunnel floor space for a flexible mix of use classes C1 and E(a)(b)(c) and 127 car charging points.

In this instance the Inspector acknowledged that individually, it could be argued that the different components of the appeal scheme did not require a countryside location, but stated that the fact that they were not proposed individually meant that there was merit in the appellant's argument that the mix and range of uses would have a symbiotic relationship. The significant contribution the development would make towards meeting an identified need for tourism accommodation within the South Downs national Park, and also biodiversity net gain were also identified benefits. A detailed lighting strategy (and mitigation measures) was also included as part of the scheme. With these points in mind, it is considered that there are a number of differences between the current proposal and the approved South Downs scheme (which comprised a range of complimentary uses and delivered significant benefits).

Many of the case studies referred to could reasonably be described as charging provision at 'destination locations' which is an approach promoted in the Road to Zero Strategy – specifically in the form of charging at locations which cars drive to and tend to stay for an hour or more is a convenient way for people to charge their vehicles whilst the access other adjacent land uses. It states that there is significant provision in destinations such as car parks, supermarkets and hotels begin to meet growing demand for chargepoints. These locations are stated to play an important role in meeting the needs of people who do not have off-street parking, by offering overnight services to meet local residential demand. The Strategy also describes transport hubs as '*cornerstones of the UK's transport system*' and highlights that '*train station carparks are places where large numbers of vehicles are left for several hours and so hold an opportunity for more destination chargepoints*'. This approach supports the Decarbonisation Transport Plan which promotes the blending of transport modes and states that the UK '*cannot*

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

*simply rely on the electrification of road transport' and that it is 'essential to avoid a car-led recovery'.*

The cases referred to by the applicant do serve to demonstrate the importance of considering demand scenarios along with engagement through working with local authorities and organisations from the private sector, National Grid and the broader energy sector to identify the best locations for new charging infrastructure (for example the Midlands Connect scheme). In this instance it is not evident that the proposal has been informed by this type of engagement.

With regards to the appeal decision referred to within the applicant's legal opinion, there are a number of clear differences between this permitted scheme (within the Cotswold Area of Outstanding Natural Beauty) and the current proposal which (alongside the specific reasons for permitting the scheme) can be summarised as follows:

- The proposal was located on brownfield land (on the site of an established scrap yard)
- The application submission included a detailed analysis of existing charging infrastructure in the local area and the inadequate provision in existing carparks
- There was shown to be limited scope to install charging infrastructure in local built up areas
- The Council had no clear plans for introducing EV charging infrastructure and only a small number of charging points
- There was shown to be a limited supply of brownfield sites within the Cotswold AONB
- There was shown to be potential for small buildings for office or business use to be developed on the site in the event that not all of the land is required for EV charging purposes.
- Whilst it was on a minerals safeguarded site the potential workable area within the site was very small and the site has already been developed

In contrast, the current proposal does not lie within a brownfield site and no specific local analysis has been undertaken to demonstrate a need for the development to be located on the application site. Furthermore, both WCC and HCC have set out clear plans for increasing charging provision within the wider area. Because of the location of the development and the fact that the proposal would occupy the majority of the site, the scope to introduce other commercial uses in order to improve the sustainability of the facility would be limited.

Overall, it is concluded that whilst there is clearly a need for additional provision of EV charging provision across the UK, it is anticipated that the majority of this need would be served through introducing additional charging infrastructure within existing motorway service areas, carparks, on streets and at people homes. This is reflected within the wider government policy referred to above. The proposed development would be at odds with these objectives, particularly when having regard to wider government policy in relation to reducing car dependency. The proposal would result in a significant element of new charging infrastructure on open countryside. Whilst it is understood that additional charging infrastructure at Sutton Scotney Services is not feasible due to connection issues

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

(based upon further information provided by the applicant), opportunities to enhance provision at existing service stations in the wider area or for the proposal to combine with other transport modes or serve as a destination charging hub have not been explored.

A further material consideration is that, as identified above, the application site benefits from planning consent (application reference 20/01765/HCS) for the development of an Inert Waste Recycling Facility which allows for the treatment of up to 75,000 tonnes per annum of waste to produce soil, soil substitutes and aggregates. Planning Practice Guidance advises that minerals are a non-renewable resource and that when determining planning applications, Local Planning Authorities should do so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority. As identified in the comments received from the Minerals and Waste Planning Authority, the site is safeguarded through Policy 16: Safeguarding – mineral infrastructure of the currently adopted Hampshire Minerals and Waste Plan (2013) (HMWP). The development will therefore remove the permitted capacity at Three Maids Hill.

In order to satisfy the requirements of MWP Policy 16 justification must be provided for the loss of the safeguarded facility either through the provision of replacement waste management capacity elsewhere or with strong overriding reasons for the loss of the site. Hampshire County Council also state that there would be an expectation to see how any comments from the operator, TMR South Coast Ltd, have been taken into account.

In response to this issue the applicant states that, despite having gained planning permission, according to the landowner the prospective operator (TMR South Coast Ltd) has allowed the Option for Lease to expire because the project was not commercially viable. Whilst this matter does not specifically address the policy requirements contained within MWP Policy 16, it could reasonably be considered as a material consideration which has the potential to outweigh the identified policy conflict.

Notwithstanding this, there has been no supporting evidence forthcoming which demonstrates that the waste use is not viable and in this instance the material consideration put forward would have limited weight. The submitted legal opinion states that the case *'could be strengthened at appeal by further evidence in the form of a statement from the proposed operator of the recycling facility to explain why the infrastructure is not viable in this location'*. This does not assist with the consideration of the application in its current form and whilst this information remains absent the argument put forward could not reasonable be considered to be of significant weight.

The Legal Opinion also states that MWP Policy 16 Policy itself does not refer to “potential” infrastructure sites, simply stating that *“infrastructure that supports the supply of minerals in Hampshire is safeguarded against development that would unnecessarily sterilise the infrastructure.”* The nature of the consented use would clearly be one which supports the supply of minerals in Hampshire and this was part of the reasoning which led to the appeal being previously allowed. It was also acknowledged at the time that other policies within the MWP seek to safeguard and develop recycled and secondary aggregates and to maximise the recovery of construction, demolition and excavation waste (Policies 17, 18 and 30). The consented waste use was originally permitted in June 2022 and would therefore remain extant until June 2025 suggesting that would be some scope for further options to come forward.

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

As it stands, the application submission includes no specific justification for the loss of the safeguarded waste use and there is no information which suggests that the applicant has sought to engage with the waste operator. There is nothing to rule out or mitigate the loss of safeguarded waste capacity as a result of the introduction of an alternative use to the site. Mineral resources are finite and the supporting text to MWP Policy 16 makes it clear that safeguarding the infrastructure that supports the supply of minerals is just as important as safeguarding mineral resources. Furthermore, the policy itself sets out that sites with planning consent would fall to be considered within the relevant criteria and refers to the list of safeguarded sites.

Overall, it is concluded that the material considerations in the instance (having regard to the points put forward by the applicant, government policy and the planning history of the site) do not sufficiently outweigh the identified conflict with the Development Plan. It is therefore concluded that the general principle of the proposed development is not acceptable.

Furthermore, in this instance there is no information to indicate that the applicant has taken steps to engage with the local authority or key stakeholders prior to submitting the application (including the waste operator). There is also no information to suggest that there has been any engagement with the Highways Authority, for example through the Southern Regional Framework for Electric Vehicle Charging Infrastructure (procured by Hampshire County Council) and there has been no pre-application submission in respect of the proposal. This is clearly at odds with NPPF paragraphs 41 and 42 which sets out the importance of pre-application advice in enabling early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle.

### **Assessment under 2017 EIA Regulations.**

For the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 it is considered that the development can be categorised as a motorway Service Area (Schedule II, Column 1, 10(p)).

Because the proposal includes land of more than 0.5 hectares it would be classed as Schedule 2 Development. A formal screening opinion has therefore been undertaken.

The site does not fall within or adjacent to a Site of Special Scientific Interest, a European site, a National Park (the site is over 3km from the South Downs National Park), Area of Outstanding Natural Beauty, World Heritage Site or scheduled monument. The site is therefore not considered to be within a sensitive area for the purposes of the EIA Regulations.

Having regard to this and also the extant consent for the Inert Waste Recycling Facility (which did not warrant an EIA at the time) the screening opinion concludes that in this instance the proposal is unlikely to have significant adverse effects upon the environment to the extent that EIA would be warranted.

### **Impact on character and appearance of area**

Planning policy acknowledges that when considering the impacts of development in rural areas it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

policy DM23 in particular) as essential components of rural character. As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. It states that the cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals should not cause harm to the character and landscape of the area or neighbouring uses, or create inappropriate noise/light and traffic generation.

The application site lies within the Womston Downs Landscape Character Area (LCA) (Open arable landscape type). Key features identified within the LCA include the sparse population, the predominance of arable farmland, farm accesses and openness. The appraisal acknowledges the recent solar farm development to the north of the application site, and also identifies a number of key issues for the area which include the cumulative effects of sustainable energy and infrastructure developments along with increased urbanisation. Recommended strategies include reducing and avoiding increasing artificial lighting within new and existing developments.

There is currently no built development within the site itself and it lies within an agricultural setting contiguous with the adjacent Worthy Down. It is nevertheless acknowledged that traffic on the A34 and A272 which adjoin the site have a significant impact on the landscape and the tranquillity of the area. It is also acknowledged that the site benefits from extant planning consent for the development of a waste processing facility (the applicant also makes reference to this).

Whilst it is the case that the approved use would have potential to give rise visually harmful impacts, it is a relevant consideration that this appeal was allowed having regard to the policies contained within the MWP. These policies make it clear that construction, demolition and recycling activities predominantly take place in the open and because this can create noise and other emissions they are not easily assimilated in built-up areas. The appeal decision states that countryside locations are often more suitable for this type of activity and referenced the acknowledgement within the development plan that inert waste processing facilities are in most cases appropriately located in rural areas away from housing. It was therefore concluded that the waste processing use was appropriate for the location and delivered significant overriding benefits which sufficiently justified the granting of planning consent. These were clearly a very different set of considerations to those which are relevant to the current proposal and the approved waste use would not serve to provide any form of justification for the introduction of a EVCS into the open countryside, particularly when having regard to the loss of waste processing capacity which would result.

In considering the visual impact of the current proposal, the development would introduce a significant element of hardsurfacing, enclosure, built development, signage, artificial lighting and vehicular activity into the site and would fundamentally alter its character from an undeveloped agricultural field to a service station. The design and layout of the site as proposed, does not serve to acknowledge its rural context, add a sense of place or add to the overall quality of the area as required by the NPPF. In particular, the scale, extent and design of the proposed signage and lighting which are proposed to serve the development

**Case No: 23/01594/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

would have a harmful and suburbanising impact upon the site. In particular it is not evident that an attempt has been made to minimise the overall spread and scale of development or to incorporate parking provision as part of the overall design of the scheme (a requirement of LPP2 Policy DM18).

Whilst the plans submitted suggest that ground levels are proposed to be lowered in the area around the proposed restaurant, no cross sections have been provided to establish how ground levels would change across the site or how this might impact upon relative building heights. Furthermore, it is evident that most of the site is on sloping ground, particularly around the access and it is not clear how levels would need to change to accommodate the proposals. The Landscape Officer also raises concerns over the adequacy of the proposed planting enhancements throughout the site (particularly with regards to the importance or reinforcing existing boundary treatments).

The planning application has been accompanied by a Landscape and Visual Appraisal. However, the assessment contained within this document does not appear to consider the impacts of the development in winter months when trees are not in leaf or the impacts of the development at night time resulting from increased artificial light. There also appears to be no assessment of the impact of the proposal of views from the public ROW closest to the site (less than 700 metres to the south east).

In the case of the extant consent for the waste processing use the only fixed lighting would be low level lighting affixed to the site office / welfare facility for the health and safety of staff opening or closing-up during the hours of darkness. For the limited operations that would occur during hours of darkness it was stated at the time that this would be undertaken with the night-lights fitted to HGVs and other lighting that is integral to the site plant and machinery. It was anticipated that during winter months the main inert recycling operations would typically be limited to daylight hours. It is acknowledged that the consented anaerobic digestion facility to the north of the site also includes provision for artificial lighting. However, this application was accompanied by a detailed lighting assessment alongside a lighting spill assessment and a very detailed package of mitigation measures.

The nature of the current proposal is such that it is likely to necessitate lighting over a 24 hour period and lights are proposed at regular intervals (between 5 and 8 metres apart) along the length of the access road, around the parking area and the restaurant. Therefore (with the exception of the proposed solar array) the whole development would remain permanently illuminated. The application has not been accompanied by any form of lighting assessment, light spill calculations or mitigation measures to enable these impacts to be assessed. It is also unclear whether any building mounted lights are proposed or whether the proposed signage would be illuminated. It is also not clear whether the proposed lighting would reflect the recommendations contained within paragraphs 4.11 to 4.12 of the submitted Bat Activity Survey Report.

As it stands there is therefore insufficient information to rule out harmful impacts arising from artificial illumination resulting from the proposed development, particularly when having regard to the rural context. This would be contrary to LPP2 Policy DM23 which seeks to avoid significant elements of new lighting in unlit areas and to ensure development would not have an unacceptable effect on the rural tranquillity of the area.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

With regards to the proposed signage, the number of signs proposed throughout the site and their overall scale and form would fail to acknowledge the rural characteristics of the site, contrary to the requirements of LPP2 Policy DM34. The signs proposed would not appear to be limited to that which is reasonably necessary for the purpose of ensuring safety and providing directions and information to those visiting the site. The signs would therefore add significantly to the overall unnecessary proliferation and clutter of structures and development. This would be at odds with the requirements of LPP2 Policies DM23 and DM18 in relation to minimising visual intrusion and the cumulative impacts of development and ensuring signage and lighting provision is both necessary and of a high quality design, taking account of the character of the surrounding area.

In conclusion, it is considered that the proposed development would be of a fundamentally different character to that of the consented waste use, along with the permitted infrastructure developments to the north. It would amount to a significant encroachment onto open, undeveloped land and would be contrary to the development strategy within the Development Plan which seeks to limit uncontrolled, unjustified or sporadic development across the district to ensure the overriding countryside characteristics would be preserved. Furthermore, the detailed design of the development does not respond positively to the character, appearance and variety of the local environment as required by LPP2 Policy DM16 or have due regard to the intrinsic character and beauty of the countryside as required by NPPF paragraph 174. Contrary to LPP2 Policies DM18 and DM23 it has also not been demonstrated that all opportunities to reduce light pollution and signage have been taken and that the adverse impacts would be mitigated to the greatest reasonable extent. The development would therefore give rise to an unacceptably adverse impact upon the rural character of the area contrary to both local and national policy.

### **Development affecting the South Downs National Park**

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The application site is located approximately 3.4 km from the South Downs National Park. Having regard to this distance, intervening development and the scale of the proposal there would be no significant adverse impact upon this designation through either visual intrusion or increased levels of activity.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

The application site does not impact directly upon or lie adjacent to any statutory listed building, conservation area or non-designated heritage asset.

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

In terms of wider context, the site lies just over 1km from the Littleton Conservation Area. There is limited intervisibility between the application and this designation and the development would not give rise to any significant adverse impact upon its setting.

The Worthy Down Ditch scheduled monument lies 1km to the north.

As required by LPP2 Policy DM26 the application has been accompanied by an Archaeological Desk-based Assessment which concludes that although the proposal site is considered to have archaeological potential there are no indications of any remains which would form a constraint to development. The WCC Officer is in agreement with this assessment and raises no objections subject to conditions ensuring an appropriate programme of archaeological evaluation and mitigation work. This would ensure the development would meet the requirements of Policy DM26.

Overall, it is therefore concluded that the proposed development would not give rise to any significant adverse impacts upon the historic environment.

### **Amenity and Neighbouring Land Uses**

With regards to existing residential uses, a single residential property lies approximately 130m to the south west of the application site on Stud Lane with the next closest properties approximately 575m to the west (also on Stud Lane). Having regard to the distance between the proposal and these properties, the background noise levels associated with traffic on the A272 and A34, along with the intervening vegetation the proposal would not give rise to any harmful impacts upon the living conditions of the occupants of these properties to the extent that refusal would be justified on these grounds. With regards to construction impacts it is likely that these could reasonably be mitigated by a construction environmental management plan (CEMP).

Alongside residential amenity it is necessary also to have regard to compatibility between the development and neighbouring land uses. Paragraph 187 of the NPPF states that planning policies and decisions should ensure that new development can be integrated effectively with other established businesses and facilities. This is in the interest of avoiding unreasonable restrictions being placed on them as a result of development permitted after they were established.

As identified above, planning consent was recently granted for the development and operation of an anaerobic digestion facility immediately north of the proposal and works have recently commenced on this. At its closest point there would be a distance of just under 10 metres between the operational area of the anaerobic digestion facility and the current application site (115 metres to the restaurant).

The Environmental Protection Officer considers that the odours from the storage of materials for and the operation of the anaerobic digestion facility are likely to have significant adverse impact on the restaurant that forms part of the proposed application. In this instance the proposed development is therefore considered to be acting as an agent of change as the introduction of a new use which would attract a number visitors (who are likely to remain on site typically for a period of 60 minutes) would lead to an increased likelihood of pressure to impose unreasonable restrictions on the existing development to avoid adverse impacts resulting from increased odour levels.

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Alongside the conflict with the NPPF the proposal would also fail to meet the requirements of LPP2 Policy DM19 which states that development which is sensitive to pollution, (and accords with the Development Plan), will only be permitted where it achieves an acceptable standard of environmental quality. It also states that the potential for unacceptable pollution (including odour), resulting in adverse health or quality of life impacts, should be addressed by applications. In this instance the application does not acknowledge or assess the potential impacts of the adjacent land use upon the day to day operation of the proposal (or identify and specific mitigation in this regard).

Overall, it is therefore considered that the development would be contrary to both paragraph 187 of the NPPF and LPP2 Policy DM19.

### **Parking and Access Considerations**

Currently, the site is served by a field access off of the A272. The Highways Authority is satisfied that, in principle, an appropriate access to the site could be achieved.

The location of the site and nature of the development proposed is such that it is unlikely that trips to the site will be made via modes of transport other than the private car.

Initial concerns were raised by the Highways Authority in relation to insufficient information relating to collision data, visibility splays, trip generation and the operational capacity of the roundabout adjacent to the site. The applicant has provided further information in respect of these points and the Highways Authority have confirmed that this sufficiently addresses their previous concerns.

With regards to cumulative impacts, it would be necessary to ensure the highway network can function safely and effectively with the additional traffic which will be generated as a result of the current development proposal alongside other committed developments in the locality (as required by the NPPF). This point has been discussed further with the Highways Authority and the applicant has provided further information in relation to committed developments and junction operating capacity. As a result of these discussions, it is concluded that the proposal would not (in combination with additional traffic associated with planning consent 22/020307/FUL) give rise to significant adverse impacts upon the local highway network (including the operation of the Three Maids Hill Roundabout). On this point, Highways have indicated that the maximum Ratio Flow Capacity (RFC) on any of the arms of this roundabout in either network peak period being 0.55 in the 'with development' scenario (a junction at capacity would have an RFC of 1).

With regards to parking provision, it would appear to be the case that all parking would comprise EV bays. Whilst it is accepted that this is the primary purpose of the development, in the absence of any form of travel plan it is not clear how staff parking or parking for cyclists would be accommodated.

Therefore, whilst the proposal would not give rise to harmful impacts upon the local highway network, it would be contrary to the requirements of LPP1 Policy CP10 and LPP2 Policy DM18 which seeks to promote walking and cycling through travel plans and to ensure proposals provide parking in accordance with the needs of the development, including cycles.

### **Ecology and Biodiversity**

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The application site is not located within an ecologically designated area. The closest statutory ecological designation is the River Itchen Site of Special Scientific Interest (SSSI) which is just over 3km to the south east. Crab Wood SSSI is 4.13km to the south west and Brockley Warren SSSI is just under 5km to the north west.

There are several locally designated Sites of Importance for Nature Conservation (SINC) in proximity to the application site. These include Worthy Copse SINC at 0.5km to the north and Worthy Grove just over 1km to the north. Both are designated as ancient semi-natural woodland.

The application has been accompanied by a Preliminary Ecological Appraisal, Bat Activity Survey Report, and a Reptile Survey Report. The initial survey indicated low potential for reptiles, breeding birds and also foraging bats, particularly along the southern boundary. The Reptile Survey report concludes that having regard to the siting and layout of the development reptiles will not pose a constraint to development subject to a precautionary approach being adopted. Furthermore, given that the main development footprint is focused within the centre of the site, there is not expected to be significant areas of habitat loss for foraging and commuting bats. The areas of high bat activity mostly fall outside of the development footprint.

The Authority Ecologist considers that having regard to the assessments undertaken the proposal would not have a harmful impact upon ecological interests within or adjacent to the site subject to the various recommendations within the ecological surveys being adhered to. The proposals would therefore be in accordance with LPP1 Policy CP16.

### **Best and Most Versatile Agricultural Land**

The NPPF includes strong protections for the natural environment and is quite clear that in considering development proposals account should be taken of any economic and other benefits of the best and most versatile (BMV) agricultural land. Specifically, it states where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (Footnote 58). Paragraph 174 requires the economic and other benefits of the best and most versatile land to be recognised in planning decisions. The Agricultural Land Classification (ACL) system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a.

Whilst the extant consent was under consideration it was noted that the current use of the land was grazing/arable crop production/recreation. This remains the case at the present time. The site is noted as Grade 3 on the Natural England mapping website.

It was concluded previously (at the time the extant consent was under consideration) that based upon the information available only 0.6 ha of the site was identified as Grade 3a good quality agricultural land. It was concluded that having regard to the fact that Natural England consider any site less than 20 hectares in size to not represent a significant loss of best and most versatile agricultural land, refusal on the grounds of loss of BMAL would not be justified.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Having regard to the fact that the current proposal would occupy the same area of land, subject to ensuring measures being in place to utilise existing soils, it would not be reasonable to oppose the development on the grounds of loss of BMV Agricultural Land.

### **Sustainability**

The nature and purpose of the development is such that it would have scope to make a very substantial contribution towards electric vehicle charging within the district. The proposed solar array will also meet the objectives of LPP1 Policy CP12 which is supportive of the generation of renewable energy within the District. Notwithstanding this the proposal would not lie within a location which could reasonably be made sustainable, would not limit the need to travel or offer a genuine choice of transport modes as required by paragraph 105 of the NPPF along with LPP1 Policy CP10. The application has, however been accompanied by a climate change statement which sets out that the design of the proposal would ensure the development would meet the objectives contained within LPP1 Policy CP11.

### **Sustainable Drainage**

The application site does not lie within or adjacent to a flood zone. There are no watercourses present within the site there is a negligible risk of surface water.

The submitted Flood Risk Assessment (FRA) states that a Drainage Strategy (to be in accordance with the drainage hierarchy) is to be developed and that the existing greenfield flow routes will be managed through appropriate landscaping and positioning of SuDS drainage features. Where feasible the proposal will incorporate impermeable surfacing. The SuDS design will be based on the 1 in 100 year event + 45% climate change allowance and will include the provision of filter strips, filter drains, rainwater gardens and other stages of treatment will be provided between the impermeable areas.

These measures will ensure the development will appropriately manage flood risk from the new development ensuring risk is not increased elsewhere as required by LPP1 Policy CP17.

With regards to foul drainage the proposed development is proposed to be served by a package treatment plant. Whilst further details are required to assess the details of this, including undertaking percolation tests to inform suitability for a drainage field, the WCC Drainage Engineer is satisfied that these measures can reasonably be secured through appropriately worded conditions.

Such measures would then ensure the proposal would not cause unacceptable deterioration to water quality as required by LPP1 Policy CP17.

### **Equality**

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

### **Planning Balance and Conclusion**

In considering the overall planning balance, it is acknowledged that the applicant makes the case that the development plan is silent on the matter of EV charging and that, accordingly, applying Paragraph 11d of the NPPF, the tilted balance should apply. Aside from the fact that it could be argued that there are a number of specific development types which do not benefit from an individual dedicated policy, it is considered that because the proposal lies in open countryside the 'relevant policy' in this case would be LPP1 Policy MTRA4. As identified above the proposal does not meet the requirements of this policy. Notwithstanding the fact that it is considered that MTRA4 would be the relevant policy, in the interests of addressing the points advanced by the applicant, it would be appropriate to consider whether the tilted balance should apply. Paragraph 11(d) of the NPPF states:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*...ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

It is acknowledged that the proposed development has the potential to make a very substantial contribution towards electric vehicle charging within the Winchester District and that the location has been selected due to its proximity to the strategic road network (where national policy supports additional charging infrastructure). It is also acknowledged that transforming the existing charging network plays a key role in achieving the Government's objective of an accelerated transition to EV use. The applicant makes reference to the following benefits to be delivered through the development:

- On site renewable energy
- Provision of public EV charging
- Employment benefits
- A children's play area

Given the nature and scale of the development and the fact that the proposed solar array would primarily serve the EVCS any wider benefits associated with on site renewables would be relatively limited. Furthermore, this aspect of the proposal would not be well integrated with the overall development design and would add significantly to the overall development footprint.

With regards to any benefits associated with the provision of EV charging, based upon the information provided, it is not fully clear to what extent the proposal would deliver a significant contribution to charging infrastructure given that the grid is severely restrained within the Winchester district (with 2036 being given as the earliest date for many connections). This is an issue which is already restricting deployment of EVCPs in some areas.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Furthermore, in the absence of specific details in relation to the need for charging infrastructure within this part of the strategic road network (or details of how the proposal might fit in with wider objectives of Highways England in relation to providing charge points every 20 miles on the network) it would not be feasible to establish whether the proposal would be meeting an unmet demand.

The applicant makes reference to employment benefits. However, in the absence of any information on the number of employees associated with the development or any form of local employment skills plan it is not considered that the development would deliver any significant employment benefits to the local area. The proposed play area would be a modest element associated with the main restaurant and would not be of any significant wider benefit to communities in the local area.

Having regard to the limited benefits to be delivered and the absence of a substantiated need for the development to be located in open countryside, the proposal would give rise to harm to the countryside in principle and also the settlement hierarchy set out within the adopted Development Plan. Such proposals should be resisted if the wider countryside is to be protected from unwarranted development.

The specific harm arises primarily from the fact that the proposal would represent a significant departure from the sequential approach advocated by LPP1 Policy DS1 which seeks to ensure proposals make efficient use of land within existing settlements and prioritise the use of previously developed land in accessible locations. The proposal would also be contrary to the requirements of the NPPF which seeks to ensure sites are physically well-related to existing settlements, and that proposals recognise the intrinsic character and beauty of the countryside (and its wider benefits), and to make use of previously developed land.

The development would result in a significant new element of built development in the open countryside and the scale, design and layout of the proposal would not have regard to its rural context, thereby resulting in harm to the countryside and immediate locality. There is insufficient information accompanying the application to ensure the proposed ground levels would not impact adversely upon the character of the site and the proposed lighting strategy (which would be required to operate 24 hours a day) would further exacerbate the visual harm associated with the development through drawing attention to the infrastructure within the site. The proposal when considered as a whole would therefore both visually and physically constitute an incongruous feature within its surroundings and would significantly alter the balance between open countryside and existing built development. As such the proposal causes significant and demonstrable harm to the rural character of the area.

The proximity to the anaerobic digestion facility and the implications of permitting a use which will attract a large number of people will significantly increase the prospect of unreasonable restrictions being placed upon the facility which could impact upon its operation in the longer term.

Alongside the fact that the proposal would effectively sterilise the whole of a minerals safeguarding site, these factors together weigh heavily against the proposal to the extent that in the adverse impacts of granting permission would significantly and demonstrably outweigh its benefits. They also serve to highlight the fact that the proposal would result in the introduction of an uncharacteristic and inappropriate use to the site.

**Case No: 23/01594/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Developing charging infrastructure to meet climate objectives should not form part of a justification for inappropriately located or designed development and, having regard to the harmful impacts identified it is therefore recommended that planning permission should be refused.

**Recommendation**

Refuse for the following reasons:

1. The proposal site is located outside of a defined settlement boundary within the countryside and there are no material considerations or public benefits which justify the need for the development within a countryside area or on this specific site. Having regard to this and the unsustainable nature of the location, the proposed development is contrary to policies DS1, CP10 and MTRA4 of the Local Plan Part 1: Joint Core Strategy Adopted 2013 and policies DM1 and DM10 of the Local Plan Part 2 (Development Management and Site Allocations).

Having considered the circumstances of the scheme, material considerations do not outweigh the harm caused which is contrary to the Development Plan.

2. The scale, layout, use and design, and lighting and advertising strategy of the proposal would result in an incongruous and intensive form of development in a rural location, which would not sensitively integrate with the local landscape character or surrounding land uses which are more characteristic of their open countryside location. Having regard to this along with the insufficient information in respect of changes to ground levels the proposal is contrary to policy MTRA4 of the Local Plan Part 1: Joint Core Strategy Adopted 2013, Policies DM16, DM18, DM23 and DM34 of the District Local Plan Part 2 – Development Management and Site Allocations and guidance contained within the High Quality Places Design Guide SPD (2015).
3. The proposed development would result in the unjustified loss of a planned waste processing site which is safeguarded by the Minerals and Waste Planning Authority, effectively removing permitted capacity from Three Maids Hill. The proposal is therefore contrary to Policy 16 of the infrastructure of the currently adopted Hampshire Minerals and Waste Plan (2013).
4. It has not been demonstrated that the proposed development would provide sufficient parking to serve the needs of the development, specifically in relation to staff and cycle parking. The proposed development is therefore contrary to Policy DM18 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2).
5. The proximity between the proposed development and the permitted (implemented) anaerobic digestion facility to the north is such that odours from the storage of materials for and the operation of the neighbouring facility are likely to have significant adverse impact on users of the site. The proposal does not assess or seek to mitigate these impacts and would therefore be contrary to LPP2 Policy DM19 and paragraph 187 of the NPPF which together seek to ensure new development can be integrated effectively with existing businesses and to avoid

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

unreasonable restrictions placed on established uses as a result of any significant adverse effects.

**Informative:**

1. In accordance with paragraph 39 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester Local Plan Part 1 – Joint Core Strategy (2013) (LPP1):

Policy DS1 – Development Strategy and Principles  
Policy MTRA4 - Development in the Countryside  
Policy CP6 - Local Services and Facilities  
Policy CP8 – Economic Growth and Diversification  
Policy CP10 – Transport  
Policy CP11 - Sustainable Low and Zero Carbon Built Development  
Policy CP12 – Renewable and Decentralised Energy  
Policy CP13 – High Quality Design  
Policy CP15 – Green Infrastructure  
Policy CP16 – Biodiversity  
Policy CP17 – Flooding, Flood Risk and the Water Environment  
Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations (2017) (LPP2)

Policy DM1 – Location of New Development  
Policy DM10 – Essential Facilities & Services in the Countryside  
Policy DM15 – Local Distinctiveness  
Policy DM16 – Site Design Criteria.  
Policy DM17 – Site Development Principles  
Policy DM18 – Access and Parking  
Policy DM19 – Development and Pollution  
Policy DM22 – Telecommunications, Services and Utilities  
Policy DM23 – Rural Character  
Policy DM24 – Special Trees, Important Hedgerows and Ancient Woodlands  
Policy DM26 – Archaeology  
Policy DM29 – Heritage Assets  
Policy DM34 – Signage

3. This permission is refused for the following reasons:

**Case No: 23/01594/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The development is not in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.