

BFOHH – Bishopstoke, Fair Oak and Horton Heath Local Area Committee
Wednesday 31 January 2024.

Application Number: PN/23/96630
Case Officer: Dawn Errington
Received Date: 21 December 2023
Site Address: PEMBERS HILL FARM, MORTIMERS LANE, FAIR OAK, EASTLEIGH, SO50 7EA
Applicant: A Cooper
Proposal: Prior Notification Approval for agricultural access from Pembers Farm Avenue
Recommendation: Delegate decision to Refuse Prior Approval to Service Director for Planning and Environment in consultation with the Chair and Vice Chair following consideration of any new issues raised by the neighbour notification period which expires on 1 February 2024

REASONS

1. The siting of the proposed agricultural access would be harmful to the visual and landscape amenity of the area by virtue of the loss of hedgerows and impact on attractive vista contrary to Policy DM1 of the Eastleigh Borough Local Plan (2016-2036).
2. The siting of the proposed agricultural access at the end of Pembers Farm Avenue would result in unacceptable and inappropriate traffic movements through a quiet and safe residential area with associated risks to road safety and amenity, including impacts from debris, dust and noise, contrary to Policies DM1 and DM13 of the Eastleigh Borough Local Plan (2016-2036).

Note to Applicant: The application was refused following the assessment of the following plans: D2593 L.391 Rev 02; D2593 L.399 Rev PL03; PEM-LP-100C; D2593 L101 Rev 04; DSM/E4679/355 AA; D2593 L100; EXACCESS 001; 4.2m 6 Bar Metal Gate and PEM-EG-200A. In accordance with paragraph 38 of the National Planning Policy Framework (December 2023), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner

Report:

Site Characteristics and Character of the Locality

1. The application site is at the point where new residential development with a hedged and fenced boundary at the Pembers Hill Farm estate joins existing countryside in the form of an agricultural field. Pembers Farm Avenue leads up to this point and joins the one-way Chislebourne Lane and Keeper Drive

which run parallel to the field. There is a mature tree in this location, which is a visual feature, along with long views over the countryside.

2. There is an existing field gate to the east of the proposed new access, which has been enclosed by new hedge planting and is not in current use, leaving the field landlocked from the public highway. Other accesses, including one from Mortimers Lane, currently provide access to the fields, although are in third party ownership. The fields are farmed by one of these third parties.
3. Pembers Hill Farm formed part of the former Fair Oak Park, which is on the HCC Historic Parks or Gardens Register.

Description of Application

4. The application was originally submitted as a Prior Notification under the General Permitted Development Order (GPDO) provisions which allows for new agricultural accesses in principle where access is needed. As a result of the need for further information and consideration of the proposal, the Council confirmed that Prior Approval was required on 4 January 2024. This also allowed for the Prior Approval to be considered at this Committee. It should be noted that, under the GPDO provisions, if a decision is not issued by 15 February 2024, then approval is automatically granted. Also of note is that only siting and means of construction are matters for consideration under GPDO provisions.
5. The proposal is for a new agricultural access onto Chislebourne Lane/Pembers Farm Avenue. The siting is outside of the root protection zone for the Ash tree, which is to be retained, but involves the removal of a 4.2m stretch of species-rich mature hedge and a newly planted whip hedge, a small area of semi-improved grassland and a stretch of knee rail fencing. The surface of the access is grasscrete and a new field gate is proposed. It is indicated in the application that the existing field gate would be removed and replaced with new hedge planting.
6. Vehicle movements using the agricultural access have been advised by Reading Agricultural Consultants on behalf of the applicant as being in the order of once per week (2 movements), increasing during harvest and sheep grazing times. 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. However, as with the existing access the applicant would be looking for unrestricted access.
7. The current farmer has further advised that *"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."

Relevant Planning History

- PN/23/96033 – Prior Approval for agricultural access. Withdrawn 7.11.23.
- O/15/77190 - Outline: Construction of up to 250no. Dwellings with access from Mortimers Lane and pedestrian/cycle links, open space and landscaping, all matters other than access reserved. Permitted May 2018.
- RM/18/83278 - Reserved matters for the construction of 242 dwelling units and retention of 2 dwellings pursuant to outline permission O/15/77190 for residential development of 250 dwellings. (Details of appearance, landscaping, layout and scale of development. Approved November 2018. Non Material Amendment for revised landscaping scheme to enable new agricultural access received 25.9.23 – under consideration.
- DC/23/96078 – Re-discharge of outline planning permission O/15/77190 conditions 10 and 11 (LANDSCAPING) for minor changes to the previously approved details to enable the adjacent landowner to create an agricultural access to land to the north (previous consent DC/18/83411) – under consideration.
- F/19/84748 – Construction of new agricultural access from Mortimers Lane. Permitted 6.3.2019 and implemented.

Representations Received

8. Site notice displayed by applicant under the Prior Approval process which expires 1 February 2024. Letters were also sent by EBC to residents and own site notice displayed.
9. To date (22/1/24) 76 neighbour objections received on grounds of (summarised):
 - Easy access to the field already exists.
 - Tractors and trailers driving down a residential estate with young children playing, cycling & scooter in the streets, particularly outside the new open space and play area and where cars are parked. Farm vehicles on these streets increase the risk of serious accidents and injury, particularly for children.
 - Would change nature and dynamic of the estate and isn't what was expected
 - The proposed access involves tractors driving on the wrong side of the road to make a tight turn into the path of oncoming traffic.
 - Mud, dust & noise from tractors and trailers would all change the character of the estate and impact on amenity and road safety.
 - The sustainable drainage system has not been designed for agricultural mud & bits of hay which could block the system at expense to residents through management fees.
 - Access was lost as a result of the new estate and reinstated on Mortimers Lane instead. The farm already has sufficient access arrangements without needing to pass through the residential estate.
 - Nearby tree has roosting bats
 - The impact on nature/biodiversity from breaking up an established hedgerow
 - Negatively impacting the view along Pembers Farm Avenue with the loss of hedgerow.
 - Air quality/pollution/noise impacts from heavy traffic, including at unsocial hours
 - May provide access for future residential development
 - Negative impact on property valuesThe Committee will be updated regarding any further comments received.

Consultation Responses

10. **Fair Oak & Horton Heath Parish Council** - comments to be reported.
11. **Landscape Officer** – objection. A clear and precise landscape plan has not been submitted which means fully assessing the landscape impact of this proposal is challenging.
We are aware of previous landscape comments made on the 26th October 2023 and the objections raised at that time remain, namely:
 - 1) The loss of a section of established hedgerow. This is an important landscape resource that is not easily re-created and the new access would

disrupt an established wildlife corridor. 2) The proposed new access would also negatively impact on views northwards along Pembers Farm Avenue.

Should this new access proposal be pursued further, a separate plan showing: a/ the access location in its landscape context, b/ existing and removed vegetation c/ site photos that relating to issues around views, would be most helpful.

12. **Ecologist** – no objection. The applicant has provided justification for the required new access and has proposed appropriate compensation for the loss of a section of species rich hedgerow. I therefore remove my previous objection. The landscape plans now show the stretch of hedgerow between the old and new access points as proposed to be enhanced with planting and the existing gap of the old access, planted with an appropriate mix of native species. Please note Escallonia “Donard Radiance”, a non-native plant is unsuitable for use as part of this application. All mitigation measures proposed in the Ecological Technical Note must be adhered to.
13. **HCC Highways** – no objection on grounds of highway safety. Visibility from the access is to a suitable level and the minor cross of lane on the priority junction is accepted in this specific case. Vehicle trips are anticipated to be low level and there will be excellent forward visibility due to the layout of Pembers Farm Avenue between the field gate and Mortimers Lane. Concern that grasscrete blocks may not be sufficient to reduce mud/debris transfer onto Pembers Farm Avenue and condition recommended that requires applicant clears this from the road should this occur. This may be by shovel and broom in the first instance but with a commitment to utilise road sweepers should this not be sufficient. Without this, a road safety issue with slips and skids is more likely.
14. **Tree Officer** – no objection subject to tree protection measures. Ash tree may have die back.

Policy Context and Designations Applicable to Site

- On boundary of countryside and urban edge

Development Plan Local Plan Policies

Submitted Eastleigh Borough Local Plan 2016-2036 (EBLP)

The most relevant EBLP policies are:

Strategic Policy

- S5 New Development in the countryside

Development Management policies:

- DM1 (General Development Criteria);
- DM11 (Nature Conservation);

- DM13 (General Development Criteria – Transport)

National Planning Policy Framework (December 2023)

15. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance

16. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

17. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Plan comprises the Policies of the Eastleigh Borough Local Plan Review 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows new agricultural accesses in principle, subject to the Prior Notification and Prior Approval procedures.

Principle and Policy

18. Under General Permitted Development Order provisions the basic principle of agricultural access development is deemed acceptable, with any formal approval or refusal being based upon the exact nature, design, and impact of that proposed in relating to its siting and construction being considered in accordance with the relevant policies within the adopted local plan.

Paragraph 6.4 of the Reading Agriculture Report states *“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.”*

19. If the necessity of an individual access is accepted, it would still need to be acceptable in terms of its siting, use and impacts and these matters are considered below. The siting of an agricultural access and route to the main

road (Mortimers Lane) through a quiet residential estate is not, in principle, good planning.

Siting and visual impact upon the character of the area

20. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas and countryside, take full and proper account of the context of the site, and be compatible in terms of layout, design, and siting.
21. The siting of the access would detract from the attractive vista from Pembers Farm Avenue, in particular due to its associated hedge removal and loss of strong development boundary in this very visible location. This significantly contributes to the visual attractiveness and amenity of the new development, providing an appropriate and necessary interface between urban development and countryside. An objection from the Council's landscape architect has been received and this forms one reason for refusal.
22. It is noted that the associated revised landscaping scheme does provide for new hedge planting to replace the existing field gate, but this is in a different, less prominent location and does not adequately compensate for the visual and landscape loss.

Residential Amenity

23. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of residents.
24. The Reading Agriculture Report advises: *"5.13 Noise: There would likely be some noise disturbance to residents, along the one-way stretch of Pembers Park (Farm) 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."*
25. The farm traffic movements and associated impacts, including the spread of muck and dirt on the unadopted and private residential road, would result in adverse impact on residential amenity on this quiet estate such that a conflict with Policy DM1 would arise. It is not what would be expected in a new, purposefully designed housing development. The route for farm vehicles would pass a public open space and play area and this is of particular concern in respect of the amenity and safety of children.

Highway Safety

26. Policy DM13b of the EBLP specifies that access arrangements should not cause or increase danger to road users or have a significant detrimental impact on the operation or safety of the highway network.
27. Hampshire County Council are the Highways Authority and advise on highway safety matters. They have considered the submitted Transport Technical note and have not raised an objection overall, subject to a road cleaning condition.
28. HCC consider the vehicle trips to be low and there to be sufficient visibility at the road junctions and along Pembers Farm Avenue for the movements to be safe.
29. HCC does, however, raise some concern regarding the potential for mud and debris on the road and how this would be effectively managed to avoid a road safety issue with slips and skids. They recommend a condition for road cleaning on every occasion it is needed, whereas the applicant has now offered to provide a farm management plan delivering fortnightly cleaning until the road is adopted (which is likely to be in around 18 months' time) and considers that thereafter the responsibility would be upon HCC to keep the road clean. This level of road cleaning is not at the level HCC have advised would be acceptable, giving rise to a road safety issue with slips and skids is more likely.
30. The applicant makes reference to the existing, currently unused, agricultural access to the east of that proposed and state that this is less safe and difficult to use. If this were to return to agricultural use then it is accepted that it may be less desirable.

Trees and Ecology

31. Policy DM1d of the EBLP specifies that new development should not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value (recognising that some species and habitats may be irreplaceable). Policy DM11 of the EBLP seeks to preserve networks of natural habitats and features, including trees and hedgerows that are important to biodiversity and local character. It also seeks a net gain of biodiversity on all development sites.
32. The Council's Tree Officer has confirmed that the existing tree in close proximity to the proposed new access can be acceptably retained and protected. In respect of the proposed removal of mature hedgerow and grassland, the Council's Ecologist has not raised an objection on grounds of the adverse biodiversity impacts, on the basis that appropriate

compensation for the loss of a section of species rich hedgerow could be provided should approval be granted.

Sustainability Measures and Climate Change:

33. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
34. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.
35. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and the proposals are not likely to harm the overall sustainable drainage scheme of the residential development such that flooding would result. Nor would the proposals result in pollution impacts to a level such that refusal would be justified.

Equalities Implications:

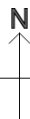
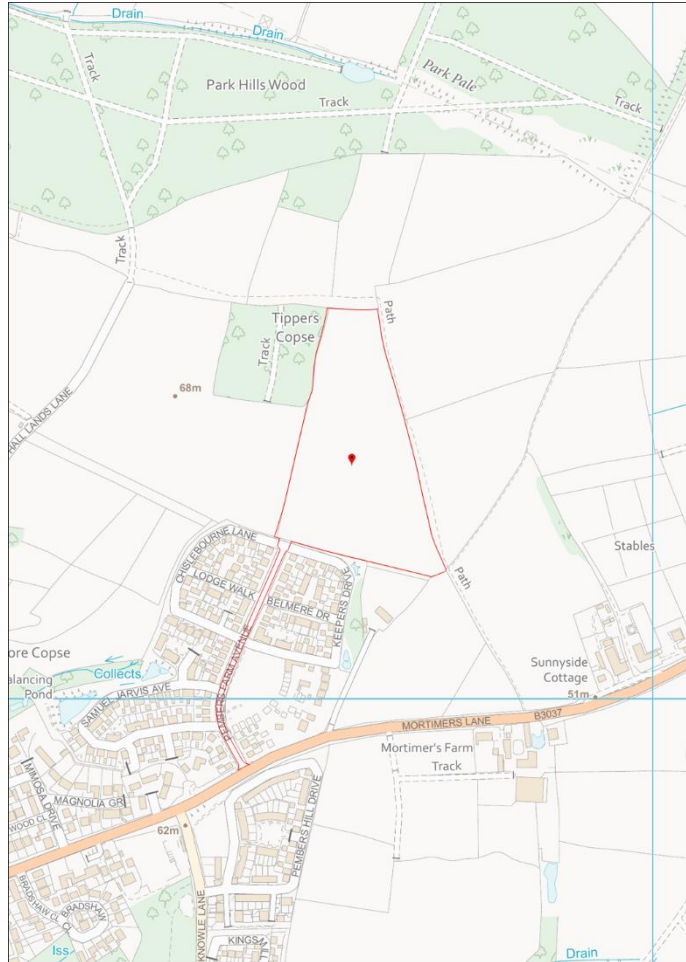
36. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states: -
A public authority must, in the exercise of its functions, have due regard to the need to:
- a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

37. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

38. There are concerns and significant objections raised in respect of visual and landscape amenity, biodiversity, highway safety and residential amenity. Although there is some support from technical consultees, these impacts are not outweighed by the details relating to need for this additional access.
39. The proposal is not considered to accord with the relevant policies of the Eastleigh Borough Local Plan (2016-2036), and to guidance contained in the Councils adopted SPD and to the National Planning Policy Framework 2023 (the Framework) and Prior Approval is recommended to be refused for the reasons specified, subject to consideration of any new issues arising from the neighbour notification process (final decision delegated to the Director for Planning and Environment in consultation with the Chair and Vice Chair).

PN/23/96033



Address: PEMBERS HILL FARM, MORTIMERS LANE
FAIR OAK, EASTLEIGH, SO50 7EA

Date: 02/11/2023

Scale: 1:5000