

# OFFICERS ASSESSMENT

Case Reference: 21/01858/FUL

**Proposal: Improved farm access (retrospective), with the erection of 1.75m high oak access gates and polytunnel.**

**Site Address: Field To The North Of Dradfield Lane Soberton Hampshire**

Decision Type: Delegated Decision

**Recommendation: Application Refused**

Officer: Rose Lister

**Date: 21 March 2022**

Date of Site Visit:

EIA:

Extension of Time Date(if applicable)

Consultee:

Drainage Engineer

Parish Consultation Letter

South Downs National Park

LLAND Landscape

Highway Engineers

Ecology

HCC Flood And Water Manager

Officers Report:

Principle

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is not situated within a settlement boundary therefore countryside policies apply.

MTRA4 allows for development that has an operational need such as agriculture. The application site forms a small holding on the edge of Soberton where pigs are reared. The proposal includes enlarging an existing access, new gates and a poly tunnel to contribute to the functioning of the agricultural holding. It is considered that the gates and access would allow for larger vehicles to access the site for delivery of feed and livestock to the site. The poly tunnel is used to rear pigs providing shelter for the animals.

The principle of development is therefore considered acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

#### Planning History

20/01508/FUL - Retrospective planning permission for an improved site access with new 2.05m high timber entrance gates, 1.8m high close boarded support and associated hardstanding and works. Refused appeal dismissed

#### Impact on Property and Character area

The proposal is retrospective for a replacement access gate, enlarged access and a poly tunnel.

It is noted that the existing access and gates have been previously refused and dismissed at appeal. The inspector in the previous decision raised the issue of the gate's size, design and industrial appearance within the countryside location.

The plans submitted are of a design more in keeping with the area having considered multiple options at a pre app stage. The height has been reduced and the proposed materials would silver overtime and recede into the landscape. The proposal would therefore not result in adverse harm to the character of the area to a sufficient degree to warrant a reason for refusal and therefore accord with Local Plan policy.

The proposed poly tunnel is used for rearing pigs. The structure is approximately 25m long by 4m high and approximately 11m wide at the base. The building is covered with flexible plastic attached to a wooden frame and is located close to the entrance of the site close to the existing cluster of buildings. It is noted that there are other structures within the compound which have been considered as part of ongoing monitoring and assessment of the site and prior appeals and are therefore not part of this planning application. It is noted that the polytunnel can be seen in wider, long distance views and concerns have been raised in relation to this. However, as the structure is for the purposes of agriculture, on an agricultural site and is of an agricultural design this is not considered to be out of keeping with the character of the area.

The proposal is therefore considered to be acceptable in this respect in accordance with Local Plan policy.

#### Impact on residential amenity

The proposed development will not be visible from the neighbouring residences to the application site due to the distances involved. It is therefore not considered to result in detrimental amenity harm to neighbouring properties.

## Highways

The application is retrospective for a widened access and gates. Swept path diagrams have been submitted to demonstrate the requirement for the enlarged access. It is noted that Dradfield lane is a single track road and therefore the enlarged access would create a passing point as well as an improved access to the site.

The proposal is therefore considered to be acceptable in this respect.

## Landscape, Ecology and trees

The previous application included unsuitable planting for the location. The development also removed approximately 14m of hedge to accommodate the larger access. The laurel hedging plants have been removed and replaced with native hedge planting which is considered to be acceptable.

The site has been identified as an important hedgerow however no ecological assessment has been submitted, it is considered that the Brown Hairstreak butterfly is present within the hedge. As such a Hedge Replacement Notice has been issued requiring additional planting along the remaining hedge. This is considered to be appropriate mitigation for the loss of the hedge and secures ongoing management of the hedge as part of a separate process to this application. As stated above the polytunnel is acceptable in terms of visual impact and for the reasons given above is not reliant on the hedge for mitigation.

## Drainage

The site is located in flood zone 1 and is not considered to be at risk of flooding from rivers or sea. However, the area is at high risk of surface water flooding. It is noted that the ditches around the site have been cleared and improved to accommodate the surface water run off for the site, however it is considered that the ditches accommodate the surface water effectively prior to the erection of the poly tunnel and the works to the access, including raising the ground level.

The polytunnel is made of impermeable materials that would result in an increased volume and discharge rate of surface water. It is noted that improved ditches have benefitted the general drainage in the area however Dradfield Lane was liable to flooding prior to the development being constructed. The hardstanding on the site laid for agricultural purposes will have already contributed to additional surface water flowing into the ditches, this combined with the additional run off from the polytunnel has contributed to, and is expected to exacerbate the flooding of the highway at the end of the site and neighbouring properties which is unacceptable.

Paragraph 167 of the NPPF states that developments should not result in flooding elsewhere and that applications should be supported by site specific flood risk assessments. This information has been requested. No information has been submitted to assess the additional surface water flooding created by the development nor have any surface water solutions been explored. As the application is retrospective, it is considered that a time restrictive condition is not appropriate to secure appropriate drainage solutions.

Therefore it is considered that the cumulative impact of the proposal is not acceptable and will result in additional surface water flooding to an extent that a refusal reason can be supported in this instance.

#### Other Matters

##### 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 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 as statutory planning authority for the council.

##### Conclusion

The development is retrospective for replacement access gates and a poly tunnel. The replacement gates are considered to be acceptable. The access has been widened resulting in a loss of hedge that has been addressed through a hedge replacement notice outside of this application.

The proposed polytunnel is considered to be of a use and design that would be expected in a rural area. However, the development is considered to result in additional surface water at an increased rate increasing the cumulative impact of flooding in the local area.

In this way the site fails to accord with policy CP17 of the Local Plan Part 1 and policy DM17 (iii) of the Local Plan Part 2.

#### Representation

Soberton Parish Council objected to the application for the following reasons:

- o Lack of clarity in plans
- o Contrary to inspectors comments in previous appeal
- o Proposed gates are inappropriate
- o Lack of justification for size and width of gates
- o Loss of hedgerow

Newton and Soberton Community and Flood Action Group objected to the application for the following reasons:

- o Application does not include all retrospective issues on site
- o Proposal is retrospective
- o Would set a precedent
- o Flooding and drainage issues on site and in area

CPRE Hampshire objected to the application for the following reasons:

- o Proposal is inappropriate for location
- o Contrary to policy
- o Impacts on ecology
- o Impact on character of the area
- o Inappropriate planting

Councillor Weston objected to the application for the following reasons:

- o Impact on ecology
- o Loss of hedge row
- o Insufficient drainage
- o Inaccuracies in application form
- o Nitrate neutrality for the pigs
- o Quality of life /appropriate housing for pigs
- o Mass and form of proposed gates is unacceptable
- o Out of keeping with the character of the area
- o Vehicle tracking is for lorries not tractors
- o Size of polytunnel
- o No business case for polytunnel
- o Impacts on river Wallington
- o Other unauthorised elements on site not included in application

16 letters received from 13 addresses objecting to the application for the following reasons:

- o Height of gates is inappropriate
- o Mass of gates is inappropriate
- o Not in keeping with character of the area
- o Too much hard standing in place
- o Mud on the road
- o Loss of hedgerow
- o Impact on ecology
- o Inaccuracies on the plans
- o Contrary to policy
- o Contrary to Village Design statement
- o Excessive width of access
- o External lighting is inappropriate
- o Impact on setting of SDNP

Reasons aside not material to planning and therefore not addressed in this report

- o Application is retrospective
- o Applicant's intentions for the site

One letter of objection was received that did not contain a material planning reason, therefore this has not been considered.

Application Refused subject to the following condition(s):

### **Recommended Conditions**

01 The development (polytunnel) fails to accord with policy CP17 of the Local Plan Part 1 and policy DM17 (iii) of the Local Plan Part 2 and Paragraph 167 of the NPPF

in that it has resulted in additional surface water exacerbating the cumulative impact of flooding in the local area.

**Informatives:**

End of Report