

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/L1765/C/20/3254261

DETAILS OF THE CASE

Appeal Reference APP/L1765/C/20/3254261

Appeal By MR THOMAS MALONEY

Site Address
Lower Paddock
Bent Lane
Hambleton
Hampshire
PO7 4QP

SENDER DETAILS

Name MR DAVID SMITH

Address
Halsteads Hoe Street
Hambleton
WATERLOOVILLE
PO7 4RD

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

YOUR COMMENTS ON THE CASE

The below sets out objection to the Planning Permission sought through appeal.

Objection Point 1 – Water Courses / Natural Springs

The land in question is immediately adjacent to a SSSI site and one of the few places relatively unspoilt. Rain and run off water from the land in question 'feeds' into the adjacent Rudley Mill Pond. Additionally immediately adjacent and as a part of the land in question there are natural water springs these again feed into Rudley Mill Pond.

The water from Rudley Mill Pond forms one of the primary and source tributaries of the Rover Wallington.

The highly documented works that took place on the land in question in April 2020 has resulted in contamination of the water courses by the use of c200 Tonnes of waste materials including Gypsum. The natural Springs and water courses for the adjacent woodland supports Bio diversity, wildlife and protected species.

Objection Point 2 – Entrance way

Do not be misled - There was no access to the land in question from Bent lane, the highly contested hedgerow was continuous. Satellite and 'Streetview' images provide indisputable proof.

Objection Point 3 – Ecology and Natural Habitat

The destruction of some 9 metres of natural established hedgerow on the South Eastern boundary of Bent lane to create an opening onto the narrow lane for an opening is overly excessive and has without exception destroyed the habitat and 'homes' of the animals and protected species that live in hedgerows. The planned and wilful destruction took place in the bird nesting season.

Protected species of Birds including Kites, Buzzards Hawks and Owls fly and nest in close proximity of this area and throughout Hoe Gate. The harm to the bio diversity through contamination and water contamination has a direct impact on the feeding patterns of these protected Birds and their well being. It is understood that an assessment by a qualified and approved Ecologist was required to be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 and submitted with the application for review and prior to the commencement of any works –This was and has not been undertaken.

The appeal if allowed would be in direct contravention of the Winchester District Traveller DPD Policy TR7, the application has and would cause harm to the significance or setting of heritage assets and/or biodiversity interests.

Objection Point 4 – Access to Land

The land in question for which permission is being applied for was originally one half of a single agricultural grazing field belonging to Shirmal farm/stable. In living memory, this land has only been used for the grazing of horses.

Access to the agricultural grazing field can be seen to be directly from the Shirmal farm/Stable yard through one of two, 5 bar gates. The land for which permission is being applied for has never had any form of direct access off of Bent Lane.

Satellite and 'Streetview' current and historic images provide indisputable proof of this. Visually this can also currently be seen and has been photographed

Objection Point 5 – Winchester District Traveller DPD Policy CP5

All parties in the Winchester district are required to adhere to the planning policies

Winchester District Traveller DPD Policy CP5 states: Sites should be well related to existing communities to encourage social inclusion and sustainable patterns of living, while being located so as to minimise tension with the settled community and avoid sites being over-concentrated in any one location or disproportionate in size to nearby communities.

To allow this appeal would be in direct contravention of the policies that we are all required to adhere by.

In the event that the Inspector considers allowing the appeal

Should the Inspector be minded to allow this appeal in direct contravention of the policies and guidance in force then it is requested that the following conditions be given consideration:

A) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the DCLG Planning Policy for Traveller Sites (August 2015).

- B) No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravan) shall be stationed on the site at any time.
- B) No day/room utility building shall be constructed on any of the pitches until details of materials, including samples, for the external finishes of the building and the hardstanding have first been submitted to approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- C) No development shall take place until a scheme showing the proposed means of foul water disposal, including all necessary on and off-site works, and ongoing maintenance and management has been submitted to and approved in writing by the local planning authority. This shall include Foul, Waste and Rain Run off. The scheme shall be implemented in full accordance with the approved scheme prior to any occupation of and is required to be reviewed on intervals not exceeding 24 Months
- D) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/density. In addition all existing trees and hedgerows on the land shall be indicated together with measures for their protection in the course of development. The scheme shall include seeding with Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity of the site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the lifetime of the development.
- E) No development shall take place until details of the proposed gate and fencing at the site entrance, including elevations and material samples, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall include reinstatement of the destroyed hedgerow.
- F) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. The duration to remain in force being not less than 10 years.
- G) No development shall take place until a scheme showing the proposed means of storage and disposal of domestic waste and recycling has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- H) Prior to the first occupation of the development hereby permitted a scheme for external lighting shall be submitted to and approved in writing by the local planning authority in conjunction with the local planning authority approved qualified ecologist.
- I) No occupation shall take place until the hard standing and the foul water sewerage system for the land has been completed provided in accordance with the approved details.
- J) The remaining hedgerow on the Bent lane boundary shall be reinstated and any part of the hedge which is removed or becomes severely damaged or diseased during a period of ten years from the date of the completion of the development shall be replaced in the next planting season with a hedge of a similar size and species.
- K) No commercial activities shall take place on the land, including the storage of materials. No vehicles over 3.0 tonnes shall be stationed, parked or stored on the land at any time.
- L) No burning of waste shall take place on the land at any time.
- M) Any day rooms that are in consideration shall not be occupied as permanent means of habitable accommodation at any time.
- N) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no fences, gates or walls or other means of enclosure, including bunding, shall be erected or placed within/to the boundary of the appeal site.
- O) That any permission and occupation is granted to the applicant by full name and proven date of birth only and is not transferable in perpetuity.

General

Gypsies and Travellers are afforded special status when compared to the remainder of the populous, This status does not however extend to allow the wilful destruction of the environment, countryside and natural habitat that is so rapidly in decline. The Hoe Gate habitat and natural wildlife contributes significantly to the countryside and to allow this appeal would be detrimental to that - it would never recover.