

# **STATEMENT OF COMMON GROUND**

## **Southfield Nursery also known as S&D Nurseries, Dradfield Lane, Soberton, Hampshire, SO32 3QD**

PINS references: APP/L1765/C/22/3306531 & APP/L1765/C/22/3306532  
LPA reference: 13/00205/USE

### **1. Site Description**

This site is located on the south side of Dradfield Lane in between the villages of Soberton Heath and Newtown. Dradfield Lane is a fairly narrow rural Lane serving both residential properties and agricultural sites. The main site consists of a 1.6-hectare field. It is enclosed mainly by hedgerow and trees along the front boundary. The site is surrounded by fields to the south, east and west. These boundaries are mainly enclosed by post and rail fencing apart from on the western side where there is a tall conifer hedge. Towards the front of the site are large glasshouses, which amount to 858m<sup>2</sup> in floor area, and a large barn which is approximately 240m<sup>2</sup>. There are stables adjacent to the western boundary; these have been extended to the south to create an unauthorised dwelling. Behind this, to the south, is the mobile home, which has been painted a dark green colour. Various outbuildings related to the residential use of the mobile home are located around the unit. There is a ménage behind the mobile home. The site is partially screened from Dradfield Lane by the hedge along the lane.

The lawful use of the site is a mixed use of agricultural and equestrian.

### **2. Relevant Planning History**

00/01564/FUL - Ménage with 1.2-metre-high post and rail fence. PERMIT 3rd October 2000.

06/02642/FUL - Erection of agricultural building and glasshouse; change of use of land to agricultural from equestrian. PERMIT 13th November 2006.

09/02210/FUL - Temporary siting of mobile home for a horticultural worker and retention of front boundary walls and gates (RETROSPECTIVE). REFUSED 11th February 2010. Part Allowed at appeal (mobile home allowed, walls and gates refused) 5th August 2010.

09/02679/FUL - Removal of condition 4 of planning permission W00337/07 - removal of agricultural occupancy condition. PERMIT 16th January 2012.

10/00870/FUL - Extension to existing glasshouse for nursery business. PERMIT 12th July 2010.

13/01686/FUL - Continued use of land to station a mobile home for horticultural worker for a further three years. REFUSED. APPEAL ALLOWED for a temporary permission 11<sup>th</sup> March 2014.

15/00154/DIC - Submission for approval of landscaping proposals required by condition 3 of appeal decision - APP/L1765/A/13/2207540 Dated 11<sup>th</sup> March 2014.

19/01770/LDC – Change of use of land to use for the stationing of a residential mobile home. REFUSED 14<sup>th</sup> October 2019

### **3. Relevant Enforcement History**

07/00491/CARAVN and 08/00115/ENF - Appeal against enforcement notice stating without planning permission, the material change of use of the Land from agriculture to a mixed use for agriculture and the siting of a mobile home and touring caravan for residential occupation. APPEAL DISMISSED. PART ALLOWED at appeal (mobile home allowed (temporary permission), walls and gates refused) 5th August 2010.

10/00266/WKS – Enforcement enquiry. Non-compliance with Enforcement Notice (removal of boundary wall / gates). File closed as enforcement notice complied with.

14/00162/DIC – Enforcement enquiry. Discharging of Conditions. Closed as conditions discharged.

15/00029/DIC - Compliance with condition 3 of planning permission 13/01686/FUL granted on appeal on 11<sup>th</sup> March 2014. Closed as conditions complied with.

15/00237/CARAVN - Alleged are appeal conditions being complied with - occupation of caravan. Closed as considered conditions complied with.

### **4. Enforcement Notice**

This appeal follows the Council's issuing of an enforcement notice ("the Notice") dated 26th August 2022. The alleged breach of planning control is:

"Without planning permission, the breach of condition 1 of the planning permission granted on appeal on 11 March 2014 under Council reference 13/01686/FUL (appeal reference APP/L1765/A/13/2207540) for the continued use of land to station a mobile home for a horticultural worker for a further three years ("the Planning Permission").

Condition 1 states:

"The mobile home hereby permitted shall be removed and the land restored to its former condition on or before the expiry of three years from the date of this decision in accordance with a scheme of works submitted to and approved by the Local Planning authority".

The notice requires the following;

- i) Cease the use of the Land for stationing a residential caravan/mobile home;
- ii) Remove from the Land the caravan/mobile home (shown in the approximate location marked "X" on the attached plan), the hard surfacing, outbuildings, storage containers and all paraphernalia brought onto the Land to facilitate the residential use.;

iii) Reseed the Land to grass.

The Appellant has appealed under grounds (a), (f), and (g).

### 5. Policy

MRTA4 of the Local Plan Part 1 affords provision for development which has an operational need for a countryside location, such as agriculture and forestry provided that the development proposed is in accordance with this policy shall not cause harm to the character and appearance of the area or neighbouring uses or create inappropriate noise/light and traffic generation.

DM11 sets out the criteria for the assessment in respect of both temporary and permanent accommodation for agricultural workers laying out a number of criteria that must be met.

DM12 set out the requirements for equestrian development within the countryside requiring that any accommodation in relation to equestrian development meets the requirements of DM11.

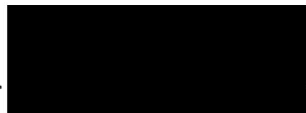
NPPF 2023 paragraph 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

SIGNED  
Appellant.....



DATE 20/2/2024

SIGNED  
WCC.....



DATE 20/02/2024



**6. Disagree**

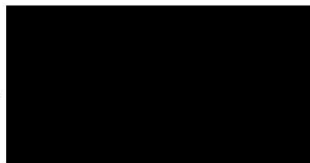
- The need for an equestrian worker to meet a functional need 24 hours a day.
- The presence of an agricultural/equestrian business on site that has been established for 3 years.
- That there is no other accommodation available to serve the need.
- That the business is financially viable to support the dwelling, worker and reinvestment into the business.
- That the steps required in The Notice are excessive and unlawful
- The time for compliance is too short.

SIGNED  
Appellant.....



DATE 20/2/2024

SIGNED  
WCC.....



DATE 20/02/2024