

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/21/3286358

DETAILS OF THE CASE

Appeal Reference

APP/L1765/C/21/3286358

Appeal By

MR NICHOLAS BUTLER

Site Address

Land to the north of Dradfield Lane
Soberton
Hampshire
SO32 3QD

SENDER DETAILS

Name

DR KERRY SIMS

Address

Woodside Heath Road
Wickham
FAREHAM
PO17 6LA

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

This response to the appeal is from Dr Kerry Sims, Woodside, Heath Road, Soberton Heath, PO17 6LA.

The appeal documentation in relation to the site at Dradfield Lane appears to provide in Section E admission of overnight residential accommodation use of the site by both the appellant and his children. This is a clear change of use of the site and I wish to write to provide my full support to Winchester City Council in every aspect of their enforcement notice served in October 2021.

Whilst the appellants focus of the appeal is on the hard standing it is important to recognise that the site is a single field with livestock which does not justify a significant scale of ancillaries for agricultural purposes - if it were essential every individual field on which animals were kept would have a substantial lorry trailer with kitchen, bathroom facilities along with sizeable hard standing (as is implied as justification for these installations remaining) which is far from the case across the County and is certainly not necessary for agricultural purposes. The Enforcement appeal is focused solely on the overnight use aspect of the trailer but in fact the enforcement appeal was not stating this but made clear it was change of use from agriculture to a mixed use of agriculture and use for siting of a residential unit (namely a converted lorry trailer). The presence of the trailer alone constitutes a change of use and is contrary to policy MTRA4 of the Winchester District Local Plan. Currently the overnight use of the the site is having significant impact on artificial light- negatively impacting on the dark sky reserve of South Downs National Park, as well as substantial impact on nocturnal wildlife which will include invertebrates, birds and mammals. The removal of ancillaries should include these sources of artificial light which now dominate the nightscape of this location, very visible off the site from highways and public rights of way.

The additional hard standing and siting of the trailer will have negatively impacted on the drainage both on the site but likely with impacts extending beyond the fields boundaries as flows are accelerated through addition of further hard surfaces, with impact made worse by extreme rainfall events associated with climate change.

There is no grounds of appeal in relation to the Habitats Directive which require the precautionary principle to be adhered to, in relation to the Solent's nutrient sensitive International Sites due to the overnight/ residential use of the site. On this basis alone, the removal of the septic tank and ancillaries is essential, and would negate the ability of the site to be used for residential purposes as is currently the case. Every other residential installation in the area is currently having to comply with nutrient neutrality requirements, and there is no reason why this site should be an exception to this legal requirement. The discharge is likely additionally impacting on local water quality in terms of phosphates, nitrates and broader chemicals of concern in the river Wallington which enters Portsmouth Harbour and the Solent.

The timescales provided by Winchester City Council are entirely reasonable. The appellant has had locations for his trailers off site previously, and there is no reason given the trailers are on wheels why it cannot be relocated over these timescales. Given much of the hard standing and septic tank installations happened over a six month timescale (or shorter), there is no reason why they can't be removed over a similar timescale. The planning issues at this site have already been ongoing for two years and the local community would like to see conclusions reached associated with enforcement as promptly as possible but fully recognise the need for Winchester City Council to be fair and proportionate in the timescales given for remedial changes. The enforcement notice already meets these criteria.