

7. **14/00521/FULLN (PERMISSION/REFUSE) 10.03.2014**
SITE: Land Adjacent To The Warren, Ringwold Drove, Middle
Wallop, **OVER WALLOP**

9 – 35

CASE OFFICER: Kate Chapman

APPLICATION NO.	14/00521/FULLN
SITE	Land Adjacent To The Warren, Ringwold Drove, Middle Wallop, SO20 8HR, OVER WALLOP
COMMITTEE DATE	10 June 2014
ITEM NO.	7
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1.0 AMENDMENTS

- 1.1 **Amended plans: 08.06.2014 – copies attached to Update Paper**
Additional information: 08.06.2014
Additional Information: 09.06.2014

2.0 CONSULTATIONS/REPRESENTATIONS

2.1 **Email (rec. 10.06.2014). Ringwold Drove. Objects:**

- We are the primary maintainer of the driveway and it is subject to considerable damage mainly caused by heavy duty vehicles such as the refuse collection lorries, police vehicles and in the recent past the heavy tractor used for many years by the person renting the field to - this person also added to what was an open field shelter and converted it to what is loosely now referred to as a barn.
- The scalping's (without my permission) on Sunday to fill in some holes and then spread the remaining pile across his property entrance giving a false impression of the state of the drive.
- The applicant have never maintained or contributed to the maintenance of the drive or the hedging or the dangerous access on to the A343.
- On Saturday, the drove was cut, again with the use of a large tractor in wet conditions. The tractor left considerable mud and grass on the driveway and damaged the drove at the junction of our property entrance. Upon complaining, they did repair the damage caused but we had to clean the drive.
- Ringwold Drove have been the only persons to maintain the drove which has been subject to fly tipping. There was no purpose in the drove being cut in this way except to impress planners and the planning committee members and I have no reason to assume that this won't be the first and last time that they take any interest in the drove.
- The agent made reference to a sign indicating that the drove was a public right of way and that the sign had disappeared. In fact there was a sign there many years ago clearly stating "This is NOT a public right of way" and had TVBC painted on the bottom. The sign did disappear and I can only surmise that this was done by disgruntled soldiers who climbed over the hedgerows that border the airfield and our property to have a access route to the pub in the village. The practice stopped years ago and I again can only assume that this was stopped as a result of complaints to the Middle Wallop base referencing the fact this is was not a public right of way.
- The drove is not used regularly or at all for that matter by residents. The footpath at the bottom of the paddocks is well known and occasionally used (I own one of the paddocks so am aware of its usage). There has

never been a recognised route from the drove to the village itself and if we, as residents, wish to access the village we are required either to drive or to walk down the A343. The plans from both Hampshire County Council and the OS maps do not show the footpath cutting through the neighbouring paddock and we as residents honoured these plans.

- I have written to the Highways officer who approved the planning application to express my concern about the safe access from the property on to the driveway as this is dangerous and as stated in my original letter to planners has already caused several near misses when the two existing homeowners are attempting to exit from their properties. The existing concern about residents trying to exit and or enter the drive from the A343 continues to be an issue which will only be compounded by additional vehicular traffic.
- The siting of one house sandwiched between two existing properties and an asphalt drive leading to the property only sends warning signs of the further intention of future planning permission applications for additional houses on the site to accommodate the Pinchbeck family members.
- If you are stating qualifications on the home, I would request that this qualification is extended to the guaranty that no additional properties will be sited on this rural land.
- Whilst on the planned private visit today, I would request the planners and members attempt to exit the drive making a right hand turn on to the A343 so that you can observe first-hand the challenges we face. In addition, it would make some sense for you to attempt a right hand turn on to the drive from the village. I would request that you site one of your vehicles on the drive so that you can see for yourselves that it is nearly impossible to see the cars attempting to exit the driveway. Increased vehicular access will only serve to exacerbate the current situation.

3.0 **PLANNING CONSIDERATIONS**

3.1 **Key / Rural worker**

Further discussions have taken place with the TVBC Planning Policy Manager with respect to understanding the intention and interpretation of adopted and emerging Test Valley Borough Local Plan policy for “key workers” and “rural workers”. The latter of which is referenced in the National Planning Policy Framework (NPPF) and the emerging Local Plan.

3.2 Permitting dwellings in countryside locations acknowledges that rural businesses may essentially require new accommodation to be provided on site to meet an identified need. The broad aim of the policy is not necessarily a new approach in so far as it relates to the provision of new dwellings to meet essential need for agricultural and forestry enterprises. However the NPPF has acknowledged that in pursuit of sustainable economic growth, rural business are not necessarily confined to these more traditional industries. However, that is not to say that the intention of the policy is to provide for new housing to serve any and all businesses located in rural areas. The NPPF still requires applicants to demonstrate an essential requirement for new accommodation and for this to be balanced against other material considerations.

3.3 The applicant’s case has been discussed at length in the previous NAPC report. There are also other matters raised more recently by the applicant’s agent that are recorded below. In considering all of these issues, and taking into account

the specific arrangements of this business in a rural area, it is considered that there is no justification to allow for the proposed dwelling in this countryside location. The proposal is therefore considered contrary to Policy SET03 of the adopted TVBLP, and the policies in the NPPF.

3.4 Notwithstanding the NAPC resolution, and in particular Condition 4 recorded on page 13 of the PCC report, it is not considered that such a condition can be reasonably imposed. As discussed above the evidence submitted to the LPA does not justify the presence of a dwelling and so in this respect any future challenge the imposition of the condition could not reasonably be defended. Officer advice is that if Members are minded to grant planning permission that any resolution does not include an occupancy condition of the form included in the NAPC resolution.

3.5 **Does a public right of way exist?**

Although recognising that the applicants have provided an Ordnance Survey Plan (undated) that includes reference to a “path” that runs along Ringwold Drove and one of the neighbouring fields, it is clear from site visits that if the route did exist it has not been used for some period of time. The absence of fingerposts/signs/stiles and the presence of fences, equestrian ‘tape’ and electrical fencing in places suggests that the land is more ‘secure’ than something that is open to the public to cross on foot. The route indicated on the submitted plan is not identified on the Hampshire County Council “Definitive Footpath Map”. The claim that a footpath either existed or continues to do so are also disputed by Ringwold Drove (Para 2.1 above).

3.6 Based on this the status of the footpath has not been categorically confirmed and as such it is considered inappropriate to attach much weight, if any, to the claim in support of the current application. The recommendation of the Head of Planning and Building with respect to the sustainability of the site relative to local infrastructure and the garage site remains the same as that set out previously.

3.7 **Other information**

The applicant’s agent also raised additional matters relating to questions posed by Officers following NAPC.

3.8 Indicative street-scene plan

The applicant’s agent has confirmed that the site has not been the subject of a full topographical survey. A Finished Floor Level of the proposed dwelling has not yet therefore been identified and so in this respect it is not possible to fully verify the details contained in the Street scene drawing. In this respect the applicant’s agent has confirmed that the plan should be treated as indicative only. Should however planning permission be granted a condition requiring details of existing and proposed ground levels is recommended.

3.9 Applicant’s role at the garage

The applicant is “*the Service manager, after sales maintenance and co-ordinates all new car sales. He is taking on more responsibility as his grandfather tries to retire. He is the registered key holder and is the only family member qualified to sort out electrical problems in the associated shop. He has to be on hand at all times*”. (Email dated 9th June 2014)

3.10 Further clarification has been sought from the applicant's agent in relation to the significance of the electrical problems at the garage referred to, and the opening hours of the shop, such that it can be established how much weight should be afforded to this point. At the time of writing this Update Paper a reply has not been received. Members will be updated at Committee if information related to this matter is subsequently provided.

3.11 Alternative sites for a dwelling to serve the needs of the business

The applicant's agent has been asked to provide details of any other land in the control of persons who have an interest in the garage business, in the vicinity of the site. The basis of the request is to establish if alternative sites/property exists that could be utilised to meet the 'need' for a further dwelling.

Clarification was also sought on why these sites were not progressed and the application site favoured to meet the needs of the business. The applicant's agent replies are in *italicised* text:

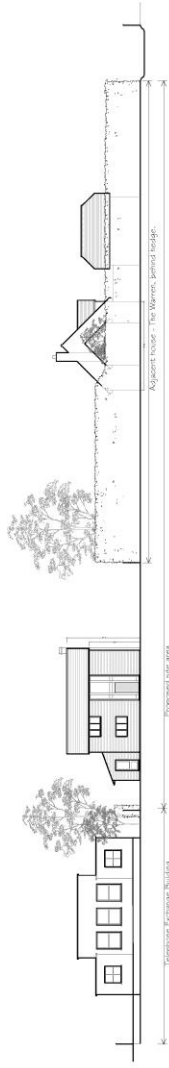
- (i) Rose Hill Flats – this property is located directly opposite the entrance into the garage site and is owned by Mr E. Pinchbeck. *“The building on the site is let on assured tenancies to occupants who work locally. They cannot be turfed out of their flats to make way for the owners grandson”.*
- (ii) Land to the front of Rose Hill Flats – this land is located to the south West of the flats referred to in (i) above and fronts Station Road. The land is owned by Mr E Pinchbeck. The landowner secured planning permission for the erection of a three bedroom dwelling in February 2006 (ref. TVN.02819/7). This permission was never implemented and planning permission has since expired. *“It is on land that has a very high water table and it was prohibitively expensive to build. There was also much opposition from the tenants of the flats”.*
- (iii) 2 Rosehill Bungalow – this property is owned by Mr E. Pinchbeck. He has lived here for 45 years and is trying to retire from the business. *He is expecting Joel Pinchbeck (the applicant) to take over his responsibilities..... he cannot be expected to move out of his home”.*
- (iv) 1 Rosehill Bungalow – this property is occupied by Mr K Pinchbeck with his wife and children (including Mr J Pinchbeck who is the applicant). *“He has lived there since the bungalow was built. He is in charge of the body/paint shop and MOT's. He also cannot be expected to move his family out to make way for his son”.*

The applicant's agent also clarifies that there is no other site for a dwelling at the garage as all outside land is used for parking and car storage. Beyond those listed above the applicant's agent confirms that there is no other land in the vicinity of the site owned by the family.

3.12 Amended plans - implications

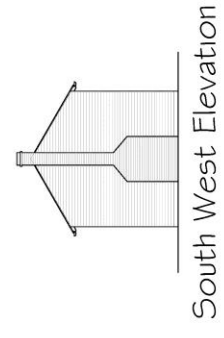
The amended plans received on the 8th June 2014 simply amend the annotations describing the orientation of some of the elevations. This rectifies a typographical error only and there is no consequence to how the LPA considers the merits of the proposal.

4.0 **AMENDED RECOMMENDATION**
No change

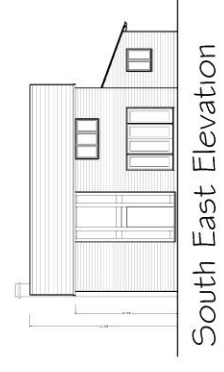


Streetscape Elevation

Scale 1:200



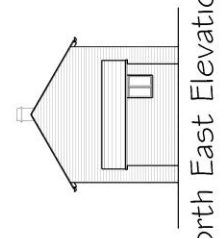
South West Elevation



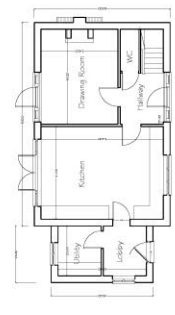
South East Elevation



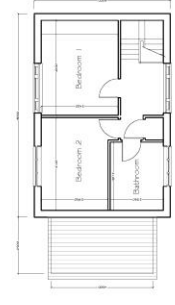
North West Elevation



North East Elevation



Ground Floor



First Floor



Scale 1:100

Rev A - Elevation production completed - 14.02.09



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 PLANS & ELEVATIONS - As Proposed
 DATE: 11.02.09
 SHEET NO: 001
 DRAWING NO: 101

PLANS & ELEVATIONS - AS PROPOSED