



## **TOWN & COUNTRY PLANNING ACT 1990**

**APPEAL BY: MR N. BUTLER**

**LOCATION: DRADFIELD LANE, SOBERTON, HAMPSHIRE, SO32 3QD**

**PROPOSAL: IMPROVED FARM ACCESS (RETROSPECTIVE), WITH THE ERECTION OF 1.75M HIGH OAK ACCESS GATES AND POLYTUNNEL.**

**COUNCIL REF: 21/01858/FUL**

**APPEAL REF: APP/L1765/C/22/3311622 and APP/L1765/W/22/3307421**

---

### **APPELLANT RESPONSE TO LPA STATEMENT OF CASE**

1. The LPA has not raised any objection to the replacement of the existing gates with 1.75m high Oak gates. It is therefore contended that there is no reason for the Inspector to arrive at an alternative conclusion. The Inspector is advised that the gates are bespoke and will be made to order, this will have an impact on the time to replace which is why 12 months has been requested.
2. The LPA has not had regard to the fact that the site is in flood zone 1 and that surface water drainage has been an issue well before the appellant arrived on-site. In fact if you look at the photographs provided by third parties you will clearly see that surface water drainage was worse on-site and surrounding the site prior to the installation of the drainage works provided by the appellant.
3. Since the clearance of the ditches and installation of on-site drainage the site has not been flooded and neither has Dradfield Lane. The roadway shown as flooded by the junction of Dradfield Lane is because the drainage pipes to the field opposite are blocked. These are not owned by the appellant, and he has no right or responsibility to maintain or clear them.

4. It is pertinent to note that the area covered by the polytunnel does not have any significant bearing on surface water drainage on the site. Water is still able to drain through the site and is managed by the porous hardstanding provided (chalk) as well as the drainage already installed. No consideration of the existing drainage on-site has been given by the Council's drainage officer, who never came out to view the site.
5. It was considered that it was not necessary to provide drainage details because drainage had already been installed on-site under permitted development entitlement. Had the drainage officer visited the site he would have seen the drainage infrastructure in situ and would be able to see that there was no on-site drainage issues on the site or Dradfield Lane as a result of the works undertaken.
6. The Appendix D photo claims to be a photo provided by a neighbour in October 2021 however there is no verifying this and there is no context for it or date stamp.
7. Notwithstanding this it reiterates the point that this area is blocked by the pipe on the opposite side of the road and not the appeal site. There is no evidence to suggest this is caused by the polytunnel on the appeal site. In fact it is clearer to suggest that the water has clearly flowed through the higher land of the appeal site and is prevented from draining because of land to the west (the blocked pipe) that is out of the control of the appellant. This land would be the same even if the polytunnel was removed.
8. The images below clearly show that the polytunnel is used for the growing of vegetables.





### **RESPONSE TO SUGGESTED CONDITIONS**

Condition 1 – No hydro break has been proposed. Nor is it required necessary.

Condition 2 – Should be 12 months as the gates are bespoke order and will be made to measure.