



December 2023

Mrs Cooper

**New agricultural access to land to north-west of
Pembers Farm Avenue, Mortimers Lane, Fair Oak,
Eastleigh, SO50 7EA**

Agricultural Justification Report

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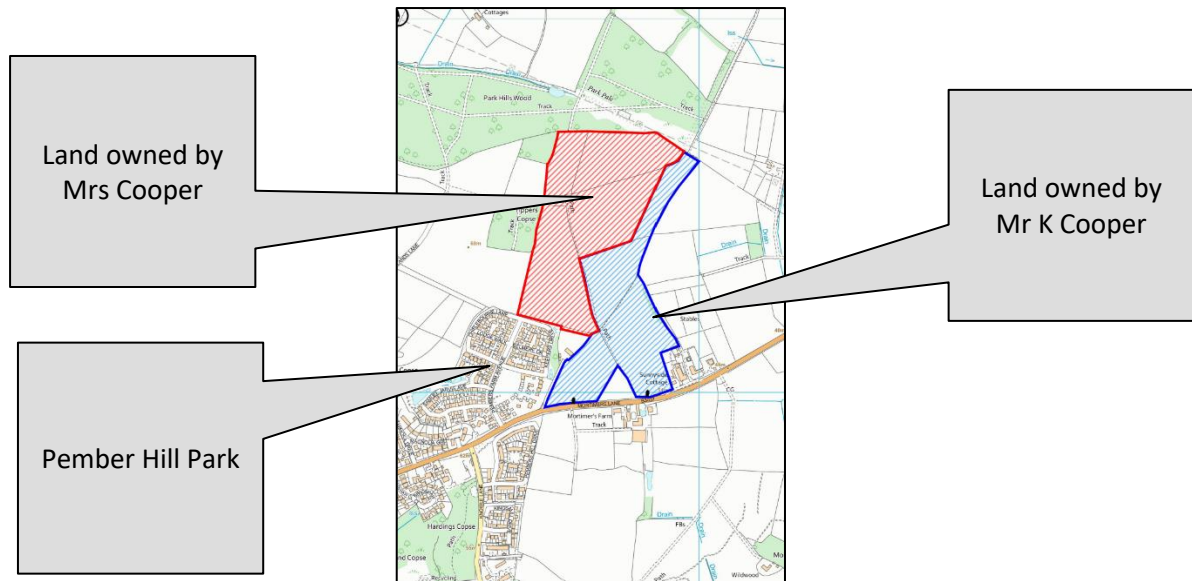
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1 Introduction and Instructions

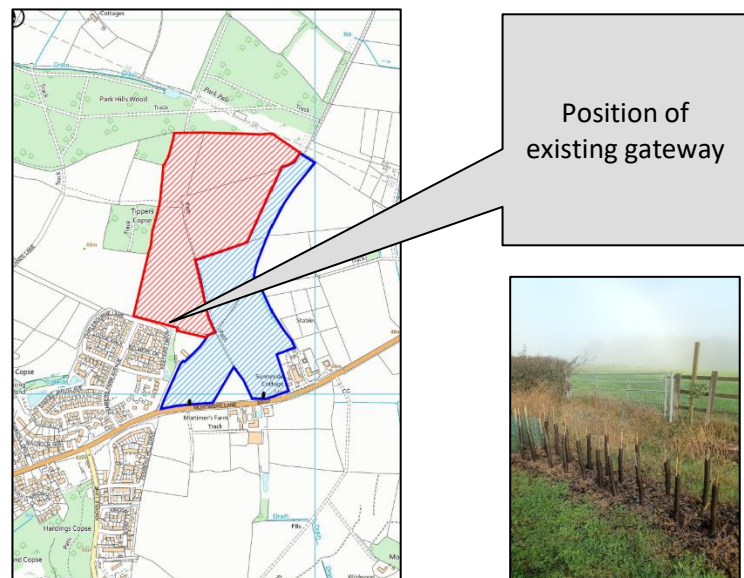
- 1.1 Reading Agricultural Consultants Limited (RAC) is instructed by Mrs Cooper to prepare an appraisal to address the agricultural issues raised by Hampshire County Council Highways and Eastleigh Borough Council regarding Prior Notification for the permitted development of a new agricultural access to land to north-west of Pembers Farm Avenue.
- 1.2 Roger Sewill of RAC has undertaken this report and appraisal and is a Land Agent and a member of the Royal Institution of Chartered Surveyors (MRICS) having qualified in 1989. Since 1992, he has carried out appraisals to determine the justification for farm infrastructure.
- 1.3 This report considers whether the proposed new access is reasonably necessary for the purposes of agriculture under Class A of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

2 Background

- 2.1 A Prior Notification application was submitted to Eastleigh Borough Council, by Lucid Planning, reference PN/23/96033, to change the farm access into the fields northwest of Pembers Farm Avenue, Pembers Hill Park. This application was subsequently withdrawn to enable this report to be prepared to support a resubmission.
- 2.2 Mrs Cooper has owned this land, comprising 13.5 hectares (33 acres), since 2010. Although she separated from Mr Cooper over 20 years ago, they remained business partners until 2018. Since 2018 she has had an informal agreement for Mr Cooper to farm her land. Originally, she gained access to her land across the land that is now Pembers Hill Park. However, Mrs Cooper now seeks to improve her own independent agricultural access, without the need to cross over any third-party land, such as her former husband's land. The land ownerships are shown on the plan below.

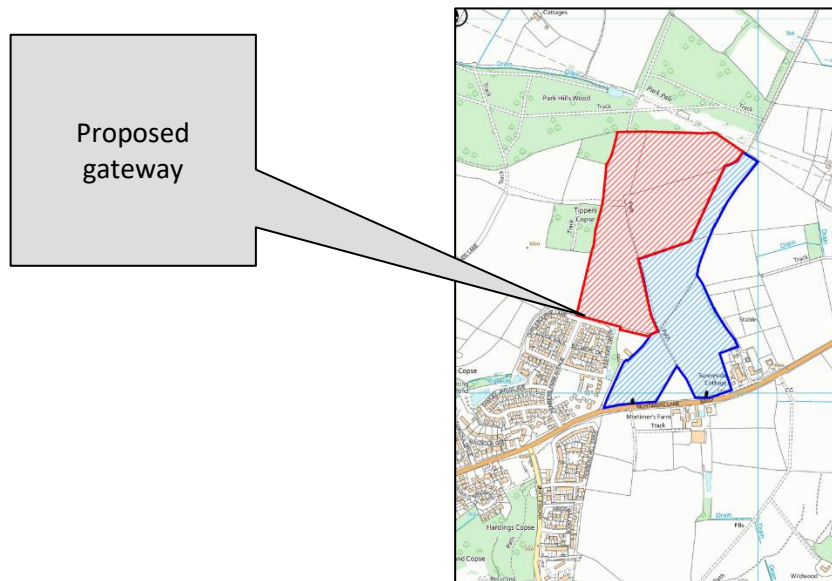


- 2.3 The existing farm access onto Mrs Cooper's land, from Pember Hill Park, is through a former 3.6 m (12 foot) wide internal field gate, as shown on the plan and in the picture below. This would have historically been a dividing gateway between two fields within the same block of land and would not have been designed as an entrance/exit gateway. The new hedgerow in front of the gate, shown in the photograph below, has been planted recently, as part of Pember Hill Park's landscaping scheme.



3 Proposed new gateway

- 3.1 The proposed new field access and gateway would be located to the west of the existing field gateway, within the same field boundary line and increase the width to 4.2m (14 foot) wide gateway. The proposed position enables a direct line of sight, and vehicle movement, off the two-way section of Pembers Farm Avenue, directly across Chislebourne Lane.



4 Agricultural Use

- 4.1 Adrian Barker of Lucid Planning, acting on behalf of Mrs Cooper, wrote to Dawn Errington, Case Officer, Eastleigh Borough Council on the 12th October 2023, setting out the likely agricultural use of the proposed new access. He confirmed:

"The applicant would normally visit the land once per week (2 movements).

The land is permanent pasture and is therefore used for a hay/ silage crop with aftermath grazing, usually by sheep.

A typical year might look like - all year one visit per week for maintenance.

Between May and August silage or hay crop - this would last about one week and involve about 10 visits (20 movements over a week).

October to January sheep grazing (this would only be for circa six weeks) with daily visits to check animal welfare."

4.2 On the 16th October 2023, in relation to the above described agricultural use, Matt Grantham, Hampshire County Council Highways wrote:

“Vehicle access will be relatively low in number with an anticipation of:

- 1. Standard applicant vehicle movements associated with visiting the land once per week for checking up and maintenance (2 vehicle movements per day);*
- 2. Between May and August movements would increase for the silage or hay crop for a period of approximately one week. This would involve about 10 visits (20 vehicle movements over a week); and*
- 3. October to January the access would enable entry to check sheep grazing for a period of approximately six weeks. Daily visits to check animal welfare would be required (2 vehicle movements per day).*

Given the above intended site uses, whilst associated vehicle flows would essentially be relatively low, it would be requested that confirmation of vehicle types to be utilised for the 3 site use periods is given.

If these are of simple agricultural vehicles (i.e. Land Rover), then there would be no objection to the proposals. If however larger vehicles would be required (possibly for period 2?), then details of these should be provided, inclusive of anticipated flow levels of each vehicle type, and associated management plans of how the vehicles can safely gain access through a residential area.”

4.3 Matt Grantham also requested the below information:

- a) “How the land to be accessed from the proposed 'new agricultural access' has previously been accessed with both the Pembers Hill residential development in place, and previously during the construction phase.*

4.4 Mrs Cooper has confirmed the following:

“I am the sole owner of the land since 2010. Since I ceased being business partners with my former husband, Mr Cooper, in 2018, it has been necessary to re-establish independent access to my land. This requirement was delayed while Pember Hill development took place, and I have been content, for a few years, to let Mr Cooper continue to farm my land.

However, although I may continue with this arrangement in the short term, there is no legal status between us, so I do need to ensure my land can be properly serviced and farmed

independently, as it always was. I am currently limited to only being able to let it to Mr Cooper, as I don't have suitable access for it to be farmed independently."

4.5 Mr Cooper, who is currently farming the land, confirmed the following:

"The land is sown to grass and used for hay production. The field is owned by Mrs Cooper, who allows me to use it. After a hay crop is taken then sheep sometimes graze the field.

When livestock graze the field, it is necessary to check the animals at least once a day. This would normally be done by driving a Land Rover type vehicle or quad bike into the field. However, there are occasions when access is needed for a sheep trailer to transport sheep or bring equipment (sheep hurdles/fencing etc.) into the field.

For haymaking there are the normal farming operations such as harrowing, fertilizing and mowing the grass. A hay tedder is used to turn the cut grass before being bailed and removed on a trailer. Normally the hay making operation takes no longer than a week but like all farming, flexibility of use is required.

I use a typical sized tractor to harvest the hay crop being a 140-horsepower tractor.

Access to Mrs Cooper's field has previously been through the field, which is now Pembers Hill Park, through the current access gate.

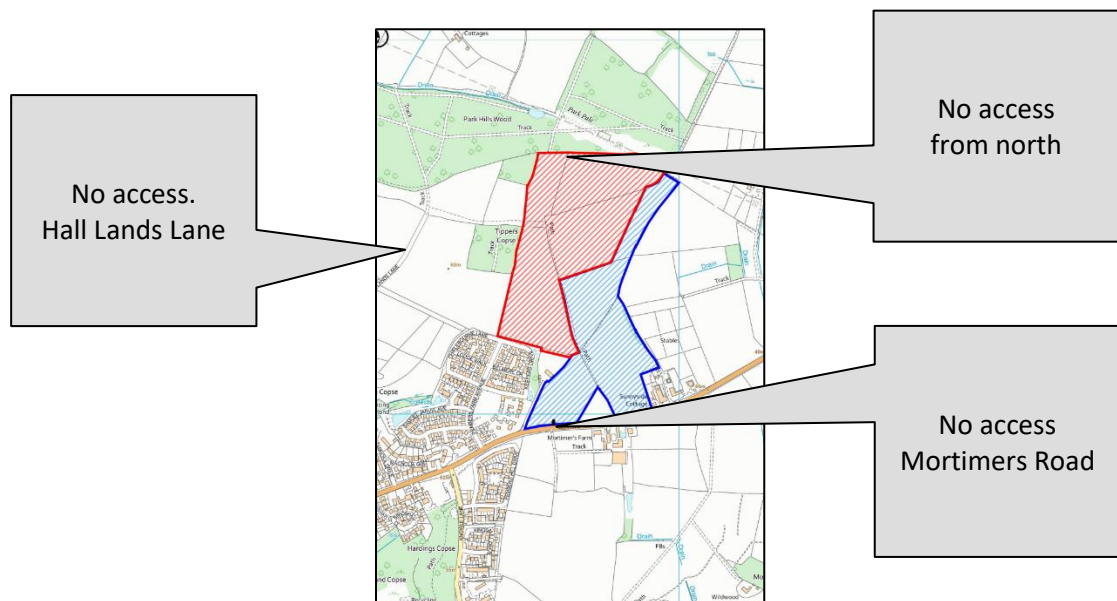
To reduce third party vehicle movement on the building site, Mrs Cooper and I were not allowed to use this access, while the new houses were under construction. However, now the houses have been built it is necessary for Mrs Cooper to re-establish her own independent farm access.

Due to the complicated twist in the road and the proximity of the residential properties, the current access point is unusable as an agricultural access."

5 Appraisal

Independent access

- 5.1 The only formal access into Mrs Cooper's land is via the existing gateway from the single-width one-way section off Pember Farm Avenue. Although Mr Cooper has personal consent to access Mrs Cooper's land via his own land, any other users would not benefit from this arrangement. Furthermore, the access arrangement between Mrs Cooper and her former husband is not permanent. Therefore, to ensure field access can be maintained for the long-term, the field requires its own direct agricultural access.
- 5.2 The surrounding area was inspected during the site visit to see if access could be obtained off Mortimers Road, B3037, but no direct access is available to Mrs Cooper's fields. Hall Lands Lane and the land to the north were also checked but again, no direct access was possible, as shown below:



- 5.3 The only direct access to Mrs Cooper's field is through the gateway, adjoining Pember Hill Park.

Temporary non-use

- 5.4 Mr Cooper confirmed that there was a requirement for Mrs Cooper and her licensees (Mr Cooper) not to use the existing access off Pember Farm Avenue, while Pember Hill Park was under construction. In the short term, Mrs Cooper has accessed her field across Mr Cooper's land, with him being the principal user. However, now the residential construction is complete it is necessary for Mrs Cooper to gain agricultural access to her land independently.

- 5.5 The above paragraphs address Hampshire County Council's question as to how access has been achieved *"with both the Pembers Hill [Pember Hill Park] residential development in place, and previously during the construction phase"*. Mr Cooper has confirmed access was not possible during the construction phase but is now possible with Pember Hill Farm residential development in place subject to the provision of a suitable access.

Type of farming operation

- 5.6 Mrs Cooper's land consists of relatively level fields and is sown to grass. The fields are suited for hay production. It is normal practice to allow sheep to graze a field after a hay crop, as it improves the following year's grass sward. Therefore, I would determine that the current system of hay production and the grazing of sheep is an appropriate agricultural operation for Mrs Cooper's land.

Type and frequency of use

- 5.7 Adrian Barker has described the type of agricultural vehicle use and frequency, detailed in paragraph 4.1 above, which has been confirmed by Mr Cooper. I consider this a fair description of expected use but would add that there may be additional vehicle access required for seasonal hedge cutting, or other farming operations. Therefore, when considering frequency, it would be appropriate to have available agricultural access all-year-round.
- 5.8 To cultivate the field, it will be necessary for a tractor, along with associated farm implements or a trailer, to have access into and out of the field. In addition, access for a Land Rover type vehicle, towing a trailer, would be required e.g. a sheep trailer or trailer carrying fence materials. Any access therefore needs to be appropriately sized and positioned to allow access in and out of the field for farm vehicles with implements or trailers attached.
- 5.9 Mr Cooper's confirmation of frequency and use, along with Adrian Barker's description in paragraph 4.1 and the above paragraphs, address Hampshire County Council's question: *"If however larger vehicles would be required (possibly for period 2?), then details of these should be provided, inclusive of anticipated flow levels of each vehicle type."*

Current access limitations

- 5.10 No straight access. The existing access was designed as an internal field gate, connecting Mrs Cooper's field to the adjoining field, which is now the residential development, Pember Hill Park. Therefore, historically an agricultural driver would have been able to approach the gateway in both directions, in a straight line. In doing so, any towed farm implement or trailer would move

through the gateway, also in a straight line, directly behind the tractor. This straight-line manoeuvre is no longer possible, due to the creation of Pembers Park Avenue, and the residential houses. Any entry or exit from the field would now require a sharp turn left on or off Pember Farm Avenue's single-lane one-way system.

- 5.11 Such a turn would not be possible for an implement or trailer to clear the gateway. Furthermore, the exit onto Pember Farm Avenue would be further restricted by the adjoining ditch. Therefore, to gain access in or out of the field, the driver would need to widen the arc of the 'swing', which would inevitably involve mounting the pavement and potentially reversing back and forth, jostling into position to make the sharp turn. I would determine the pavement would be damaged if this manoeuvre took place.
- 5.12 Pember Park Avenue forms one of the internal link roads within the residential development of Pember Hill Park. While on site, I witnessed several pedestrians using the pavement. Therefore, I would determine that if a farm vehicle needed to mount the pavement to gain access in or out of the field, such a manoeuvre could potentially put pedestrians at risk.
- 5.13 Noise. There would likely be some noise disturbance to residents, along the one-way stretch of Pember Park Avenue and Belmere Drive, if a farmer needed to use these roads outside normal working hours, especially if used by a farmer towing farm implements.
- 5.14 Extended exit route. One further significant limiting factor would be the agricultural driver would need to exit the field by driving along the one-way single-track road of Pember Farm Avenue and Belmere Drive before rejoining the two-way road system of Pember Farm Avenue, as shown below. These single-lane residential roads are not suitable for farm vehicles, as the roads are too narrow and turning corners too tight for farm machinery. At times they will be blocked by cars parked on the road or delivery vans, as observed during my site visit, and shown in the picture below.



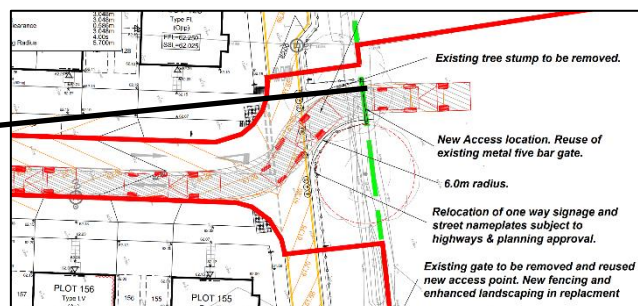
Extended exit route through the housing estate.

Proposed gateway

5.15 The proposed new gateway would be correctly positioned to provide an appropriate agricultural entrance and exit from the field. Its position removes the existing gateway's limiting factors:

- there would be a direct line of access in and out of the field, avoiding sharp turns;
- any farm machinery or trailers could be manoeuvred easily through the gateway;
- noise disturbance, from driving around the housing estate with a tractor and farm machinery, would be avoided;
- there would be a clear view for the agricultural driver to cross the road and avoid the risk of mounting a pavement, in an attempt to create a wide driving arc; and
- access to and from the field would be directly onto the wide two-way system of Pember Farm Avenue and not through the housing estate's narrow one-way system.

5.16 The suitability and direct line of access, is evident in the below plan and photograph below:



- 5.17 From a farming perspective, the proposed gateway would be an appropriate agricultural gateway into the field, being far safer and considerably more accessible than the existing gateway. Therefore, to address Hampshire County Council's question: *"of how the vehicles can safely gain access through a residential area"*, this is best addressed by moving the gateway to its proposed new position. The new gateway avoids the need to travel through the single-tracked one-way sections of the residential area, and access can be achieved via the wide and accessible part of Pember Farm Avenue. This wide section of road would provide a safe and clearly visible agricultural route to the field.

6 Conclusion

- 6.1 The existing gateway is a historic gateway, which would have been used as a dividing gateway between two fields, rather than a primary agricultural access. Mrs Cooper's field has no other independent access to it, other than this existing gateway.
- 6.2 The existing gateway would be difficult to use, especially for a tractor towing an implement or trailer. On exiting the field, the only route available is along the single-track one-way system of Pember Park Avenue and Belmere Drive. For these reasons, the existing gateway would not be suitable as an agricultural access to the field.
- 6.3 The questions raised by Hampshire County Council Highways, relating to the vehicle use and frequency of vehicle movement, have been clarified as normal agricultural operations for a grass field used for hay production and sheep grazing.
- 6.4 The proposed gateway provides a significantly improved agricultural access into and out of the field and removes the limiting factors of the existing gateway. Its new position removes the concerns of Hampshire County Council Highways for farm machinery having to navigate through the residential housing estate. The size of the agricultural holding is sufficient to warrant its own suitable and usable agricultural access and I would therefore determine the proposed accessway is reasonably necessary for the purposes of agriculture.