



TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY: MR N. BUTLER

LOCATION: DRADFIELD LANE

**PROPOSAL: IMPROVED ACCESS AND ENTRANCE GATES WITH ASSOCIATED
HARDSTANDING AND WORKS (RETROSPECTIVE)**

APPEAL REF: APP/L1765/W/20/3263363

COUNCIL REF: 20/01508/FUL

APPELLANT RESPONSE TO LPA COSTS RESPONSE

1. The LPA's refusal reason 2 clearly indicates that the loss of hedgerow was not possible to mitigate and as such the refusal reason is unable to be overcome. However, as demonstrated in the submitted Appendix 3 document the Winchester City Council Ecologist has confirmed that the replacement hedgerow, planted and proposed does address this particular issue.
2. Despite the Council's own ecologist accepting this position the case officer for the LPA is still unwilling to accept this position. This despite the fact that the LPA statement accepts that if the Inspector is satisfied of this position then no other conditions should be imposed to provide a greater degree of landscaping or planting.
3. It is therefore maintained that this refusal reason was clearly possible to overcome and in fact has been and to the satisfaction of the Council's ecologist, the leading body in this matter. Therefore the inclusion of this reason for refusal was unreasonable and has resulted in wasted time and expense in defending its inclusion.

4. Having regard to the above it is contended that the LPA has failed to have regard to the following paragraph of the National Planning Practice Guidance (NPPG):
“When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”

Paragraph: 001 Reference ID: 21a-001-20140306

5. The Inspector is therefore respectfully requested to allow the appeal proposal and allow the partial award of costs claimed for against the inclusion of refusal reason 2.