

OFFICERS ASSESSMENT

Case Reference: 20/01508/FUL

Proposal: 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.

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

Decision Type: Delegated Decision

Recommendation: Application Refused

Officer: Nick Parker

Date: 10 September 2020

Date of Site Visit:

EIA:

Extension of Time Date(if applicable)

Consultee:

Parish Consultation Letter

LLAND Landscape

Highway Engineers

Ecology

Officers Report:

Proposal:

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.

Understanding:

The current application seeks to regularise the retrospective works that have been carried out on the site and include the works involved in widening the existing vehicular access formed off Dradfield Lane and the laying of a hardstanding within the site.

The works to the access have resulted in the removal of elements of the hedgerow that once grew adjacent to the previous five bar metal gate. A new timber faced 2.1m high and 10m wide gate was installed and painted dark

grey. A 1.8m high close boarded fence was erected either side of the gate and a Laurel hedge planted to the front of the hedge. A concrete area of hardstanding was laid forming the access area leading to Dradfield Lane. The works led to the alteration of the existing access through its set back further into the site and increasing the width of the access into the site.

Within the site an area of hardstanding has been formed leading from the access and consists of laid hardcore. The hardstanding houses a standard shipping container, an enclosed lorry trailer and trailer at the time of the site visit. The supporting statement explains that these structures are used for the secure and dry storage of hay, straw, feed and agricultural machinery. The boundary to the hardstanding also has a 5 bar metal gate installed.

The statement also confirms that the associated works include the drainage pipes and water connection within the site.

The application submission confirms that the site would remain in agricultural use and will be used to farm pigs and sheep. Since submission, and following a site visit, there is now a small fenced enclosure for pigs. The applicant has stated that it is his intention to farm goats instead of sheep in areas of the rest of the field. A small fenced enclosure is also present and has been confirmed to enclose the applicant's own allotment area for growing vegetables.

The site visit also confirmed that water has been installed to serve the site and a ditch dug and filled to allow taps to be located at either end of the field. The entire field is bounded by an internal post and wire fence.

Site Description:

The agricultural field measures 1.8ha in area and is mainly grassed. The site's southern boundary fronts Dradfield Lane and to the east lies Ingoldfield Lane. The north of the site is bordered by agricultural fields associated with Adam's Farm. The west of the site is occupied by a landscape and groundworks/scaffolding company operating at Southfield Nursery.

Notwithstanding the recent works to the entrance the site is bounded on its roadside boundaries with established hedgerow planting and trees. There are sporadic residential dwellings in the surrounding area.

There are a number of entrances further along Dradfield Lane that serve commercial, agricultural, equestrian and residential uses. There are a range of different types of entrance configurations including metal gates and 5 bar timber gates finished in different styles. Between the gates and associated fencing the boundaries of the lane are made up of hedgerows and trees.

Planning history:

20/00117/FUL: Provision of 2 general purpose storage agricultural buildings, access track and hardstanding. Application withdrawn 18th March 2020

Consultations:

WCC Service Lead for Environment - Natural Environment and Recreation Team: Concerns expressed regarding impacts on the landscape and ecology without appropriate mitigation

HCC Highways - No objection

Representations:

48 letters of objection received from 44 separate addresses. Objections for the following material planning reasons:

- Inappropriate landscape planting alien to the area
- Inappropriate gate design concealing rural views
- Question purpose of development for agricultural purposes including the large trailer for hay storage
- Increase in inappropriate traffic generation leading to highway safety concerns for vehicles and pedestrians
- Agricultural use of site should not justify level of development
- Loss of protected hedgerow that has biodiversity benefits including habitat for butterflies, caterpillars and nesting birds - breach of the 1997 Hedgerow Act
- Wider biodiversity and wildlife concerns through the development of the hardstanding and loss of meadow land
- Drainage issues including potential flooding and risk to TPO trees adjacent ditches
- Concerns over future use of land and applicant's intentions
- Concerns over retrospective nature of application
- Application contains misleading information
- Application fails the sustainability tests in relation to the economy, social and environmental
- Close proximity to SDNP

Letter from Campaign for Rural England:

- Inappropriate development in the countryside setting
- Causes visual and ecological damage
- Contrary to a number of Local Plan Policies
- Breaches 1997 Hedgerow Regulations
- Concerns over future development of site
- Recommends removal of fence, gate, hardstanding and reinstatement of hedgerow

Letter from Cllr V Weston:

- Development causes harm in relation to gates, planting and hardstanding
- Question motives of applicant
- No prior engagement
- Inaccurate submission and statements
- Loss of ancient hedgerow and breach of 1997 Hedgerow Regulations
- Increase in vehicular movements
- Flooding exacerbated
- Adverse impact on the biodiversity interests of the area through cumulative development - contrary to policy CP16
- Harm to wildlife - owls, butterflies, caterpillars and hedgehogs
- No local or business need

Relevant planning policy:

National Planning Policy Framework 2019

- Para 6 - Supporting a prosperous rural economy

- Para 15 - Conserving and enhancing the natural environment
- Para 47 - Development Plan

National Planning Policy Guidance

Local Plan Part 1

Policies MTRA4 (development in countryside), CP16 (biodiversity), CP17 (flooding, flood risk and the water environment), CP20 (heritage and landscape character)

Local Plan Part 2

Policies DM15 (local distinctiveness), DM16 (site design), DM17 (site development principles), DM18 (access and parking) and DM23 (maintaining rural character and distinctiveness)

Relevant SPD

Winchester City Council Landscape Assessment
Soberton and Newton Village Design Statement (2002)
Other Legislation - Hedgerow Regulations 2017

Planning Assessment

Principle of development:

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policy MTRA4 of the LPP1 allows for development in the countryside which has an operational need for a countryside location, such as agriculture, horticulture or forestry. The works associated with the current application are described as works associated with the agricultural use of the site. The use of the site is described as agricultural through the keeping of pigs and grazing sheep. At the time of the officer's site visit the land was being used for the keeping of pigs and the applicant has confirmed that he wishes to farm goats instead of sheep.

The works to the access are described as improving the access visibility through the widening of the visibility splay and setting back of the gated entrance. The works are also described as improving the security of the site through the use of a closed gate and fenced frontage. The laying of the hardstanding within the site is described as a more suitable area to site the associated structures to serve the agricultural use of the site. Based upon the submission details it is considered that the works carried out are commensurate with the agricultural use of the site which has an operational need for a countryside location and therefore in principle accord with the terms of policy MTRA4 of the LPP1.

Impact on the rural character of the area:

Policy CP20 of the LPP1 requires new development to conserve local distinctiveness, especially in terms of characteristic materials, trees, built form and layout, tranquillity, sense of place and setting. Policy DM23 of the LPP2 seeks to protect the rural character of the area through the avoidance of visual

intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. The Council's Natural Environment and Recreation Team have been consulted regarding the planning application and their comments have been taken into account in relation to the planning assessment of the development.

Winchester City Council's landscape character assessment (LCA) highlights the importance of Winchester's landscape, both locally and nationally, and the pressures that are being placed upon it. An LCA can help to protect and enhance the strong identity of Winchester's landscape, whilst accommodating necessary development and change. The LCA also aims to highlight trends and issues that are threatening the character of the landscape.

The LCA highlights a key issue in this rural area is the gradual proliferation of a suburbanised urban fringe character with assorted sheds, horse paddocks and fencing, a neglect of hedgerows, small nurseries and tipping (LCA p142). The character assessment recommends retaining the rural character of the local minor roads and resisting development which suburbanises local settlements (LCA 143). This advice is carried forward in to the Local Plan and specifically policies DM15, DM16, DM17 and DM23 which all have the objective of maintaining rural character and distinctiveness. Reference is also be made to the Soberton and Newton Village Design Statement (2002) which identifies green gaps as locations between settled areas with views in and out of the Parish. Green Gaps should be preserved for outlook and communal identity reasons. Green Gap D incorporates Dradfield Lane.

It is noted that other entrances along Dradfield Lane are of a mixed style and appearance and that the applicant wishes improved access into the field but this should be done in a sympathetic and appropriate nature to reflect the rural setting of the site in accordance with policy CP20 of the LPP1 and policies DM15, DM16, DM17 and DM23 of the LPP2.

The gates and adjacent close board fencing do not currently fulfil this expectation as they are not typical of the rural nature of the area, this style of enclosure would ordinarily be found in urban/suburban areas. The enclosure of the widened entrance is considered to block views of the medium to large-scale pattern of fields and not maintain moderate views through which is considered detrimental to the landscape.

It is suggested by the consultee that secure open-in-nature fencing to allow natural light to the hedgerow as it establishes would be more appropriate in this rural location. Alternative gates to allow for increased visual permeability along Dradfield Lane to reflect the landscape Character type - mixed farmland and woodland would also be preferable.

However the application under consideration does not address these preferences and such changes would require a significant change to the detail of the planning application that would be inappropriate to condition given the significance and retrospective nature of the development.

Based upon the above assessment the development as implemented is considered to adversely affect the character and appearance of the rural area. The inappropriate design, scale and extent of the gates and boundary treatment along the frontage of the site introduce an urban/suburban appearance, enclosing the site which is alien to the landscape character of this rural area and contrary to policy CP20 of the Winchester District Local Plan Part 1 and policies DM15, DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 and contrary to the objectives of the Soberton and Newtown Village Design Statement.

Impact on ecology:

Policy CP16 of the LPP1 seeks to support development that maintains, protects and enhances biodiversity across the District. The policy states that new development will be required to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated, with compensation measures used only as a last resort. The policy states that development proposals will only be supported if the benefits of the development clearly outweigh the harm to the habitat and/or species. Para 175 of the NPPF accords with this requirement and advises that if significant harm to biodiversity cannot be avoided (through locating on alternative sites with less harmful impacts), mitigated, or as a last resort, compensated for, then planning permission should be refused.

Separate legislation under the Hedgerow Regulations Act 1997 allows for the assessment of the removal of protected hedgerow and the consideration of action regarding mitigation measures. However the ecological importance of the hedgerow and its loss is a material planning consideration and can be assessed against policy CP16 of the LPP2.

The Council's Natural Environment and Recreation Team were consulted regarding the planning application and provided a response dated 07 August 2020 raising concerns regarding the impacts of the development on the landscape and ecology without appropriate mitigation. The removal of a section of the hedgerow at the site was separately assessed by WCC informed by an evaluation survey report carried out by Hampshire Biodiversity Information Centre and the hedgerow determined to be protected under the Hedgerow Regulations. Hedgerow is a priority habitat, listed as a Habitat of Principal Importance in England under Sections 41 of the NERC Act 2006. A small section of Laurel has been re-planted on either side of the gate, but this is not considered to adequately compensate the loss of a larger stretch of native hedgerow species. Laurel is not native to the rural setting in the district.

Further to the consultation response from NERT dated 07 August 2020, the Council received updated information regarding its assessment under the Hedgerow Regulations (HR). This updated information was received by HBIC from the Butterfly Conservation as county recorder confirming the location and presence of a protected species of butterfly within the protected hedge at Dradfield Lane. HBIC have consequently updated their evaluation survey report and confirmed that the protected hedgerow at Dradfield Lane qualifies as "important" under the Hedgerow Regulations (HR).

Given this updated HBIC evaluation survey, the Council has now updated its own assessment of the removal of the section of hedgerow at Dradfield Lane and concluded that the section of hedgerow which was removed would have been deemed as "important" under Regulation 4 of the HR. The status of the hedgerow as "important" also has a bearing on the Council's consideration of the sufficiency of the measures needed in providing appropriate replacement hedgerow being pursued by the Council separately under the HR.

It has therefore been demonstrated that the removal of the section of hedgerow has led to the loss of habitat that is legally protected under the HR. The application does not seek to adequately mitigate this loss or as a last resort compensate for the loss of this habitat. Furthermore the benefits of the scheme are limited and do not outweigh the unmitigated harm caused to ecology. The development is therefore contrary to policy CP16 of the Winchester District Local Plan Part 1.

Impact on residential amenity:

The site relates to an agricultural field and there are no immediate residential properties in the vicinity of the works. The works to the access and laying of hardstanding are not considered to adversely affect residential amenity to warrant the refusal of planning permission.

Flooding and drainage:

Policy CP17 seeks to ensure that new development provides adequate water supply, surface water drainage and wastewater treatment facilities if needed and to avoid increases in flood risk and contamination. The works under consideration indicate that adequate measures have been put in place to ensure that the altered access is adequately drained through the connection to the existing network of highway drainage ditches. There have been reports of flooding and pig slurry entering the local network of ditches. However the site is being used for agricultural purposes and its use is not the subject of this planning application. The issues raised are therefore not material to this planning application and are covered through separate environmental legislation.

Access and parking:

The proposed works to the access do allow for improved visibility at the entrance to the site. However the previous field entrance serving the site was adequate to serve its agricultural use and therefore the improvements are not considered necessary to overcome a particular highway access issue. Whilst HCC highways have no objection to the alterations it is not considered that the changes are necessary and do not overcome the significant harm that the works have caused to the visual amenity and ecological value of the area.

Security benefits:

It is recognised that the works have been carried out to improve the security of the site and this is a factor in favour of the development. However the extent of the works are not considered proportionate to the agricultural use of the site and alternative, more suitable landscape and ecological sensitive measures,

could have been put in place to secure the site without harming the environment to the degree that the works have been demonstrated to cause. Therefore the security benefits are not considered to outweigh the harm caused to the local environment.

Conclusion:

It has been demonstrated that the development causes visual and ecological harm to the local environment and the minor benefits associated with the improved access and security of the site are not considered to outweigh the demonstrable harm found.

The inappropriate design, scale and extent of the gates and boundary treatment along the frontage of the site introduce an urban/suburban appearance, enclosing the site which is alien to the landscape character of this rural area and contrary to policy CP20 of the Winchester District Local Plan Part 1 and policies DM15, DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 and contrary to the objectives of the Soberton and Newtown Village Design Statement.

The removal of the section hedgerow has led to the loss of habitat that is legally protected. The application does not seek to adequately mitigate this loss or as a last resort compensate for the loss of this habitat. Furthermore the benefits of the scheme are limited and do not outweigh the unmitigated harm caused to ecology. The development is therefore contrary to policy CP16 of the Winchester District Local Plan Part 1 and paragraph 175 of the National Planning Policy Framework.

Recommendation - Refuse for the following reasons:

01 - The inappropriate design, scale and extent of the gates and boundary treatment along the frontage of the site introduce an urban/suburban appearance, enclosing the site which is alien to the landscape character of this rural area and contrary to policy CP20 of the Winchester District Local Plan Part 1 and policies DM15, DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 and contrary to the objectives of the Soberton and Newtown Village Design Statement.

02 - The removal of a section of hedgerow has led to the loss of habitat that is legally protected. The application does not seek to adequately mitigate this loss or as a last resort compensate for the loss of this habitat. Furthermore the benefits of the scheme are limited and do not outweigh the unmitigated harm caused to ecology. The development is therefore contrary to policy CP16 of the Winchester District Local Plan Part 1 and paragraph 175 of the National Planning Policy Framework.

Representation

Application Refused subject to the following condition(s):

Recommended Conditions

01 The inappropriate design, scale and extent of the gates and boundary treatment along the frontage of the site introduce an urban/suburban appearance, enclosing the site which is alien to the landscape character of this rural area and contrary to policy CP20 of the Winchester District Local Plan Part 1 and policies DM15, DM16, DM17 and DM23 of the Winchester District Local Plan Part 2 and contrary to the objectives of the Soberton and Newtown Village Design Statement.

02 The removal of a section of hedgerow has led to the loss of habitat that is legally protected. The application does not seek to adequately mitigate this loss or as a last resort compensate for the loss of this habitat. Furthermore the benefits of the scheme are limited and do not outweigh the unmitigated harm caused to ecology. The development is therefore contrary to policy CP16 of the Winchester District Local Plan Part 1 and paragraph 175 of the National Planning Policy Framework.

Informatives:

1. In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance there have been discussions with the applicant and his agent prior to and during the application process

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Part 1

Policies MTRA4 (development in countryside), CP16 (biodiversity), CP17 (flooding, flood risk and the water environment), CP20 (heritage and landscape character)

Winchester District Local Plan Part 2

Policies DM15 (local distinctiveness), DM16 (site design), DM17 (site development principles), DM18 (access and parking) and DM23 (maintaining rural character and distinctiveness)

End of Report