

Item 7

APPLICATION NO.	13/01653/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	24.07.2013
APPLICANT	Mr And Mrs Joe Rowe
SITE	Land Adjacent Brynfyrd, Botley Road, North Baddesley, SO52 9DP, ROMSEY EXTRA
PROPOSAL	Retain security gate for field access
AMENDMENTS	None
CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Control Committee (PCC) because the Southern Area Planning Committee (SAPC) was minded to permit planning permission contrary to policies of the Borough Local Plan and to the Officer's advice.
- 1.2 A copy of the Officer's report to the 17 September 2013 SAPC, from which the application was referred to the Planning Control Committee, is attached as **Appendix A**.

2.0 PLANNING CONSIDERATIONS

- 2.1 Consideration was given at SAPC to the principle of development and the impact of the scheme on the character of the dwelling and surrounding area, the impact on neighbouring residential amenities and highways.
- 2.2 Members of SAPC resolved to grant planning permission contrary to the Officer recommendation considering that the proposed development was justified in order to prevent unauthorized occupation of the site and would not have a significant detrimental impact on the rural character of the area or visually diminish the local gap.

Security

- 2.3 Members of SAPC considered that the proposed gates, which are higher and more prominent and uncharacteristic for the area than the traditional five bar agricultural gate permitted under application 13/00941/FULLS, were justified as a result of the previous unauthorised occupation of the site whilst in its previous ownership.
- 2.4 Whilst it is acknowledged that the site was indeed historically occupied without the consent of the previous owners it is noted that the owners at that time were not resident in the area and that the site was in no obvious or regular agricultural use. It is evident that the current owner/occupier, who also operates as a farrier from the adjacent site of Brynfyrd, has undertaken to clear the site and put it back into productive agricultural use.

- 2.5 It is considered that the obvious and frequent use of the site will further deter unauthorised occupation and it remains the consideration of the Officer that security concerns would not justify the retention of the gates the design of which are more typically industrial than agricultural.

Character and Appearance

- 2.6 Members of SAPC considered that the gates represented no significant detrimental impact on the character of the site or visual qualities of the local gap as a result of their set back of approximately 16m from the public highway, the presence of the approximately 3.0m high hedgerow adjacent and the limited area which they are visible from the public highway. Further comparison was drawn between the proposed gates and other prominent features including telegraph poles and the overhead cables which are close to the entrance. It was also noted that the application site is bordered to the west by the industrial units situated to the eastern side of Premier Way. Members resolved to grant planning permission subject to a condition to ensure that the existing wire mesh would not be further clad or otherwise altered as to restrict views through the gates to the landscape beyond.

- 2.7 It remains the consideration of the Case Officer, as supported by the comments of the Landscape Officer, that the existing gates in terms of their scale, design and materials have a detrimental impact on the landscape character of the rural street scene and visually diminish the local gap. As such it is considered that the gates remain contrary to local plan policies DES01, DES06, DES07 and SET05.

3.0 CONCLUSION

- 3.1 The gates are considered to have a significant detrimental impact on the rural character of the site and visual character of the local gap. As such the proposed development is considered contrary to the relevant TVBLP policies and is unacceptable contrary to the recommendation of SAPC.

4.0 RECOMMENDATION OF SOUTHERN AREA PLANNING COMMITTEE

4.1 PERMISSION, subject to condition:

1. **No cladding or other alteration of the gates hereby permitted shall be undertaken that would result in the existing views through the gates being further obscured.**

Reason: To ensure a satisfactory visual relationship of the development with the surrounding landscape in accordance with Test Valley Borough Local Plan 2006 policies DES01, DES06, DES07 and SET05.

5.0 RECOMMENDATION OF HEAD OF PLANNING & BUILDING SERVICE

5.1 REFUSE for the reason:

1. **The proposed gates by virtue of their design, materials and scale have a detrimental impact on the landscape quality and character of the rural area and visually diminish the local gap. The application is contrary to policies DES01, DES06, DES07 and SET05 of the Test Valley Borough Local Plan.**
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APPENDIX A

Officer's Report to Southern Area Planning Committee – 17 September 2013

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CASE OFFICER	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to SAPC at the request of the local ward member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is comprised of approximately 3 ha of agricultural pasture situated to the southern side of Botley Road. The site is situated within Romsey Extra Parish and within the designated local gap between the settlements of Romsey to the west and North Baddesley to the east.

3.0 PROPOSAL

3.1 The application is made retrospectively for the retention of gates at the existing field access.

4.0 HISTORY

4.1 13/00133/FULLS - Agricultural access track across field and replacement gate (retrospective). Refused 21.03.2013.
13/00141/FULLS - Retain shipping container and erect screening. Permission 20.03.2013.
13/00941/FULLS - Agricultural access track across field and replacement 5 bar agricultural gate. Permission subject to conditions 26.06.2013.

5.0 CONSULTATIONS

5.1 Planning Policy & No objection.
Transport (Highways)

5.2 Planning Policy & Objection.
Transport
(Landscape)

5.3 Housing & No objection.
Environmental Health
(Environmental
Protection)

6.0 **REPRESENTATIONS** Expired 20.08.2013

6.1 Romsey Extra PC No objection .

6.2 Premier Centre Support:

Management Ltd, 3
Premier Way,
Romsey

- Premier Centre Management Ltd (PCM) represents the individual landlords of 30 freehold units on Abbey Park Ind Est situated next to the paddock served by these gates.
- This paddock was subject to unauthorised use by the travelling community some time ago. During this period the industrial estate was subject to a degree of crime that caused huge financial and logistical inconvenience.
- Mr Rowe informed me of his intention to erect the gates following his purchase of the land.
- I understand that the gate may be taken down for the reason that it is not in keeping with the rural surroundings.
- Whilst I appreciate there may be some argument to this, on balance the gate is fairly discrete and set back from the road.
- It is imperative that this gate remains on site to deter any such unwelcome guests. My concern is that smaller gates would be easily breached leading to the provision of unsightly concrete bollards left in situ.
- Therefore on behalf of the PCN shareholders I strongly support the application.

7.0 **POLICY**

7.1 NPPF

7.2 TVBLP 2006

National Planning Policy Framework .

SET03 (Development in the Countryside)

SET05 (Local Gaps)

DES01 (Landscape Character)

DES06 (Scale, Height and Massing)

DES07 (Appearance, Details and Materials)

AME01 (Privacy and Private Open Space)

AME02 (Daylight and Sunlight)

AME04 (Noise and Vibration)

TRA05 (Safe Access)

TRA09 (Impact on the Highway Network) .

7.3 TVBLP (Draft)

Public consultation on the draft Revised Local Plan has taken place between the 8 March and 26 April 2013. At present the document, and its content, represents a direction of travel for the Council but it should be afforded limited weight at this stage.

It is not considered that the draft Plan would have any significant bearing on the determination of this application.

8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are the principle of development, the impact of the development on the character and appearance of the site, highways considerations, and the amenities of neighbouring properties.

Principle of Development

8.1 The site is located within the countryside where development is restricted under local plan policy SET03 to that which is considered appropriate in the countryside or has an overriding need to be located there. Both the track and gateway are to serve the existing agricultural use of the land and as such are acceptable in principle but further consideration of their impact on the character of the site is required.

8.2 In addition the application site is situated within the designated local gap between Romsey and North Baddesley. Policy SET05 has regard to local gaps and states that development will only be permitted if it would not diminish the gap physically or visually.

Character and Appearance

8.3 The application is made retrospectively for the retention of existing gates which were the subject of the previous application (13/00133/FULLS) which was refused. A subsequent permission (13/00941/FULLS) provided for the replacement of the existing gates with a traditional 5 bar agricultural gate, however that permission has not been implemented. Following further consideration the applicant has elected to reapply for the retention of the existing gate arrangement as the original decision was issued more than 6 months ago and it is no longer possible to appeal.

8.4 The proposed gates are of a metal material with wire mesh and barbed wire over. As a result the total height of the gates is approximately 2.6m. The remainder of the northern boundary is planted with mature hedgerow of approximately 3.0m in height. The gates are intended to improve security at the site and replace the previous five bar gate which is described in the supporting statement as being “broken and inadequate”. However the Landscape Officer has reiterated the previous objection to new gates which are of a style, height and material industrial in character and would not normally be recommended in a rural landscape. Whilst there are some other boundary fences and gates within the gap and adjacent the sites associated with both commercial and residential uses they are generally of a significantly lower height and of a timber post and rail construction and as such they have limited prominence from public views and the entrances to neighbouring sites retain a rural character.

8.5 The proposed gates are clearly visible in public views from Botley Road and, as a result of their height, materials and design, create a discordant element, out of character with its agricultural surroundings and detrimental to the visual appearance of the local gap. The proposed development is therefore considered contrary to policies DES01, DES06, DES07 and SET05.

Highways

- 8.6 The Highways Officer has raised no objection to the proposed development. The proposed access track and field gates are considered to represent no intensification of use and would not therefore have a significant detrimental impact on highways or pedestrian safety. The Highways Officer has however raised some concern that the construction of a through route to the neighbouring Brynfyrd site could result in an intensified use of the access associated with that site which has limited visibility to the east resulting in a detrimental highways safety impact.
- 8.7 Whilst the applicant does own the adjacent site of Brynfyrd they do not form a single planning unit and have separate uses. The application site remains in agricultural use and the permitted use of the neighbouring site and the presence of a separate access is not considered material to the determination of the current application. It is not considered that the forced closure of the access to the agricultural field in relation to concerns of the adequacy of the access to a neighbouring site is reasonable and would not therefore comply with the relevant tests of Circular 11/95.

Amenities of the application site and neighbouring properties

- 8.8 Given the nature of the proposed development and the distance to any neighbouring properties it is considered that the gates and track would have no significant adverse effect on the amenity of the neighbouring properties and complies with policies AME01, AME02 and AME04.

9.0 CONCLUSION

- 9.1 The gates are considered to have a significant detrimental impact on the rural character of the site and visual character of the local gap. As such the proposed development is considered contrary to the relevant TVBLP policies and is unacceptable.

10.0 RECOMMENDATION

10.1 REFUSE for the reason:

- 1. The proposed gates by virtue of their design, materials and scale have a detrimental impact on the landscape quality and character of the rural area and visually diminish the local gap. The application is contrary to policies DES01, DES06, DES07 and SET05 of the Test Valley Borough Local Plan.**
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