



APPELLANT RESPONSE

Project: Pembers Hill Farm, Fair Oak

Appeal Reference: **APP/W1715/W/24/3347834**

Date: 15.11.24 Author: Adrian Barker

The following represents the appellant's response to both the Statement of Case submitted by Eastleigh Borough Council (the Council) and representations made by interested third parties, mostly being local residents. Generally these submissions do not appear to introduce any new issues beyond those which the appellant sought to address directly within application PN/23/96630, as reiterated/ expanded upon within her Statement of Case. There would appear little benefit in restating the case in full here, although the appellant would like to take the opportunity to reflect briefly on four matters raised.

Need

Within the Council's Statement it is noted that:

the council does not dispute that the access would be needed for agricultural purposes nor that "the size of agricultural holding is sufficient to warrant its own suitable and sustainable agricultural access"

(Paragraph 45)

The Council is clearly not challenging the need for the access, whilst the appellant has effectively demonstrated that there are no other access options to public highway that do not rely on third party land, over which she has no control.

It appears that need should be the primary consideration for the application, yet the Council seem to accord it little weight. Other matters are less significant and can either be appropriately controlled through condition or will not give rise to sufficient detriment to warrant refusal.

Highways

The appellant acknowledges the importance of highway safety, although it remains her contention that the highway authority is best placed to offer an informed view on the matter. In this regard, on the application, they stated that:

there would be no objection to the proposals from a highway perspective, subject to the condition outlined below....Visibility from the access is to a suitable level, and ..Whilst there is a minor cross of lane on the priority junction, this is accepted in this specific case. Vehicle movements...are anticipated to be low level, as are speeds....These will be undertaken by vehicles the maximum size of a tractor and trailer and there will be excellent forward visibility due to the layout of Pembers Farm Avenue...it would be requested that a condition is applied to ensure that any mud/ debris is cleared from the road... This may be

via shovel and broom in the first instance, but with the commitment to utilise road sweepers should this method not be sufficient.

(Text copied and edited down from consultation response issued by HCC Highways dated 16th January 2024- copy attached as Appendix 1)

As detailed within the submitted Statement of Case the appellant was amenable to the HCC suggested condition and invited the planning officer to discuss appropriate wording. Such an invitation, however, was not taken up. The appellant is now offering suggested planning condition 2 (Appendix 9 of Statement of Case) which seeks to address the issue.

Some of the third party writers imply that the access will be in constant/ frequent use. It is emphasised that this is not the case and visits to site will be low, as will speeds. Trip generation is only likely to be in the order of 97 visits annually. The majority of these movements will be made in a Land Rover, which are common features within a residential context. Only circa 10% (10 visits annually) will be made by tractor and trailer.

With regard to comments relative to vehicles passing a children's playground, the vehicles will be slow moving, whilst in addition to limited numbers, the playground is separated from/ set back from the road and enclosed with black estate railings. It is also located in an area where there is good visibility (refer to Appendix 8 of Statement of Case). Activities will pose no more of a danger than any other vehicles on the estate, including cars, delivery lorries and weekly bin lorries.

Access Options

A number of third parties have highlighted the fact that on 10th October 2024 a new gate was installed between the appellant's land and Hall Lands Farm to the west of the site, with the suggestion that this negates the need for the access as proposed.

As was detailed within the previous submission, the appellant uses the site for hay production, which she generally uses for her own animals. There is usually one associated cut in a year, although due to the mild weather this year it was possible to carry out a second cut. The resultant hay was surplus to the appellant's requirements and she agreed to provide this additional hay to her neighbour at Hall Lands Farm. Due to the lack of adequate access between the farms, part of the existing western boundary fence was taken down and a temporary gate installed to ease the movement of hay and vehicles. The referenced gate has since been removed and the fence re-instated.

Regardless of the referenced temporary connecting gate to Hall Lands Farm, as detailed within the Statement of Case, the appellant is currently unable to gain access to her land from the highway without crossing third party land, over which she has no rights or control. Thus, the required secure and direct access cannot be guaranteed into the future. The lack of access options was fully detailed in both application PN/23/96630 and then the appeal Statement of Case. The purpose of the proposed field access is to enable limited, but effective use to be made of the agricultural land. Without it there is a risk that it cannot be put to any beneficial use.

Planning Conditions

The appellant has reviewed the suggested planning conditions put forward by both the Borough Council and Fair Oak and Horton Heath Parish Council. Relative to the latter, and the suggested hours restrictions, it is the case that the site is part of a working farm and for part of the year is used for animal grazing. As such, it is not possible or appropriate to be restricted on when visits to the site can and cannot take place as animal welfare must be the priority. It would also seem peculiar to have such restrictions imposed on agricultural land when much of the activity, such as removing hay, would typically take place during daylight hours, which it is anticipated would be beneficial to residential amenity. With the suggested condition this would not be possible.

With regard to the conditions provided by the Council, relative to the time limit associated with condition 2, it is noted that 3 years would be the normal compliance period. In draft condition 5 it is queried why 5 years is presented rather than 3, whilst there is reference to trees, when the proposal itself does not propose trees.

Having reviewed the further submissions referenced above the appellant is of the view that there remains a compelling need case to support the requested new access and without it the appellant's agricultural land, and its beneficial use, will be sterilised through lack of suitable access, whilst there is no viable alternative. There are no technical highway, ecological or tree objections, and landscape concerns appear to have been over stated as reflected upon within the Statement of Case previously submitted. All secondary planning considerations can also be adequately addressed through appropriately worded planning condition. The access will not appear out of place in this rural edge of settlement location and will not give rise to such detriment that the appeal should be dismissed.

Appendix 1

Copy of consultation response issued by HCC Highways dated
16th January 2024

Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

Hampshire 2050
The Castle
Winchester, Hampshire SO23 8UD

Telephone: 0300 555 1375
Fax: 01962 847055

www.hants.gov.uk

Enquiries To Matt Grantham

My reference 051986

Direct Line

Your reference PN/23/96630

Date 16 January 2024

Email eastleighdc@hants.gov.uk

Dear Mrs Errington,

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

Prior Notification.

In regard to application PN/23/96630, having reviewed the information contained within the application pack, most notably the 'Transport Technical Note' (TTN), there would be no objection to the proposals from a highway perspective, subject to the condition outlined below.

ACCESS:

Access into the field is to be made via a farm gate access to the northern end of Pembers Farm Avenue. The location is near opposite the priority junction which leads into the west to east one way system that is situated on the northern edge of the housing estate, and it is also proposed that an area of grasscrete blocks will be provided within the field access in order to reduce the transfer of mud / debris onto the housing estate roads.

Visibility from the access is to a suitable level, and vehicle tracking diagrams have shown of access for a vehicle and following trailer can be achieved. Whilst there is a minor cross of lane on the priority junction, this is accepted in this specific case. Vehicle movements (as outlined below) are anticipated to be low level, as are speeds.

VEHICLE TRIPS:

As outlined in the supporting TTN, vehicle trips in and out of the field gate are anticipated to be low level, with a reported peak of 2 to 4 movements per day during the

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Garry Westbrook

period between May and August. These will be undertaken by vehicles the maximum size of a tractor and trailer and there will be excellent forward visibility due to the layout of Pembers Farm Avenue that the vehicle will travel in order to make movements between the field gate access and Mortimers Lane.

CONDITION:

Whilst grasscrete blocks are proposed to be in place at the field gate access, in order to provide a hardstanding and reduce mud / debris transfer onto Pembers Farm Avenue, during wet weather periods in particular, there could be occasions where this is not sufficient.

As such, it would be requested that a condition is applied to ensure that any mud / debris is cleared from the road by the applicant should this occur. This may be via shovel and broom in the first instance, but with the commitment to utilise road sweepers should this method not be sufficient. Without this, there is potential for the road to become dirty and slippery to the detriment of residents, as well as a road safety issue with slips and skids more likely.

Yours sincerely,

Matt Grantham

Director of Hampshire 2050
Gary Westbrook