

Representation by Soberton Parish Council

Appeal reference: APP/L1765/C/22/3311632

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

Alleged breach: Without planning permission, the unauthorised erection of two gates by the addition of boards attached to two five bar metal gates situated between timber fencing either side.

Appellant's name: Mr Nick Butler

Introduction

This representation is made by Soberton Parish Council (SPC) as the local council for the Appeal Site. The Council have been following the activities on the Site and have received numerous complaints about these and have made representations to Winchester City Council (WCC).

At the same time WCC have sought to apply the necessary planning policies pertaining to this Site and SPC fully support WCC and the Policies referred to in the Enforcement Notice.

Context

It is recognised that in assessing this Appeal the Inspector needs to consider the planning detail with respect to legislation and policy. Nevertheless before looking at the detail, SPC believe that it is relevant to first understand the setting of the Site and the combination of activity in the recent period.

Over a number of years the Appellant has undertaken numerous activities around the Site without due regard to the planning process. This is evident by the number of retrospective applications, enforcement notices and appeals both previously submitted and ongoing. SPC consider that this continuous abuse of the planning process should be taken into account while consider the specific detail of this Appeal.

In addition, since acquiring this Site the Appellant has erected the large gates with opaque panels, which are the subject of this Appeal, and erected close boarded fencing around the perimeter which make it difficult for anyone passing to see what is occurring at the Site. This makes it impossible to fully comprehend the nature of the activity and works on the Site and consequently limits the degree to which we and other parties can fully make accurate representations. Consequently we would request that the Inspector recognises these limitations whilst considering this Appeal.

Enforcement and Grounds for Appeal

The gates which are the subject to this Appeal follow some significant works undertaken at the field entrance, notably; the removal of a statutorily significant hedgerow, the widening of the previous gated field entrance and the addition of a large concrete apron. These works in themselves begin to contribute to a less rural appearance even before the erection of the gates and panels.

The gates themselves are each approximately 2.05m high and 5m wide with opaque panels. In the context of this rural site these are significant structures and there has been no justification given for their size and appearance. In order to understand the reasons for enforcement one needs to look no further than virtually all the field / agricultural entrances in this Parish and other rural areas. Typically they are mainly single conventional 'five bar gates' as seen throughout the English countryside, maintaining views across the landscape and generally two gates are only used where access is required to a farmyard or cluster of buildings.

If two panelled gates are considered essential the appellant should:

- justify what type of vehicles are required for the site
- set out the frequency of the vehicles
- demonstrate the agricultural use that he currently undertakes where these vehicles are needed
- demonstrate that any vehicle needs the width he has provided by use of a vehicle tracking program which is then verified by WCC
- justify why this Site needs additional visual security for an agricultural field in a rural setting, whereas this is not deemed necessary by virtually all such uses elsewhere in the Parish.

Summary

1. The abuse by Mr Butler of the planning process over a number of years is a material concern with respect to this Appeal.
2. The lack of transparency and visibility at the Site is relevant in determining this Appeal as it limits the ability of SPC and others to provide sufficient evidence of the activity at the Site requiring such a wide access.
3. Justification is required for the size of the gates, including evidence of vehicles using it and the activity they are serving.
4. SPC consider that the Appeal Site should be considered as a whole and it should be determined whether the agricultural activity on site is a viable business. If this is not the case then the Appeal should be dismissed.
5. If the Inspector is satisfied that there is a viable business then the Inspector should ensure that the design of the gates are appropriate for this use whilst maintaining the rural characteristics of the area.