

**Case No:** SDNP/19/02218/FUL  
**Proposal Description:** Alterations to existing agricultural access and reinstatement of an agricultural track  
**Address:** Land Off Folly Hill Lane  
Itchen Stoke  
Alresford  
SO24 0QY  
**Parish, or Ward if within Winchester City:** Itchen Stoke and Ovington  
**Applicants Name:** Casdron Enterprises Ltd  
**Case Officer:** Miss Charlotte Fleming  
**Date Valid:** 09 May 2019  
**Recommendation:** Application Approved



### General Comments

This application is reported to the Planning Committee due to the number of representations received contrary to the Officer's recommendation.

## **1 Site Description**

The application site is within a rural location in Itchen Stoke, which is outside of a designated settlement boundary, yet within the South Downs National Park.

The site is to the west of Folly Hill and is an existing agricultural field and track. The proposal seeks to provide an access to 'The Maples' which is currently accessed from Itchen View over a driveway not in their ownership. The application site already has an existing track and 5 bar-gated access.

The existing field boundaries comprise of post and wire fencing, field gates, wood panel fencing and hedgerow. To the south of the site are 8 properties that are set down slightly below the site and back onto the field, to the east of the site is a singular dwelling and rising to the north and west is agricultural fields.

## **2 Proposal**

Alterations to existing agricultural access and reinstatement of an agricultural track.

## **3 Relevant Planning History**

None

## **4 Consultations**

### **WCC - Winchester Highways**

The planning application proposal is to upgrade the existing field gate access onto Folly Hill to serve the adjoining agricultural land, and to construct an access track to provide a secondary access to the residential property known as The Maples (which is shown outside the application site red line boundary). Folly Hill is an unclassified road; the speed limit changes from 30mph to the national speed limit at a point adjacent to the access.

The modified access is acceptable in terms of geometry and visibility. Please can you advise the applicant that a Section 171 (Highways Act 1980) licence will need to be obtained from the Highway Authority to undertake work on the public highway. Details of how to obtain the licence can be viewed on the county council's website on this link:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>

The Highway Authority recommends - No objection (no conditions)

### **WCC - Historic Environment Officer**

The proposed development site is located directly outside the Itchen Stoke Conservation Area. The proposed access track will not have a significant

visual impact and will not affect views into or out of the Conservation Area. Consequently, there are no objections to the submitted proposals in Historic Environment policy terms and no special conditions are recommended.

**WCC - Ecologist & Biodiversity Officer**

Verbal consultation- no concerns, possible informative over nesting birds.

**WCC - Landscape**

Verbal consultation- no concerns.

**Parish Council Consultee**

SDNP/19/02218/FUL is a full planning application for "Alterations to an existing agricultural access and reinstatement of an agricultural track." The Application will be determined by WCC Planning Authority. The Case Officer is Charlotte Fleming.

The Parish Council have major concerns over the way this Application has been presented. These concerns are as follows:-

- o The Applicant's Planning Assessment seeks to major on the construction of a new engineered track/road to "facilitate the ongoing agricultural use of the surrounding farmland." The provision of an access to The Maples is made to appear secondary, almost as a by-product of the Application. Paragraph 4 of the Planning Assessment states "The new farm track will also provide access to The Maples, a detached dwelling off Itchen View."
- o There are several near identical arable fields accessed off Folly Hill Lane, owned by the same owner as the Application site, none of which have engineered tracks/roads to "facilitate the ongoing agricultural use of the surrounding farmland."
- o The Parish Council have spoken to local residents who have lived in Itchen Stoke since before The Maples existed and who have no recollection of there ever being a formal, existing agricultural track in the area of the Application site. Additionally, the Council's research has discovered aerial photographs which pre date the building of The Maples and numbers 3 and 4, Longcrate Cottages. There is categorically no evidence of a formal existing agricultural track in the area of the Application site.
- o Earlier in the year, in response to residents who were concerned to see Surveyors active around the Application site, the Parish Council Chairman met with the Landowner to seek clarification. The Landowner advised that he had been approached by Mr Peter Waldron, (CEO of Casdron Enterprises Ltd, the Applicant), who wished to provide a private access to his property, The Maples. It is not unreasonable to assume the motive of the Applicant is to increase the desirability and value of The Maples in anticipation of a future sale.
- o Ultimately and conclusively, if the real purpose of this Application was to invest in an engineered track/road to "facilitate the ongoing agricultural use of the surrounding farmland" the Applicant would be the Landowner, not Mr Waldron's company, Casdron Enterprises Ltd.

Parish Councillors are clear that this Application is deliberately disingenuous. This lack of candour is even visible in the treatment of the site plan which to a

reader not familiar with the location, seems to indicate The Maples is "land locked" by Longcrate Cottages and Longcrate Bungalows and might not have vehicular access at all.

The Parish Council therefore conclude that the real purpose of this Application is to provide The Maples with a discrete, private access and should be determined by the Case Officer accordingly.

#### Decision

Against this background the Parish Council strongly object to Planning Application SDNP/19/02218/FUL and urge Winchester City Council's Planning Department to refuse it without condition.

The reasons, in addition to aforementioned background, are as follows:-  
The Maples is served by an existing access through Itchen View which has proved perfectly adequate to several tenants who have been part of the community over many years. Removal lorries, delivery vehicles and private cars illustrate the normality and ease of access to The Maples.

At the time of writing, there are 9 letters of objection and none of support. Of the 9 objectors, 7 are residents of Itchen Stoke who live close to the Application site and 5 of those would be immediately and adversely affected by the proposed development.

The residents and other objectors have presented a cogent and compelling case against the proposal which the Parish Council fully endorses.

The building of a wholly unnecessary, engineered track/road would cause harm to local residents and particularly those living on the north side of Itchen View.

The only beneficiary would be the owner of The Maples who does not live at the property and, indeed, does not live in Itchen Stoke. The benefit therefore is one of financial advantage and nothing to do with day to day living.

## 5 Representations

10 letters of objection have been received, of which 8 are from within Itchen Stoke. I have summarised the comments as follows:

#### **Objections:**

##### *Traffic & Access*

- Increased traffic
- Danger to walkers as extra traffic and already no pavements
- Adequate access to The Maples already exists - additional entrance unnecessary
- Never been an issue with vehicles, even large removal lorries, on existing
- Reinstatement of existing agricultural track is a misleading, sole purpose is access road to 'The Maples'.

- There are better potential locations for a new access
- Children and animals could walk onto the track

#### *Amenity, Noise & Disturbance*

- Additional lights to the rear of properties
- Noise from driving over gravel
- Engines left running whilst unlocking gate
- Loss of privacy in short and long term
- Increase noise and light pollution
- Strangers will be able to see into gardens and reduce privacy
- Flying gravel and dust

#### *Ecology*

- Loss of habitat biodiversity/field margin

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#### *Landscape*

- A track damages the outlook and views from property
- No existing mud problem from fields
- A wire fence and gravel track is a significantly different view for residents

#### *Other*

- Application has no merits
- 8 households will be affected by the proposed - 25% are rented from the applicant
- Future use of house/track may increase trips
- Traffic movements onto fields leads to and increase in crime and fly tipping
- Security risk to other properties as can access undetected
- Set a precedent for more development in the area - road is over-engineered
- Attempt to enhance value to 'The Maples'
- Additional gravel track compared to existing hard surface may make property less attractive
- Potential for future signage of the property
- Agent is the husband to a Principle Planning Officer in WCC - possible conflict of interest

#### **Agent response:**

A response to the representations has been received from the agent making the following points:

- The proposed track will be used by agricultural vehicles and a small number of domestic vehicles
- Agricultural vehicles can already use the field margins in close proximity to private gardens
- The existing access to The Maples is narrow and is not controlled by the owner, so making improvements is limited
- Perceived 'loss of value' to neighbours or 'adding value' to The Maples does not represent reasonable grounds on which to object to a planning application.
- Landowners are entitled to create a track (or similar) under Permitted Development, only come about because track wishes to be used by property owner as well.
- The Maples is not being sold and will remain primarily agricultural use.

- Comments over professional integrity and conflict of interest are shocking and disappointing - and deliberately inflammatory.

## 6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF12 - Achieving well-designed places
- NPPF 15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Strategic Policy SD10 - International Sites
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Development Management Policy SD11 - Trees, Woodland and Hedgerows
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD20 - Walking, Cycling and Equestrian Routes
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD39 - Agriculture and Forestry
- Strategic Policy SD42 - Infrastructure

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 3
- Farming Policy 13

## **8 Planning Assessment**

### Principle of development

Access tracks for agricultural uses are permitted under Part 6 of the Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to a prior notification being issued to the Council and the Park being happy with the siting and design of the proposal. Fences and gates are allowed (for residential and agricultural purposes) without requiring planning permission, as set out in Class A of Part 2 of the Schedule of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application is only seeking the erection of a fence and formalisation of the track to become both a residential access for The Maples and agricultural access, so they can manage the

access to their property. The use of the land where the fences are proposed remains agricultural.

The site lies in the countryside where Policy SD25 allows development which has an operational need for such a location such as agriculture, as long as the development does not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation. It is considered that the proposal complies with this policy.

Policy SD39 Agriculture and Forestry states that development for agricultural buildings or structures will be permitted where there is an agricultural need, the proposal reflects the local character, and the proposal is designed to minimise the impact on the special qualities of the Park, it is considered that the proposal complies with this policy.

Policy SD4 sets out that new development is acceptable provided that it is appropriate in scale and design and does not have an adverse impact on the character of the area or on surrounding uses. It is considered that the proposed track and fence meet the criteria of this policy as the fence is in keeping with the existing agricultural character of the land use, and no concerns have been raised by the landscape officer about impact on the character of the area.

Policy SD5 sets out that new development is acceptable provided that it is appropriate in scale and design and does not have an adverse impact on the character of the area or on surrounding uses and properties. It is considered that the proposal meets the criteria of this policy as the access track is in keeping with the existing rural character of the site and property and has no adverse impact on the character of the area.

Policy SD21 states that proposals that improve access should not interfere with the safety, function or character of the road, or have adverse environmental implications, and should meet highway authorities' standards for adoption. The highways officer is happy with the proposal and it is considered that the scheme complies with this policy.

#### Design, scale and impact on the character of the area

The proposed addition of post and rail fencing (1.2m high), the formalisation of the track by additional gravel and compacted chalk, and creating a gate to the existing agricultural field, plus additional mitigation planting are considered modest in scale and will be completed in materials suitable for the agricultural setting. The proposed alterations are considered to be acceptable for the character of the site.

The 1.2m high fence (approximately 195m long) is set back from the road behind residential properties and on the edge of a large field. Given the design, scale and materials proposed, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

The removal of less than approximately 3m of hedgerow to allow the new access into The Maples is not considered to be significant, particularly in light of additional landscape and tree buffers being proposed, and ecology have raised no concerns.

#### Impact on Neighbours

The fence and updated access does not cause any overbearing or overshadowing impacts to the neighbouring properties, so not thought to have any detrimental impact on their amenities.

Concerns have been raised over headlights at night, however these will be occasional, not directly into the properties and even less frequent than vehicles to the front of the properties.

Whilst there is a minor impact on neighbouring privacy, on balance the degree is not considered so significant to warrant refusal of the application.

#### Other matters

The potential future business speculations on the (wider) site, is not a material planning consideration.

## **9 Conclusion**

The application is therefore considered to be acceptable and is recommended for approval.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed in the submitted covering letter & 50401/P1-02 Block Plan.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

**11. Crime and Disorder Implications**

It is considered that the proposal does not raise any crime and disorder implications.

**12. Human Rights Implications**

This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

The application was acceptable as submitted so no further assistance was required.

**Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	LOCATION PLAN	50401/P1-01	08.05.2019	Approved
Plans -	BLOCK PLAN	50401/P1-02	08.05.2019	Approved
Plans -	TOPOGRAPHICAL SURVEY		08.05.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.