



Appeal Decision

Site visit made on 11 June 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/W1715/W/24/3347834

Pembers Hill Farm, Mortimers Lane, Fair Oak, Hampshire SO50 7EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs A Cooper against the decision of Eastleigh Borough Council.
 - The application Ref is PN/23/96630.
 - The development proposed is prior approval for agricultural access from Pembers Farm Avenue
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Decision

1. The appeal is dismissed

Background and Main Issues

2. The proposal relates to works to create a new access within an agricultural unit in excess of 5 hectares. Sub-paragraph 2 of paragraph A.2. of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) requires (amongst other things) the developer to apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and means of construction of the private way.
3. That the development is reasonably necessary for the purposes of agriculture or satisfies the limitations of Class A set out in the GDPO are not matters which are in dispute. The Council has not identified any issues in relation to the means of construction. Therefore, the main issues are the effect of the siting of the proposed development on:
 - the character and appearance of the surrounding area;
 - highway safety; and
 - the living conditions of local residents.

Reasons

Character and appearance

4. The appeal site is adjacent to a relatively recently completed residential development comprising roads leading off Pembers Farm Avenue which runs through the centre of the development. The location of the proposed access is near to the northern end of Pembers Farm Avenue, off-set slightly from the junction to the west of an existing tree.

5. The northern edge of the development, alongside Chiselbourne Lane and Keepers Drive is defined by a combination of open fencing, mature and relatively recently planted soft-landscaping. This provides an attractive edge to the development which separates it from the open fields adjacent, whilst responding to the local rural landscape character thereby providing a sense of transition between the two land uses. Although the copse of trees to the north of the site is a relatively prominent landscape feature in the area, the boundary vegetation is prominent in the foreground of views from within the development and therefore also an important local landscape feature.
6. The proposal would involve the creation of a gap in the hedge and fence, the formation of a Grasscrete surface and the installation of a metal gate. This would have a deleterious effect on the effectiveness and appearance of the boundary treatment. Because the gate would be located near to the northern end of Pembers Farm Avenue, which is relatively straight on approach, the access would be seen by numerous residents and visitors.
7. The utilitarian design of the access would be at odds with the residential character of the area. Whilst field accesses through existing hedgerows are not uncommon in rural and semi-rural areas, given the planned nature of the boundary treatment and its close association with a newly established residential area, I consider that the siting of the proposed access would result in harm to the character and appearance of the area.
8. It is proposed to remove the existing gate to the east of the proposed access and to introduce new planting in its place. The existing gate is set back from the kerb, behind boundary fencing and some new planting. Consequently, this would represent a minor enhancement to the area, but given the prominent location of the proposed access, would not fully mitigate the harm it would cause to the character and appearance of the area.
9. I conclude that, due to its siting, the proposal would result in harm to the character and appearance of the area. The proposal would therefore conflict with Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) (Adopted April 2022) (LP) insofar as it is relevant to the prior approval matters.

Highway safety

10. It is proposed that farm vehicles would approach the access via Pembers Farm Avenue which is a two-way street. The proposed location of the access seeks to avoid the need for farm vehicles to navigate the one-way streets which lead off this central road.
11. Large farm vehicles travelling through this residential area might be somewhat unexpected. However, Pembers Farm Avenue has good visibility and generous pavements, including adjacent to the area of public open space. Therefore, its dimensions are such that it could safely accommodate such vehicles. Consequently, I am satisfied that farm vehicles could safely drive through the adjacent area to access the site.
12. However, the farm vehicles and machinery which would use the access would be likely to pick up soil and debris from the farmland and deposit it on the adjacent road, especially during rainy periods. This could result in the road becoming slippery which would increase the risks of vehicles skidding and pedestrians

slipping. The proposed siting of the access in a residential area means that residents are likely to encounter these issues in close proximity to their homes in a pedestrian-friendly environment.

13. It is intended that for most of the year the land would be visited weekly for maintenance. Silage or hay production would last approximately a week and would involve around 10 visits during that time. For about 6 weeks during October to January the land would be grazed by sheep necessitating daily visits. Therefore, the access would not always be intensively used.
14. Nevertheless, debris on the road in this context would result in a significant negative impact upon highway and pedestrian safety at such times as it would occur. Furthermore, there is every possibility that farming practices in respect of the land may change, necessitating additional trips than are currently anticipated.
15. The parties have suggested potential wording of conditions to secure the cleaning of the road. However, the GPDO does not provide any specific authority for imposing additional conditions beyond those given at Paragraphs A.2.(2)(v) and (vi). Consequently, it would not be possible to mitigate this harm through the imposition of conditions. Even if the road were to be cleaned by the local authority upon adoption, this would not necessarily be timed to align with the usage of the access and it would not be possible to secure cleaning on a temporary basis in the meantime, for the reasons given.
16. I note that the Highway Authority also had concerns that without a condition to ensure debris is removed from the road, there is potential for the road to become dirty and slippery with slips and skids more likely.
17. I conclude that, due to its siting, the proposal would result in harm to highway safety. The proposal would therefore conflict with Policy DM13 of the LP insofar as it is relevant to the prior approval matters.

Living conditions

18. Due to the siting of the proposed access, vehicles using it would travel along the nearby residential streets. These are likely to include tractors and farm machinery which can be noisy. It is therefore likely that the use of the proposed access for agricultural purposes would result in some disturbance for residents of nearby properties.
19. However, any significant increase in noise would only be experienced as vehicles pass by properties and therefore the disturbance would be relatively short lived. Furthermore, the anticipated number of vehicle trips associated with the access per day would be relatively low. Consequently, the effect of the proposal on the living conditions of local residents with respect to noise would not be significant.
20. As a result of debris on the road, the proposal would result in dust and dirt arising near to residents' homes. In the absence of any mechanism to secure the satisfactory cleaning of the road this is likely to result in an increase in dust in the air and mud being spread through the local area creating a dirty environment. As a consequence, the proposal would result in a negative impact upon the living conditions of local residents.

21. I conclude that, due to its siting, the proposal would result in harm to the living conditions of local residents. The proposal would therefore conflict with Policy DM1 of the LP insofar as it is relevant to the prior approval matters.

Other Matters

22. The appellant contends that the use of the existing gate to the east of the appeal site represents a fall-back position. It has been demonstrated that using this gate to access the agricultural land would be less desirable than the appeal proposal from a highway safety perspective due to the orientation of the gate, the width of the carriageway and the necessity to navigate the one-way system in farm vehicles. It is also suggested that vehicles which attempt to use this access could end up parked on-street.
23. However, the existing gate, which provided internal access between fields prior to the construction of the adjacent residential development, does not have access directly on to the road. Rather it is separated from the road by a raised kerb, fence, new planting and a drop in land levels. As such I am not convinced that the appellant would be able to utilise the gate to access the land under present circumstances. The Agricultural Transport Note¹ confirms that access to the gate has been severed by landscaping. As such I attach very little weight to the use of the existing gate as a fallback position.
24. Planning Practice Guidance (PPG) states that in considering either a prior approval application or a full planning application for the development of farm tracks, planning authorities should have regard to the need for such development to support agriculture on the unit².
25. The access would be used to monitor the site, facilitate hay or silage production, the movement of sheep and equipment on and off the site and welfare visits. Presently access over third-party land would be required to carry out these activities and the land has been being farmed by the adjacent landowner. No formal access arrangements are currently in place.
26. I recognise that having access directly from the road network would be more desirable and more convenient for the appellant than having to rely on access over third-party land and that there are limited options available to achieve this.
27. However, in this instance, particularly given the highway safety implications of the proposal, the need for the access does not overcome the entirety of the harm that would occur as a result of its siting.

Conclusion

28. For the reasons given, the appeal should be dismissed.

E Pickernell

INSPECTOR

¹ Pembers Hill Park: Agricultural Access Transport Note, i-Transport LLP, ref: MS/ITS19535-001B TN, 8 December 2023

² Paragraph: 115 Reference ID: 13-115-20180222