



Department for Transport

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Dear Ms Smiles

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 247

PROPOSED STOPPING UP OF HIGHWAY AT WESTERN AVENUE, ANDOVER, HAMPSHIRE SP10 1BS

SECRETARY OF STATE'S DECISION – ORDER TO BE MADE WITH MODIFICATION

1. In accordance with Section 247 of the Town and Country Planning Act 1990, the Secretary of State for Transport (the Secretary of State) has decided that the application made by Test Valley Borough Council (the Applicant) for a stopping up Order (the Order), should be approved subject to a modification proposed by the Applicant.

CONSIDERATIONS FOR DECISION

2. There were originally 35 Objectors, including one Statutory Objector. The Statutory Objector withdrew their objection, leaving 34 outstanding objections. The Secretary of State decided that a Local Public Inquiry should be held for the purpose of hearing those objections and an Inquiry was held from 30 June to 2 July 2026 at Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover, SP10 3AJ before Alan Novitzky BArch(Hons) MA(RCA) PhD RIBA, an Independent Inspector appointed by the Secretary of State. The Inspector carried out an unaccompanied site visit on 29 June 2026.
3. A Pre-Inquiry Meeting (PIM) was held by video link on 19 May 2026. During the PIM, the Applicant gave notice that a modification to the Order would be requested, removing part of West Street originally included in the Order along with minor changes to areas of 'new highway' and 'existing highway to be improved'. The proposed modified Stopping Up Order (SUO) and plan were subsequently included in the Applicants statement of case.

4. The Inspector considered the representations and objections about the Order during the Inquiry and has since submitted a report to the Secretary of State, a copy of which is enclosed with this letter. References to the report within this letter are prefixed 'IR'. The Secretary of State has considered the Inspector's report and considered a number of other relevant issues, in reaching her final decision on this Order. Namely;
- Whether there is a valid planning permission
 - Whether the closure is necessary to allow development to take place in accordance with the planning permission
 - Whether any disadvantages arising because of the stopping up outweigh the advantages of making the order
 - Whether the stopping up area should be amended
 - Whether there are disadvantages or losses likely to impact individual's health and their safety.

PROCEDURAL MATTERS

5. The Secretary of State's role is to balance the overall public interest in interfering with an established public right of way and to come to a decision on that public interest. In doing this, she must distinguish between those matters relevant to the application for planning permission, which are matters for the local planning authority, and those factors relevant to the extinguishment of the highway itself.
6. It is not the function of the Secretary of State in this matter to reconsider whether or not planning permission should have been granted or to reconsider any aspect of that permission. Her role is limited to considering the impact closure of this highway would have on the highway users and to make a decision which determines where the ultimate public interest may lie.

SECRETARY OF STATE'S CONSIDERATIONS

7. The Secretary of State notes that the Applicant confirmed that all necessary statutory formalities associated with the draft SUO had been fulfilled (IR.3). She also confirms that post inquiry correspondence was received after the public inquiry concluded. This correspondence has been taken into consideration in making her final decision on the order.
8. The Secretary of State is satisfied that there is a valid planning permission in place which was granted by Test Valley Borough Council under reference, 25/01047/FULLN.
9. The Secretary of State notes and agrees with the Inspector's comments at IR.68-70 where he concludes that the proposed modified order is necessary for the implementation of the approved planning permission. She agrees that it is not open to objectors to argue that development should be carried out in a different manner as it is not within her remit to reopen consideration of the planning permission already agreed.

THE PUBLIC REALM

10. The Secretary of State agrees with the Inspector that the draft SUO and implementation of the development would greatly enrich the public realm without causing it any discernible harm. She also agrees that the development would improve individual and community use through the loss of an underused section of highway and the gaining of a riverside park in line with the Andover Masterplan 2020 (IR.72 – 76).

CONNECTIVITY

11. The Secretary of State agrees with the Inspector that the development would connect the Leisure Centre, Andover College and other nearby facilities, as well as the main town centre and its historic core. She agrees with the Inspector that access from the bus station to taxis would be a little more difficult. However, she agrees with the Inspector that the extra distances and ramped surfaces does make access for those with protected characteristics possible. The Secretary of State notes and agrees with the Inspector that there would be a small increase in the distance children would have to walk from the bus drop off point to the Leisure Centre but agrees this would be through safe and pleasant surroundings (IR.77-81).

HIGHWAYS

12. The Secretary of State notes that the proposed highway changes might cause difficulties and inconveniences to some people using parts of West Street. However, she agrees with the Inspector that significant highway advantages would be delivered as outlined at IR.87. She also notes that there would be an overall increase in traffic, involving minor impact on journey times. However as the Transport Assessment (TA) shows, flows would remain well within road capacity, considering future traffic growth, including that generated by possible future development in the area, even in the 2040 worst case scenario (IR.83).
13. The Secretary of State notes the introduction of 2-way traffic with increased right turns would require greater attention than at present, especially for the elderly and those with mobility problems and children. However she agrees with the Inspector that the careful positioning or repositioning of crossing points, including refuges and the introduction of a signalised junction will help significantly as will the reductions in speed limits (IR.84).
14. She notes that there will be some reductions in pavement widths. However, she agrees with the Inspector that none would fall below accepted standards and the use of walking aids or mobility scooters would not be impeded unless obstructive parking on pavements took place (IR.85).

NOISE AND AIR QUALITY

15. The Secretary of State accepts that noise levels would rise in certain locations due to the increased traffic. However she agrees with the Inspector that the increase would be within acceptable limits in both the short term and long term. She also

agrees that fleet transitions to quieter electric vehicles would tend to reduce noise levels (IR.90).

16. The Secretary of State notes and agrees with the Inspector that the rise in concentrations of nitrogen dioxide (NO₂) levels would be negligible and would remain below current Air Quality Objectives. She also notes and agrees with the Inspector that particulates PM₁₀ and PM_{2.5} levels are projected to rise but would also remain within target levels. Air quality levels would mostly be below the much more stringent non-statutory World Health Organisation (WHO) recommended levels (IR. 91-92).

HEALTH AND WELLBEING

17. The Secretary of State notes and agrees with the Inspector's observation that the development would provide expanded scope for active travel arising from improved walking and cycling routes within central Andover. She agrees that altogether, the proposed development would deliver significant mental and physical benefits for Andover's population (IR.94-95)

THE PUBLIC SECTOR EQUALITY DUTY

18. The Secretary of State notes the Inspector's observations recorded at IR.96-97. She agrees with the Inspector at IR.97 that the Council's Public Sector Equality Duty (PSED) was properly discharged during the process of consideration and approval of the development proposals.

SECRETARY OF STATE'S CONCLUSIONS

19. Overall, the Secretary of State is satisfied that the advantages of stopping up the area of highway at Andover, in the Borough of Test Valley conferred by the Order, would outweigh the disadvantages which have been put forward by the objectors.
20. The Secretary of State therefore agrees with the Inspector's recommendation at IR.100, that the Order be made subject to the proposed modification proposed by the Applicant. This is to enable the permitted development to be carried out, for which planning permission was granted by Test Valley Borough Council, under reference 25/01047/FULLN. The Order is therefore approved and is entitled "The Stopping up of Highway (South East) (No.17) Order 2026".
21. The Equality Act 2010 established the Public Sector Equality Duty. which requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under that Act; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following "protected characteristics": age; gender; gender reassignment; disability; marriage and civil partnerships; pregnancy and maternity; religion and belief; and race. The Secretary of State has had due regard to the needs identified in the Public Sector Equality Duty in reaching her decision.

22. In making this Order, the Secretary of State has relied on the information that the parties have provided, as contained in the application and related plans, diagrams, statements and correspondence, as being factually correct.
23. Where not otherwise stated in this letter, the Secretary of State can be taken to agree with the findings, conclusions and recommendations as set out in the Inspector's Report and the reasons given for the Secretary of State's decision are those given by the Inspector in support of their conclusions and recommendations.
24. A copy of this letter has been sent to the objectors. The Order will be advertised, and copies will also be made available, on request, to any other persons directly concerned. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State to view any document appended to this report. This must be done by writing to the above address within 6 weeks of receipt of this letter.
25. In accordance with section 287 of the Act, any person aggrieved by or desiring to question the validity of any provision within the Order, on the grounds that it is not within the powers of the above Act or that any requirement or regulation made has not been complied with, may within 6 weeks of when the Order is advertised, apply to the High Court for the suspension or quashing of the Order or of any provision included.

Yours sincerely



TIM BRIMELOW

Authorised by the Secretary of State for Transport
to sign in that behalf