

Notice of Meeting

Southern Area Planning Committee

Date: Tuesday 10 January 2023

Time: 5.30 pm

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey, Hampshire,
SO51 8GL

For further information or enquiries please contact:

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Legal and Democratic Service

Test Valley Borough Council,
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PUBLIC PARTICIPATION SCHEME

If members of the public wish to address the meeting they should notify the Legal and Democratic Service at the Council's Beech Hurst office by noon on the working day before the meeting.

Membership of Southern Area Planning Committee

MEMBER

WARD

Councillor M Cooper (Chairman)

Romsey Tadburn;

Councillor M Hatley (Vice-Chairman)

Ampfield & Braishfield;

Councillor G Bailey

Blackwater;

Councillor P Bundy

Chilworth, Nursling & Rownhams;

Councillor J Burnage

Romsey Cupernham;

Councillor A Dowden

Valley Park;

Councillor C Dowden

North Baddesley;

Councillor S Gidley

Romsey Abbey;

Councillor I Jeffrey

Mid Test;

Councillor M Maltby

Chilworth, Nursling & Rownhams;

Councillor J Parker

Romsey Tadburn;

Councillor A Warnes

North Baddesley;

Councillor A Johnston

Mid Test;

Southern Area Planning Committee

Tuesday 10 January 2023

AGENDA

**The order of these items may change as a result of members
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of the meeting held on 13 December 2022**
- 6 Information Notes 4 - 9**
- 7 22/01494/FULLS - 08.06.2022 10 - 31**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Chalk Vale Barn, Chalk Hill, Little Somborne, SO20
6QU, **KING'S SOMBORNE**
CASE OFFICER: Graham Melton
- 8 22/00040/FULLS - 28.01.2022 32 - 49**

(OFFICER RECOMMENDATION: PERMISSION)
SITE: Dandys Ford Fishery, Dandys Ford Lane, Sherfield
English, SO51 6DT, **SHERFIELD ENGLISH**
CASE OFFICER: Nathan Glasgow
- 9 21/02607/FULLS - 23.09.2021 50 - 56**

(OFFICER RECOMMENDATION PERMISSION)
SITE: 14 Fairview Close, Romsey, SO51 7LS, **ROMSEY
TOWN**
CASE OFFICER: Kate Levey

ITEM 6

TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

Availability of Background Papers

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

Reasons for Committee Consideration

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

Public Speaking at the Meeting

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

Content of Officer's Report

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

Status of Officer's Recommendations and Committee's Decisions

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

Conditions and Reasons for Refusal

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

Decisions subject to Completion of a Planning Obligation

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

Deferred Applications

Applications may not be decided at the meeting for a number of reasons as follows:

- * The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- * Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- * The Committee may resolve to seek additional information or amendments.
- * The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

Visual Display of Plans and Photographs

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

Human Rights

The European Convention on Human Rights" ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- * Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- * Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

Natural Environment and Rural Communities Act 2006 (NERC)

The Council has a duty under the Natural Environment and Rural Communities Act 2006 as follows: "*every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*".

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are conditioned as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved, as far as practically possible, will be considered to have been met.

Other Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

In July 2021 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.

So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan,

but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development means:

- Approving development proposals that accord with an up to date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

ITEM 7

APPLICATION NO.	22/01494/FULLS
APPLICATION TYPE	FULL APPLICATION – SOUTH
REGISTERED	08.06.2022
APPLICANT	Ben Kantsler
SITE	Chalk Vale Barn, Chalk Hill, Little Somborne, SO20 6QU, KING'S SOMBORNE
PROPOSAL	Installation of six water storage tanks for frost control and vine irrigation (retrospective)
AMENDMENTS	Received on 08.06.2022, 30.08.2022, 24.10.2022 and 15.11.2022: <ul style="list-style-type: none">• Additional and amended landscape information.
CASE OFFICER	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of Local Ward Members as there is significant local interest.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site forms part of Chalkvale Vineyard which comprises approximately 30ha of open fields located to the north of Chalk Vale and to the west of Chalk Hill.

2.2 This particular application relates to the northern end of one of the central fields within the wider vineyard.

3.0 PROPOSAL

3.1 The proposal is a retrospective application for the installation of six water storage tanks. Each individual storage tank measures approximately 9.2m in diameter and approximately 3.4m in height.

3.2 The six tanks are positioned in a linear arrangement on a north to south axis and on concrete platforms staggered in height to mirror the change in ground level, which decreases from north to south.

3.3 The application includes a proposed landscaping scheme to be planted around the perimeter of the water storage tanks and the painting of the storage tanks themselves a dark grey colour.

4.0 RELEVANT HISTORY

4.1 None.

5.0 **CONSULTATIONS**

5.1 **Archaeology** – Comment (summarised).

- The application site is close against, and possibly impinges on, an enclosure plotted from aerial photographs which is likely to be a prehistoric or Roman settlement.
- Beyond the settlement (away from the development) was Bronze Age burial mound.
- The development undertaken has also impacted the associated prehistoric field system.
- It is very likely that archaeological remains were encountered and destroyed when the development was installed.
- However, as the application is retrospective there is no archaeological response available.
- That having being said, if the outcome of the retrospective application is to trigger or require further ground works at this location, then an opportunity to comment further regarding the archaeological implications of those additional works is requested.

5.2 **Environment Agency** – No comment.

5.3 **HCC Rights of Way** – No comment.

5.4 **Highways** – No objection (summarised).

- From a vehicular perspective, the Highways Authority raises no objections to the proposal.
- Given that the development sits adjacent to a public footpath, HCC Countryside Services should be consulted for their views on the proposal.

5.5 **Landscape** – No objection subject to conditions (following receipt of additional and amended landscape plans).

- Content with charcoal colour - applicant needs to supply RAL colour.
- Management plan should include a paragraph stating that any landscaping which dies, becomes diseased or seriously defected within the first 5 years should be replaced like for like.
- Management plan states that the existing hedgerow will be further re-enforced with native planting and an additional fern fence will be used to provide extra screening.
- This needs to be added to the plan – species, no's etc for additional planting needs to be included.

5.6 **Local Lead Flood Authority** – No comment.

5.7 **Southern Water** – No comment.

6.0 **REPRESENTATIONS** Expired 29.11.2022

6.1 **Ashley Parish Council** – Objection (summarised).

- Ashley Parish Council objects to retrospective application reference 22/01494/FULLS.
- A petition was signed by several households in Up Somborne and every household in Ashley bar one, object to the water storage containers.

Impact on the character and appearance of the area

- The water containers have been described as a ‘mini oil refinery’.
- Not sure how it can be stated that the proposal has a neutral impact on the landscape setting when they are situated on the horizon when viewed from Ashley.
- Photographs attached showing the appearance of the development from a variety of public footpaths in the locality, including Ashley footpaths no. 1, 2 and 723, Chalk Vale Road, Chalk Hill Road and Ashley New Buildings Road.
- Photographs show the extremely detrimental visual amenity impact of the water containers on previously unspoilt views that were enjoyed on local footpaths and the surrounding area.

Water Management

- The application does not state anywhere the volume of water to be extracted from the water table/mains, this is absolutely vital and cannot believe that this has not been included.
- There is also a serious concern about potential local flooding with the introduction of a false climatic condition of continuous rain in one concentrated area.
- There needs to be a study of water volume taken and the effect on the water table and also the effect on properties using supplies in the area.
- The applicant dodged the principle matter of concern to justify and extrapolate the use of water, totally unacceptable.
- If the supply of others has been reduced pressure for example, what does the applicant intend to do in order to correct back to existing pressure levels?
- According to average household usage of 349 litres a day and the 708 households identified in TVBC’s parish profile in 2020, an average daily consumption of 247,092 litres can be calculated.
- Not stated anywhere in the submitted Planning Statement but it is known factually that the sprinkler system put in the vineyard extracts 192,000 litres for one night’s frost protection for one block of vines.
- At the moment 43% of King Somborne’s entire daily water consumption can be attributed to one small block of vines during a frosty night.
- Last year there were 20 days of frost protection needed so for the new sprinkler system as it currently stands it will mean extracting 3.84 million litres of water.
- How can this be environmentally sustainable or acceptable when everyone is being told to be careful with water consumption?

6.2 **Kings Somborne Parish Council – Support.**

6.3 **10 letters from residents – Objection (summarised).**

Principle of development

- Need.
- NPPF, Test Valley Borough Local Plan.
- No apparent consideration has been given to alternative, less detrimental means of irrigation and frost prevention.
- Justification on the basis that the storage tank irrigation is less detrimental than the previous tractor and burner approach that generating a noise disturbance to residents is insufficient and represents a Hobson's choice.
- The water tanks are not essential to the operation of the vineyard.
- No benefit to the local economy of greater productivity from this vineyard.

Impact on the character and appearance of the area

- Character of the area, design, materials, overdevelopment.
- Seems that the development is a terrible blight on a beautiful bit of the country.
- The water tanks are reminiscent of an oil refinery and those in place are the beginning providing only sufficient water for a small element of the vineyard.
- Location of storage tanks near the top of an open hillside results in a significant impact.
- Hideous eyesore visible in what is otherwise a most beautiful and unspoiled valley, resulting from the brutal industrial treatment of the tanks.
- Detrimental to all those who regularly enjoy the beautiful walks and footpaths in this otherwise pristine area of natural beauty of Hampshire.
- To date there has been no mitigating planting project to minimise the visibility impact and even if there were, the tanks are of a size and construction that would undermine the efficacy of any landscaping plan.
- Any planting proposed is unlikely to have a positive impact as it will be positioned on an upward slope and stand out from the rest of the vineyard.
- Dispute the assessment undertaken of the visual impact as asserted in the Planning Statement and other supporting documents.
- Proposal does not comply with the requirements of paragraph 174 of the NPPF or Policy E2 of the Local Plan.

Water Management

- Colossal water extraction – view of Southern Water/Environmental concerns and permissions?
- Been told that in only one block of vines (out of eight) there are roughly 2,000 sprinklers amounting to a total of water consumption of 24,000 litres per hour.
- Or, for one night's frost protection over an average of 8 hours, 192,000 litres of water.

- Last year there were 20 days of frost protection so for the new sprinkler system, it will mean extracting 3.84 million litres of water.
- Told that the tanks installed will only protect a quarter of the vineyard, so potentially there could be 24 tanks with a potential use of 10 million litres of water.
- The aquifer that feeds the River Test, an SSSI ancient chalk stream is already over abstracted by Southern Water to feed local households and other big companies on the catchment.
- This cannot continue in its present form let alone allow other business to set up systems that require large amounts of water from the aquifer.
- EA's published 2019 strategy identifies limitations on current water supply, almost the entire document is about water resource availability and the implications for licensing it.
- The largest abstraction in the Lower River Test is for public water supply and has been subject to extensive investigation resulting in a Public Inquiry.
- As a result of that process, Southern Water's licence was reduced and further conditions were added in March 2019.
- If 3 years ago there was restricted water supply the situation is only going to be worse now after 3 years of low rainfall in 2022 and increased consumption in the catchment.
- Understood that the applicant had applied for a borehole license to supply the water it would have been refused as it exceeds the hourly abstraction, so it is assumed that the water is supplied from mains.
- TVBC need to carefully consider the consequences of allowing the application to proceed from a long term environmental perspective and setting a precedent.
- Strongly suggest that an environmental impact study is carried out to research the ramifications of another 3.84 million litres of water being used in the catchment area.

Ecology

- Noted that the application site is within a nitrate vulnerable zone and the water tanks will be used for fertiliser, which is highly irresponsible as the least organic substitutes or regenerative farming practices should be employed instead.
- Creation of a biodiversity corridor could have easily been included, not offering the bare minimum.

Impact on the amenity of residential property

- Overlooking.

Other Matters

- Likely that if permission is granted, there will be applications to site a greater number of water tanks in the vineyard.
- If permission is issued, what is to stop the applicant applying for more and more tanks?

- When an applicant has knowingly flouted planning rules, the default position should be not to permit planning as to do otherwise makes a mockery of the system.
- Suggest that a retrospective application such as this on such a sensitive and environmentally challenging issue is totally unacceptable.

6.4 **1 letter from the Angling Trust – Objection (summarised).**

- The Angling Trust urge TVBC to refuse the application.
- Both the Rivers Test and Itchen are of international importance and are of two of the finest chalk streams in the country in terms of ecology, diversity and historically enjoyed by anglers and non-anglers alike.
- In 2004 the Environment Agency published a report on the state of chalk stream health and recognised the high conservation value for wildlife, water supply, recreation and culture.
- In 2013, DEFRA published a report stating that abstraction and flow management are significant water management issues in England and Wales and are one of the top pressures needing to be addressed achieve healthy ecology.
- The natural flow regime is a benchmark for a healthy environment, altering these conditions through abstraction or flow regulation can have direct and indirect adverse impacts on the health of the environment and its ecology.
- In 2019, the Environment Agency published their River Test and Itchen abstraction licensing strategy which confirms that water resource availability is restricted and very little scope for additional abstraction without causing additional impact on sensitive water features.
- It is therefore deeply concerning to learn that the applicant is applying for a retrospective planning application for six extremely large water storage containers.
- TVBC should not be encouraging or supporting a business that is fundamentally flawed by its choice of location and which is clearly not environmentally sustainable.
- If the applicant applied for a borehole extraction licence then the maximum amount of water they will be allowed to extract will be 20,000 litres per day.
- Their current sprinkler system uses 24,000 litres per hour for one block of vines with 2,000 sprinklers.
- The water is being supplied to the containers by Southern Water through the mains rather than from a borehole, but this does not negate the fact that the water being extracted is a prolific and not sustainable or environmentally justifiable.
- These issues will only be exacerbated if the applicant applies for further water storage containers to micro-climate manage the remainder of their vines.

6.5 **1 letter from Campaign for Protection of Rural England – Objection** (summarised).

- Test Valley CPRE wishes to object to this application for two reasons; the visual impact of six tanks and the excessive mains water consumption.

Impact on the character and appearance of the area

- The tanks being 9.2m diameter and up to 3.4m high are an obtrusive feature in this otherwise pleasant landscape and will be clearly visible from several footpaths in the area.
- The tanks could have been installed underground and the roofs grassed over.
- It is not considered that the proposed landscaping will provide adequate shielding, as leaves are only present on deciduous hedging for half the year.
- Furthermore, the top surfaces of the tanks would still be visible from viewpoints higher than the tanks, such as those around Ashley.
- The application site lies within Landscape Character Area 6C 'Little Somborne Wooded Downs' and the proposed development would appear to clearly contravene Policy E2 of the Local Plan.

Water Management

- Policy E7 of the Local Plan and paragraphs 7.52 to 7.56 contains a raft of statements about the need to protect water resources and water environment of the district as does Regulation 18 of the draft Local Plan.
- As these documents acknowledge, Test Valley is an area of severe water stress.
- TVBC should demand intended mains water consumption figures, both for the present and foreseeable future.
- The assumptions behind any supplied consumption figures should be clearly stated and annual water consumption to date should also be given.
- Having visited the site, CPRE has estimated the possible annual consumption of water from 5ha to 9.52 million litres per year.
- For comparison, TVBC's Local plan aims that consumption in new housing development should be 110 litres per person per day or 40,000 litres per person per year.
- The annual water consumption from this 5ha block of vines is equivalent to that from 103 new homes.
- Irrigation system could also be used to increase crop yield as well as frost prevention and therefore deplete water supplies at times of low rainfall.

Other matters

- Paragraph 6.4 of the planning statement indicates that if permission is granted then this could set a precedent for the installation of further water storage tanks for the whole vineyard.
- Irrigation system could be replicated across other vineyards within the Borough placing further stress on water resources.

6.6 **1 letter from Wildfish (formerly Salmon & Trout Conservation) – Objection (summarised).**

- Character of the area.
 - Water quantity is a major issue especially on chalk-aquifer fed rivers such as River Test and Itchen are of international importance and are two of the finest chalk streams in the country, in terms of ecology, diversity and historically.
 - They were the birthplace of modern dry-fly and nymph fishing, their value to the local economy through fishing and tourism is significant.
 - The high conservation value of wildlife, water supply, recreation and culture has been recognised in many Government reports and the River Test is a SSSI.
 - Abstraction is a huge threat to the Test, the thrust of Government policy is to cut unsustainable abstraction.
 - Previous by DEFRA and others make it abundantly clear that abstraction is a major threat to a healthy river, this scheme only adds to the pressure on chalk streams.
 - Currently, the Environment Agency is requiring Southern Water to urgently find alternative sources of water to reduce its abstraction of water from the chalk aquifer.
 - Given this background, it is unacceptable for the applicant to receive retrospective permission for six extremely large water storage containers for the purpose of irrigation/frost protection.
 - The potential water consumption is estimated to run at up to nearly 4 million litres a year for a quarter of the vines, this is roughly equivalent to the annual consumption of 100 people – say 50 houses.
 - If the whole vineyard were to be plumbed in, this would equate to the annual consumption of 400 people.
 - The fact that the scheme is being supplied by the mains rather than a borehole is irrelevant as the water is being unsustainably abstracted by Southern Water in the first instance.
- In short, TVBC should turn this proposal down because of its detrimental environmental impact because of the business' error in locating its vines where it has.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy E1: High Quality Development in the Borough

Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5: Biodiversity

Policy E7: Water Management

Policy E8: Pollution
Policy E9: Heritage
Policy LHW4: Amenity
Policy T1: Managing Movement
Policy T2: Parking Standards

7.3 Supplementary Planning Documents (SPD)
Landscape Character Area 10 – Open Chalklands

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Water Management
- Ecology
- Impact on the general amenity of the area
- Heritage
- Impact on the amenity of residential property
- Highways
- Other matters

8.2 **Principle of development**

Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

8.3 In this instance, the development undertaken does not relate to any of the policy exceptions listed under criterion (a) of Policy COM2. Therefore, it is necessary to assess whether it is essential for the proposal to be located within the countryside as required by criterion (b), and this assessment is set out below.

8.4 The application site forms part of an existing vineyard. Section 336 of the Town and Country Planning Act (1990) defines agriculture as:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock...

The use of the application site as for the growing of grapes therefore qualifies as agricultural activity as defined by the Town and Country Planning Act (1990). Agricultural activity is not considered an unusual prospect in the countryside, with countryside locations typically more suitable than land within settlements.

- 8.5 The submitted information sets out the water storage tanks are required as part of frost prevention measures. It is understood from the submitted information that frost has the potential to threaten the growth of the grape vines and therefore, can significantly impact the operation of the vineyard without any mitigation or prevention measures. As a result, it is considered that the principle of water storage tanks to enable the implementation of frost prevention is essential in this instance, given the context of the application site as a vineyard. Consequently, the proposal complies with criterion (b) of Policy COM2 and the application is in accordance with the development framework of the Local Plan.
- 8.6 It is understood from the submitted information and third party representations that prior to the installation of the water storage tanks, frost prevention measures comprised the use of propane burners pulled by vehicles. Although it is likely that the presence of the water storage tanks and the alternative irrigation system will reduce the need and use of the propane burners, this cannot be guaranteed or controlled in the event that planning permission is granted. Therefore, the assessment on the principle of development for the water storage tanks has not accounted for the potential to replace the propane burners but whether they are in principle, a reasonable operational requirement for the vineyard.
- 8.7 On this matter third party representations have asserted that the operation of the vineyard does not economically benefit the local area and the water storage tanks does not represent the least intensive or environmentally detrimental method of frost prevention. However, there is no policy requirement or threshold to demonstrate the economic contribution of the vineyard to the local economy in order for development to be considered acceptable in principle. In addition, the assessment of the development undertaken is on the basis of whether it is acceptable against the relevant material considerations, not on the basis that it represents the most efficient or least detrimental to the environment. An assessment against the other material considerations including the impact on the environment is undertaken below.

8.8 Impact on the character and appearance of the area

Policy E2 relates to the impact of development on the wider landscape, stating as follows:

To ensure the protection, conservation and enhancement of the landscape of the Borough development will be permitted provided that:

- a) it does not have a detrimental impact on the appearance of the immediate area and the landscape character of the area within which it is located;*
- b) it is designed and located to ensure that the health and future retention of important landscape features is not likely to be prejudiced;*
- c) the existing and proposed landscaping and landscape features enable it to positively integrate into the landscape character of the area;*
- d) arrangements for the long term management and maintenance of any existing and proposed landscaping have been made; and*

- e) it conserves the landscape and scenic beauty of the New Forest National Park or the North Wessex Downs Area of Outstanding Natural Beauty where applicable; and*
- f) does not result in the loss of important local features such as trees, walls, hedges or water courses.*

8.9 Criterion (a)

There are a number of local roads and public rights of way within the vicinity of the application site and due to the positioning of the storage tanks on elevated ground, the development undertaken is visible from a number of public vantage points. This includes but is not limited to long distance views from the Chalk Vale and Chalk Hill roads as well as views from public footpaths Ashley no.4, Ashley no. 723 and Kings Somborne no. 20a. This collection of public roads and footpaths serve to provide a variety of long distance views from the south, south-east and south-west of the application site.

- 8.10 Furthermore, Kings Somborne public footpath no. 19 runs directly adjacent to the northern boundary of the application site and as a result, views of the storage tanks from closer proximity are available although the existing vegetation on the northern boundary provides a degree of screening.
- 8.11 As set out above considerable third party representations have raised concerns and objections to visual appearance of the storage tanks. After undertaking a site visit, it is apparent that the storage tanks currently have a visual prominence within the landscape and this is due to the positioning on elevated ground and the reflective nature of the external paintwork. Although the storage tanks are located within the vineyard and seen in context with the vines during growing season, these do not provide substantial screening and do not serve to soften the appearance of the development undertaken during winter months.
- 8.12 However, the storage tanks are positioned Landscape Character Area 10 – Open Chalklands, with the associated character assessment document identifying the prevailing character as a large scale arable landscape. Consequently, there are a number of examples of utilitarian type agricultural buildings within the wider landscape as evidenced by the buildings at Lazilands Farm and Ashley Farm. It is therefore not considered that the design of the water storage tanks itself that is uncharacteristic of the landscape character of the area but their current prominence within the wider landscape that results in a degree of visual detriment.
- 8.13 In response to this concern and the initial comments provided by the Landscape Officer, the planning agent has submitted a proposed landscape planting scheme and also provision for the storage tanks to be painted a non-reflective colour. An assessment of these details is set out in relation to criterion (c) and (d) below, but it is considered that subject to the implementation of measures to reduce the prominence of the storage tanks within the current landscape then the development undertaken would not detrimental to the surrounding landscape. Therefore, the application complies with criterion (a).

8.14 Criterion (b)

The development undertaken is set approximately 14m away from the northern boundary of the open field, demarcated by mature trees and a hedgerow. As a result, due to this intervening distance, it is not considered that the development undertaken has served to prejudice the future health and retention of key landscape features within the immediate locality of the development undertaken. As such, the application complies with criterion (b).

8.15 Criterion (c)

In recognition of the current visual prominence of the storage tanks, a landscape planting plan and landscape management plan has been submitted in support of the application. Following the comments and feedback from the Landscape Officer, the landscaping scheme as set out in the planting and management plans has been updated and amended from the original submission.

8.16 The submitted landscape plan demonstrates that the proposed planting will be arranged in a broadly rectangular configuration around the storage tanks. This arrangement will ensure that the proposed planting softens the appearance of the storage tanks from every direction when viewed from the public realm.

8.17 As a result of the amendments undertaken to incorporate the previous advice from the Landscape Officer, the final schedule and mix of planting is as follows:

- 20% Holly
- 20% Dogwood
- 15% Privet
- 15% Guelder Rose
- 10% Blackthorn
- 10% Hazel

8.18 The mixture of planting has been selected in response to the characteristics of the local landscape and following the amendments undertaken to the species mix, no objection was raised by the Landscape officer. The management plan also sets out that the initial planting whips will be 4 years old and approximately 1m to 1.5m in size. Consequently, the proposed planting will be of a size and maturity to provide an instant impact that will strengthen as the planting establishes.

8.19 Although it is acknowledged that the proposed planting is unlikely to completely screen the appearance of the storage tanks initially, this is not necessary for the development undertaken to be considered acceptable. The purpose of the proposed planting is to significantly reduce the visual prominence of the storage tanks rather than provide a complete screen. As a result, it is considered that the proposed planting measures will enable the appearance of the storage tanks to positively integrate with the landscape character of the area and therefore, the application complies with criterion (c).

8.20 Criterion (d)

The amended landscape management plan as referred to above sets out the requirement to replace any whips the parish within 5 years of the initial planting season, and this requirement has been secured through the imposition of condition no. 2. In relation to the painting of the storage tanks, the imposition of condition no. 3 ensures that the storage tanks will be completely painted in the charcoal grey and subsequently, that the external colour is not altered without the written consent of the Local Planning Authority prior to any changes.

8.21 As a result it is considered that sufficient measures are in place to ensure the long term management and maintenance of the proposed landscaping planting, as well as the retention of the proposed charcoal grey colour for the external appearance of the storage tanks. Therefore, the application complies with criterion (d).

8.22 Criterion (e)

The application site is not located within or in close proximity to the New Forest National Park or North Wessex Downs Area of Outstanding Beauty and therefore, criterion (e) is not applicable in this instance.

8.23 Criterion (f)

As identified above, the development undertaken has not resulted in the loss of an important local features such as trees, walls, hedges or water courses. Consequently, the application complies with criterion (f).

8.24 Conclusion on the impact on the character and appearance of the area

Following the assessment undertaken above, it is considered that the proposed landscape planting measures in conjunction with the painting of the storage tanks a dark grey colour, will ensure that the development undertaken protects and conserves the landscape character of the area in accordance with Policy E2 of the TVBRLP.

8.25 In addition given the measures secured to alter and soften the appearance of the storage tanks, it is considered that the design and scale is acceptable and will avoid any materially significant visual detriment to the character of the area. As a result, the application is in accordance with Policy E1 of the TVBRLP.

8.26 **Water Management**

Third party representations

It is noted that a number of third party representations have raised concern that the presence of the storage tanks onsite enables a significant amount of water abstraction, in an area identified by third party agencies such as the Environment Agency where water resources are under significant pressure.

8.27 On this matter the applicant has confirmed that the application site benefits from a connection to mains water supply and submitted a water bill to the Local Planning Authority confirming that the supply of water is billed by a private company.

- 8.28 Therefore, whilst the concerns in relation to water abstraction are acknowledged, the water supply is being provided by a private water company with no objection or comment received from either the Environment Agency or Southern Water to the consultation requests sent by the Local Planning Authority. As a result, there is no basis to refuse the planning application for the storage tanks on the potential associated water abstraction. In the event that the amount of water abstraction is identified as harmful, then this is a matter between the applicant, the private water company and the Environment Agency to resolve through other legislation outside of the planning process.
- 8.29 With regard to other issues that relates to water management, Policy E7 states as follows:

Development will be permitted provided that:

- a) it does not result in the deterioration of and, where possible, assists in improving water quality and be planned to support the attainment of the requirements of the Water Framework Directive;*
- b) it complies with national policy and guidance in relation to flood risk;*
- c) it does not result in a risk to the quality of groundwater within a principal aquifer, including Groundwater Source Protection Zones and there is no risk to public water supplies;*
- d) all new homes (including replacement dwellings) achieve a water consumption standard of no more than 110 litres per person per day; and*
- e) all new non-residential development of 500sqm or more achieve the BREEAM 'excellent' credit required for water consumption (reference Wat 1).*

Criteria d) – e) need to be satisfied unless it can be demonstrated that it is not financially viable.

- 8.30 Criterion (a)
The installation of the water storage tanks does not give rise to the introduction of contaminative materials onsite and avoids generating pollutants affecting the water quality within the locality. Therefore, the application complies with criterion (a).
- 8.31 Criterion (b)
The location of the development undertaken falls within Flood Zone 1 and therefore, does not conflict with national or local planning policy relating to flood risk. As a result, the application complies with criterion (b).
- 8.32 Third party representations have raised concern that should the tanks leak then a substantial amount of water would flood the immediate area. However, it is apparent from the site visit that the immediately adjoining land is the vineyard itself and therefore, any leak is likely to be contained within the vineyard itself. In the event that there is any damage to third party property arising from the leaks from the storage tanks then this would be a private civil matter.

8.33 Criterion (c)

The application site is not located within a Groundwater Source Protection Zone and the development undertaken is not of a type that results in a risk to the quality of groundwater. Consequently, the application complies with criterion (c).

8.34 Criterion (d)

The development undertaken does not comprise new dwellinghouses and therefore, criterion (d) is not applicable in this instance.

8.35 Criterion (e)

The area covered by the installation of the water storage tanks does not exceed 500sqm and as such, criterion (e) is not applicable in this instance.

8.36 Conclusion on Policy E7

Following the assessment undertaken above it is considered that the proposed scheme is in accordance with Policy E7 of the TVBRLP.

8.37 **Ecology**

Onsite biodiversity

The storage tanks are positioned within the open field that forms part of the vineyard and as such, this land is currently in use for the growing of vines. Due to the positioning of the storage tanks within the open fields rather than on the boundaries, the development undertaken has not served to remove mature trees or hedgerows and there is no external lighting proposed. As a result, it is not considered likely that the development undertaken has given rise to a loss of onsite habitat or adverse impact on protected species.

8.38 As identified above, the proposed scheme includes the provision of additional planting onsite and to ensure that the development undertaken results in the enhancement for onsite biodiversity, a condition has been imposed securing the precise enhancement measures to be incorporated into the proposed planting.

8.39 It is noted that third party representations have raised concern that such measures represent a 'bare minimum' and request the creation of a biodiversity corridor. However, this is not necessary or reasonable to ensure that the development undertaken avoids any adverse impact on protected species and habitats or to achieve the implementation of biodiversity enhancement measures. Therefore, this request has not been taken forward.

8.40 Offsite biodiversity

Third party representations have raised concern with regard to the potential impact of the associated water abstraction on offsite designated ecology sites such as the River Test SSSI. However, as identified above, there has been no comment from either Southern Water or the Environment Agency that the use of the development undertaken triggers any materially significant adverse impact on the ecological value of the River Test SSSI.

- 8.41 In addition, third party representations have also raised concern that the development undertaken triggers the use of nitrate fertiliser within a nitrate vulnerable zone. However, it is understood that the storage tanks are for the storage of water only and as such, there is no direct resulting increase in the use of nitrate fertiliser. Therefore, it is not considered that this concern forms a reasonable basis for refusing the planning application.
- 8.42 Conclusion on ecology
Following the assessment undertaken above, it is considered that the development undertaken avoids any adverse impact on protected species and habitats in addition to offsite designated areas. Consequently, the application is in accordance with Policy E5 of the TVBRLP.
- 8.43 **Impact on the general amenity of the area**
The erection of the water storage tanks has not resulted in the presence of or disturbance to contaminative materials and does not generate any materially significant noise disturbance or smell. Consequently, it is considered that the proposal protects the general amenity of the area and the application is in accordance with Policy E8 of the TVBRLP.
- 8.44 **Heritage**
The development undertaken is in close proximity to and potentially on top of an enclosure likely to be a prehistoric or Roman settlement. In addition, the location of the development undertaken is also likely to have impacted the associated prehistoric field system. As a result, the County Archaeologist has commented that it is very likely that archaeological remains were encountered and destroyed when the water storage tanks were installed.
- 8.45 In response, the planning agent has confirmed that this is not the case and that the installation of the water storage tanks did not result in the identification or loss of any archaeological features. Given the retrospective nature of the application it is not possible for the Local Planning Authority to determine either way whether the installation of the water storage tanks has triggered the loss of any archaeological features. In any event, as commented by the County Archaeologist, there is no archaeological response available given the retrospective nature of the application.
- 8.46 However, it can be concluded that should planning permission be granted then the requirement for additional planting and painting of the storage tanks will not serve to disturb any below ground archaeology. The granting of planning permission therefore will not trigger the loss of harm to below ground archaeology. Consequently, it is concluded that the proposal will preserve and conserve the historic significance and special interest of the historic environment in accordance with Policy E9 of the TVBRLP.
- 8.47 **Impact on the amenity of residential property**
Third party representations have raised concerns in relation to the potential for the proposal to result in adverse overlooking. However, the development is limited to the installation of water storage tanks in this instance and there are no residential properties directly adjacent to the location of the development

undertaken. Consequently, it is considered that the proposal will avoid any adverse impact on the amenity of residential property and the application is in accordance with Policy LHW4 of the TVBRLP.

8.48 **Highways**

The installation of the water storage tanks is not considered to trigger any materially significant increase in vehicular movements and does not serve to alter the existing vehicular access arrangements. Although it is noted that the location of the storage tanks is in close proximity to a number of public footpaths, the positioning of the tanks does not obstruct or impinge the pathways of public footpaths. Therefore, it is not considered that the development undertaken has resulted in an adverse highway safety impact on users of the local road network or safety to users of the local rights of way network. As such, the application is in accordance with Policy T1 of the TVBRLP.

8.49 **Other matters**

Third party representations have raised a number of matters that do not represent material considerations to the assessment of the planning application. Brief comments on these issues are set out below.

8.50 *Retrospective nature of the proposal*

Concern has been raised about the retrospective nature of the application and it has been asserted that this should result in a general presumption against the issuing of planning permission. However, section 73A of the Town and Country Planning Act (1990) enables the submission of retrospective applications and the fact that the development has already been undertaken does not constitute a basis for refusing the application.

8.51 *Issue of precedence*

Concern has been raised about the implication of granting permission for the development undertaken and the potential impact for installing additional storage tanks elsewhere within the wider application site or on other vineyards within the Borough. However, every application is assessed on its own merits and does not serve as a precedent for any potential future development.

9.0 **CONCLUSION**

9.1 The proposal is considered acceptable and in accordance with the policies of the TVBRLP, therefore the recommendation is for permission.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan (001)
Block Plan (002)
Proposed Plans and Elevations (005)
Amended Landscape Plan (version 5)**

Reason: For the avoidance of doubt and in the interests of proper planning.

2. **The proposed landscaping works shall be carried out in accordance with the document titled 'Nyetimber Chalkvale Landscape Management Plan', received on the 5th December 2022, and as shown on the approved Amended Landscape Plan (version 5) in the first available planting season following the issuing of planning permission. The planting shall be maintained to encourage its establishment for a minimum period of five years following the initial planting phase. Any planting that is removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

Reason: To enable the development to protect and conserve the landscape character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

3. **Within 3 months of the permission hereby issued, the storage tanks hereby permitted shall be completely painted in charcoal grey, RAL 7024, in accordance 'Nyetimber Chalkvale Landscape Management Plan', received on the 5th December 2022. Thereafter, the external colour of the development hereby permitted shall not be altered unless otherwise agreed in writing by the Local Planning Authority.**

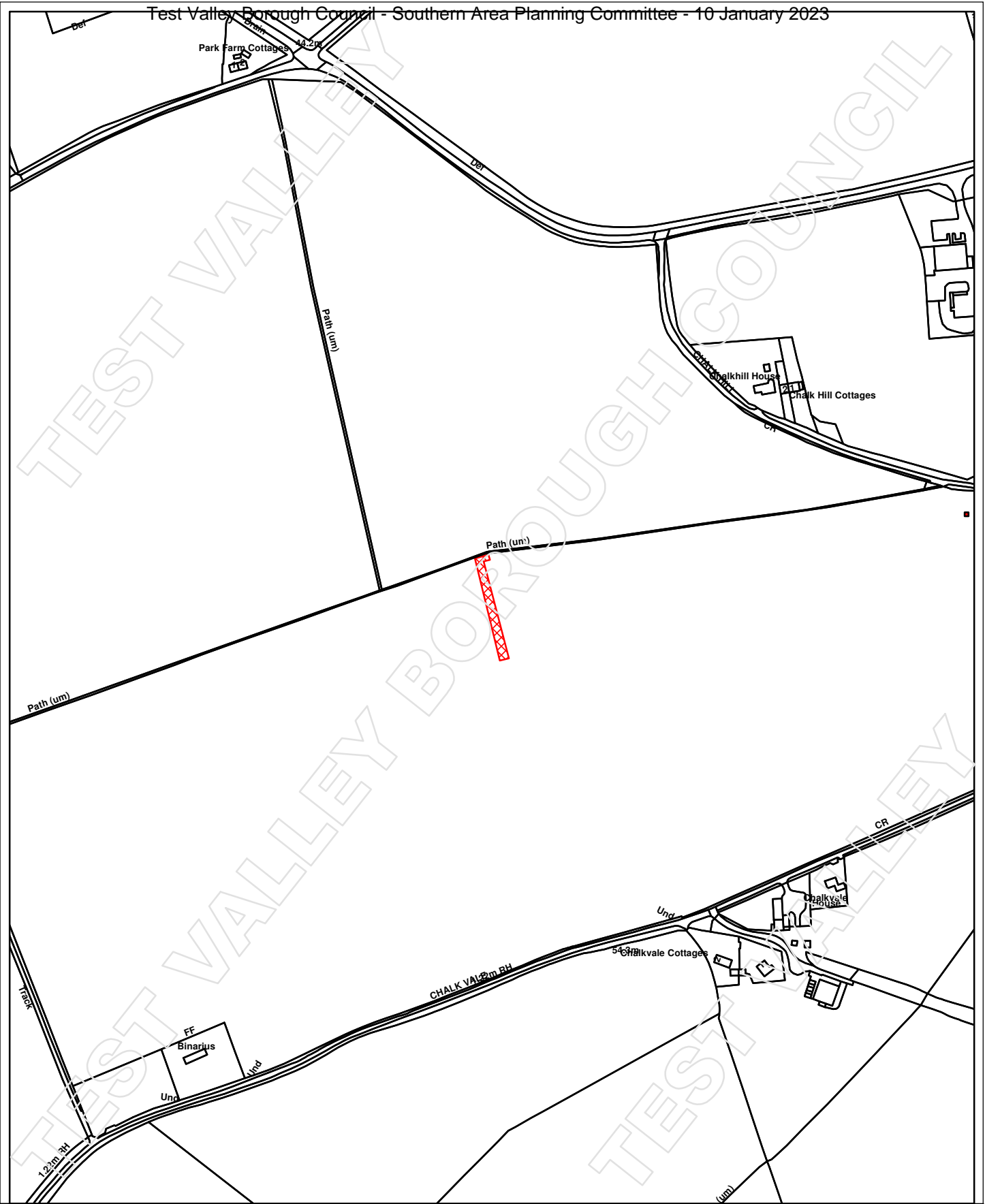
Reason: To enable the development to protect and conserve the landscape character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

4. **No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.**

Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

Note to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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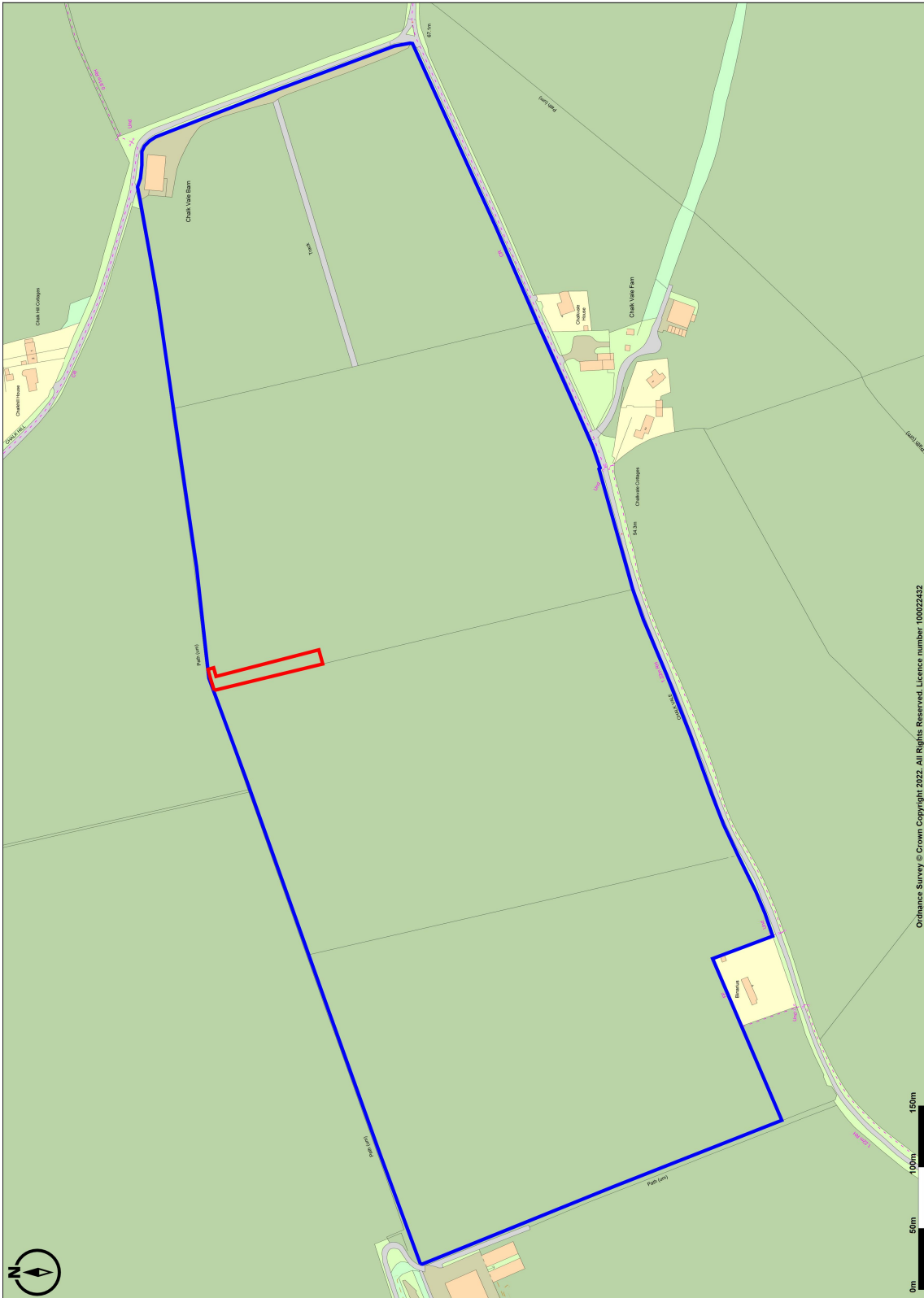


Siteplan



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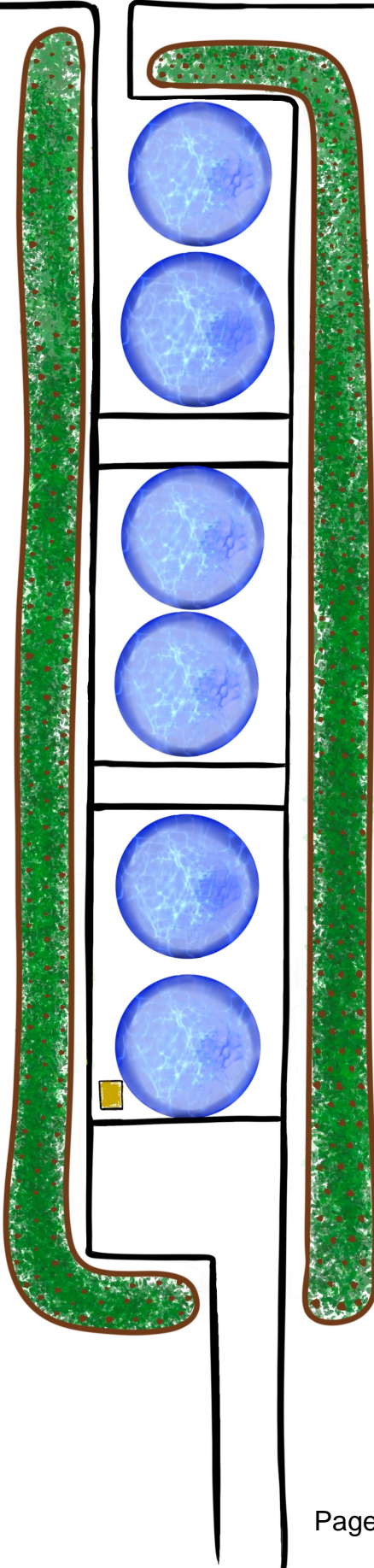
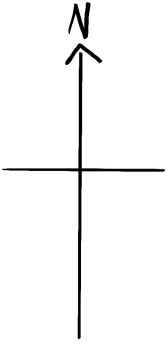


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Printed Scale - 1:5000. Paper Size - A4

Promap
LANDMARK INFORMATION

Location Plan 001

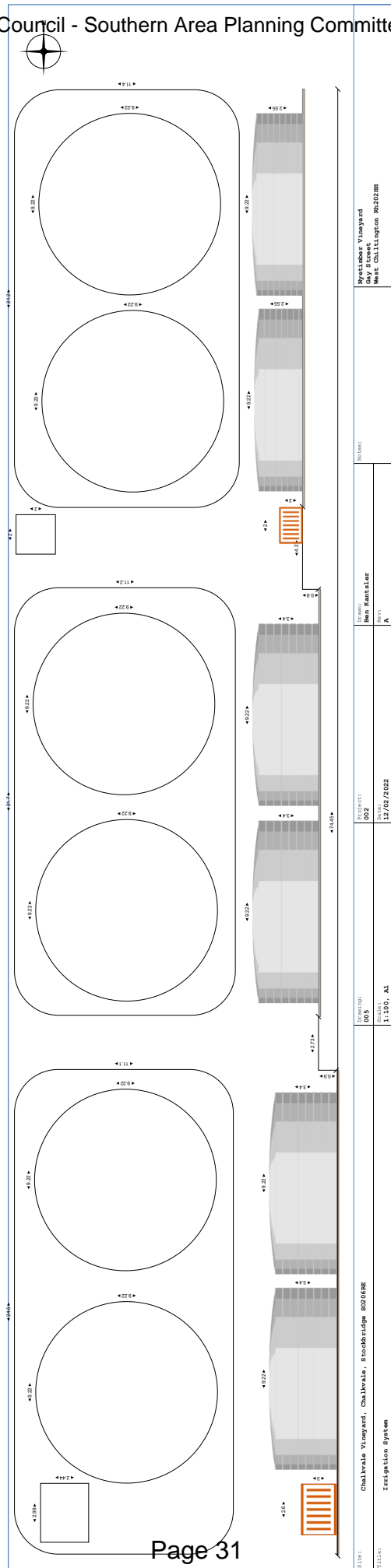
Nyetimber Chalkvale Planting Plan
Screening for new installed water tanks
Scale 1:250



Mixed Native Hedge, as in surrounding environment:

- 20% Holly - *Ilex aquifolium*
- 20% Dogwood - *Cornus sanguinea*
- 15% Privet - *Ligustrum vulgare*
- 15% Guelder rose - *Viburnum opulus*
- 10% Blackthorn - *Prunus spinosa*
- 10% Box - *Buxus sempervirens*
- 10% Hazel - *Corylus avellana*

Planted 45cm apart in three staggered rows of 30cm apart.
A total of 1,300 plants



ITEM 8

APPLICATION NO.	22/00040/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	28.01.2022
APPLICANT	Mr And Mrs Metcalfe
SITE	Dandys Ford Fishery, Dandys Ford Lane, Sherfield English, SO51 6DT, SHERFIELD ENGLISH
PROPOSAL	Convert tearoom/storage building to a dwelling including installation of dormer windows
AMENDMENTS	None
CASE OFFICER	Nathan Glasgow

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

1.1 The application is presented to the Southern Area Planning Committee as the recommendation is permission for a scheme that is a departure to the Local Plan, and has received a public objection.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is located within Dandys Ford Fishery, an extensive fishing lake located on Dandys Ford Lane.

3.0 PROPOSAL

3.1 Convert tearoom/storage building to a dwelling including installation of dormer windows.

3.2 Previous planning history (as shown below) has confirmed that the prior approval for the conversion to a dwelling is not required by the Council. Therefore, the works proposed are for the operational development to facilitate that conversion.

4.0 HISTORY

4.1 **21/02399/PDMAS** – Prior Notification under Class MA – Change of use from tearoom (Class A3) to single (C3) dwellinghouse – Prior approval not required

4.2 **18/02363/FULLS** – Change of use of part of a tearoom and storage building to a rural worker's dwelling – Refused

4.3 **16/01029/FULLS** – Create entrance from Dandy's Ford Lane and provide hardstanding car parking area for up to 8 cars for the members with fencing, gate and new earth bank (Retrospective) – Permission subject to conditions

4.4 **14/02464/FULLS** – Erection of three holiday cabins – Permission subject to conditions

5.0 **CONSULTATIONS**

5.1 **Ecology** – No objection subject to conditions

5.2 **Natural England** – Additional information required regarding impacts to Mottisfont Bats and a management/monitoring plan for the installed package treatment plant

6.0 **REPRESENTATIONS** Expired 13.09.2022

6.1 **Sherfield English Parish Council** – No objection

6.2 **Hillside, Doctors Hill** – Objection

“A[n] explicit condition should be placed on any permission to restrict light spill and external lighting in accordance with Bat Trust best practice guidelines (as supported by Natural England) in order to reduce any impact on wildlife, in particular bats as these are a protected species known to live and forage in this area and the property is also within 7.5km of the Mottisfont Bats SAC. It would be best practice to request ecological mitigation and enhancement measures to compensate for the change of the building from limited commercial use to full time residential”.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Town and Country Planning Act 1990 – Section 70(2)

Planning and Compulsory Purchase Act 2004 – Section 38(6)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2: Settlement Hierarchy

COM12: Existing Dwellings and Ancillary Domestic Buildings in the Countryside

LE16: Re-use of Buildings in the Countryside

E1: High Quality Development in the Borough

E5: Biodiversity

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

7.3 Neighbourhood Plan

Sherfield English Neighbourhood Plan – Designated Area

7.4 Supplementary Planning Documents (SPD)

Sherfield English Village Design Statement

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on character and appearance of the area

- Impact on biodiversity
- Impact on amenity
- Impact on highway safety

8.2 Principle of development

The application site is located within the countryside, as defined by the Local Plan. Policy COM2 of the Local Plan seeks to restrict development to areas of settlement, unless it is considered either a) appropriate to be located in the countryside or otherwise b) is essential to be located in the countryside.

8.3 The application is not supported by any further information in regards to policy compliance, although it is suggested that the scheme is in accordance with Policy LE16 – Re-use of buildings in the countryside.

8.4 Policy LE16 – Re-use of buildings in the countryside

The re-use of buildings in the countryside for commercial use (including tourist accommodation) will be permitted provided that:

- a) The building is structurally sound and suitable for conversion without substantial rebuilding, extension or alteration; and
- b) The proposal would not result in the requirement for another building to fulfil the function of the building being converted; and
- c) The proposed use is restricted primarily to the building; and
- d) Development would lead to an enhancement of its immediate setting

The re-use of buildings in the countryside for residential use will be permitted provided, in addition to criteria a)-d) above, that:

- e) The proposal is for occupational accommodation for rural workers; or
- f) It is demonstrated that every reasonable attempt has been made to secure commercial use (including tourist accommodation); or
- g) There is no other means of protecting and retaining the building which is of architectural or historic merit.

8.5 Due to the lack of policy information provided in support of the application, the following is a brief overview of the scheme's compliance with Policy LE16.

8.6 *Is the building structurally sound?*

The tearoom has been in consistent use between the period of construction in 2003 until January 2021, and its appearance and age would suggest that, in the absence of a structural survey, that the building is structurally sound and suitable for conversion.

8.7 *Is another building required subject to this conversion?*

There are no other buildings proposed to be built, converted or similar.

8.8 *Is the proposed use restricted primarily to the building?*

The application seeks conversion works to the existing building and as such, the use is restricted primarily to the existing building.

- 8.9 *Would the development lead to an enhancement of its immediate setting?*
The proposed external changes amount fenestration detailing and a new dormer window. The siting of the building is such that there are limited public views, and it is considered that the scheme would result in a neutral impact upon the immediate setting.
- 8.10 *Is the proposal for occupation accommodation?*
No, the scheme is not for occupation accommodation and as such, criterion e) is not relevant.
- 8.11 *Has it been demonstrated that every reasonable attempt has been made to secure a commercial use?*
There is no information within this application which refers to what attempts have been made to secure a commercial use. Evidence was provided within the recently refused application of 18/02363/FULLS but this has not been submitted within this application. The scheme does not accord with criterion f).
- 8.12 *Is the building of architectural or historic merit?*
The existing building is not of architectural or historic merit.
- 8.13 The scheme is not considered to accord with the provisions as set out in Policy LE16 of the Revised Local Plan, and as such, must be assessed against policy COM2b of the Revised Local Plan, taking into consideration the fact that the proposal is for an unrestricted dwelling the proposal fails to accord with Policy COM2 of the RLP.
- 8.14 *Fall-back Position?*
Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless considerations indicate otherwise. This is echoed by the National Planning Policy Framework. In addition, the RLP is considered an up-to-date development plan which is not silent on development within the countryside and thus full weight must be given to it. However, it is considered that in this instance, there are other material considerations that must be taken into consideration in the determination of the application.
- 8.15 Although the building that is the subject of this application is at present a tearoom, it does have previous permission under the prior approval facility to be converted into a residential building. Therefore, it is considered that there is a reasonable prospect of a residential unit on site, whereby Policy COM12 would apply if the proposals were submitted once the permission has been implemented. There is no practical reason that the permission could not be implemented and the fall-back position therefore weighs significantly in favour of the principle of permitting the proposed development, contrary to the provisions of the Test Valley Borough Revised Local Plan (2016).

- 8.16 Along with considering the likelihood of the extant permissions being implemented, it is also necessary to assess the impact of the proposed scheme against the permitted scheme, to determine whether or not there would be any significant impacts over and above the permitted scheme. This methodology is reflected in previous appeal decisions and, in relation to this proposal, is discussed further below.
- 8.17 Impact on character and appearance of the area
The existing building is set within the wider fisheries site, and bounded from Dandys Ford Lane by extensive foliage and vegetation, and there are no local public rights of ways which afford public visibility of the site. Though the application under consideration does include dormer windows, it is considered that these are well designed and relate well to the existing property and thus do not have a materially greater impact on the character and appearance of the area when considered against the extant prior approval consent and is therefore in accordance with Policy E1 of the Revised Local Plan.
- 8.18 Impact on ecology
On-site ecology
The building to be impacted by the proposed development appears to have been around 10 years old. As such, the Council's Ecologist considers there to be no reasonable likelihood that bats would be present and affected raises no specific concerns over this proposal. Notwithstanding this, it is advised by the Ecologist that, in accordance with Policy E5 of the Revised Local Plan, that opportunities to incorporate biodiversity within proposed development should be encouraged. A condition is recommended to reflect this requirement as set out by the Ecologist, and subject to the details of the condition being provided, the scheme would accord with Policy E5 of the Revised Local Plan.
- 8.19 Off-site ecology
The scheme would provide one additional dwelling and as such is subject to the New Forest SPA mitigation framework and an assessment of nitrate neutrality.
- 8.20 New Forest SPA
The applicant has confirmed that they intend to enter a legal agreement to provide the required mitigation to potential impacts to the New Forest SPA. The legal agreement is currently in draft format and includes the provision of the New Forest SPA payment.
- 8.21 Southampton and Solent SPA
Due to impacts of new dwellings upon the Southampton and Solent SPA, an assessment of nitrate neutrality is required. As above, the applicant has sought to enter a legal agreement and purchase credits from Roke Manor Farm, who have been removing agricultural (pig farming) land from agricultural use. Natural England have no objection to the scheme, subject to the submission of a maintenance and monitoring plan for the package treatment plant that has been proposed. This has been submitted, and a condition is recommended to reflect this.

8.22 Mottisfont Bats SAC

The application site is within 7.5km of the Mottisfont Bats SAC foraging area. Natural England have requested an appropriate assessment is carried out to consider the impacts of this development upon the SAC; this has been completed and concludes that there is no harm to the SAC.

8.23 Subject to the completion of the legal agreement covering mitigation to both the New Forest SPA and the Southampton and Solent SPA, the scheme is considered to accord with Policy E5 of the Revised Local Plan and the Habitats Regulations 2017.

8.24 Impact on amenity

As assessed above, the existing building is located within the fishery complex and as such, there are no local neighbouring properties within proximity of the site. The scheme accords with Policy LHW4 of the Revised Local Plan.

8.25 Impact on highway safety

The existing layout of the site (in terms of access and parking) is to be retained, and is not considered to result in any harm to highway safety. The scheme accords with Policies T1 and T2 of the Revised Local Plan.

8.26 Sherfield English Neighbourhood Plan (NP)

The Sherfield English NP has not yet been 'made' and it has been confirmed by the Council's Policy Team that the NP should be afforded limited weight in the determination of planning applications at this stage.

8.27 Sherfield English Village Design Statement (VDS)

Though the proposal does include the installation of dormer windows, these are well designed and set on the existing roof slope and it is considered that the proposal does not result in any visual changes to the setting of the area. The VDS does not have any guidance notes in which this form of development is discouraged, and therefore it is considered that the scheme is not contrary to the Sherfield English VDS.

8.28 Planning balance

The proposal would be contrary to the development plan in that the conversion of the building would result in a new residential dwelling on a site designated as countryside in the Test Valley Borough Revised Local Plan (2016).

8.29 The proposed development does not comply with policies LE16 or COM12, due to the building conversion not proposed for occupational accommodation, with no reasonable attempt (as part of this application) made to secure a commercial use. Furthermore, whilst an extant approval exists, this is yet to be implemented. As a result, the proposal for a dwelling in the countryside is contrary to Policy COM2.

8.30 Notwithstanding the above, there are material planning considerations that must be taken into account when determining this application and these must be weighed against the conflict with the development plan.

8.31 The report details the fall-back position of the applicant, who has demonstrated that the residential conversion of the building under the PDMA application is more than a theoretical prospect. The fall-back position that the building can be redeveloped under extant permissions is a consideration that weighs significantly in favour of the proposal now submitted.

8.32 In addition to this, the scheme would also provide an additional unit of accommodation. The Council is providing in excess of the minimum requirement of its 5 year housing land supply and a single unit is not considered to be substantial enough to merit outright support to the housing provision. It is nonetheless a small benefit when assessed in the planning balance.

8.33 Despite not being an essential form of development located within the countryside, the planning balance weighs in favour of the proposed development.

9.0 **CONCLUSION**

9.1 The proposed development is a departure from the Test Valley Borough Revised Local Plan (2016) in that it is contrary to policy COM2. However, the conversion of the building on the site has prior approval and is clearly more than a theoretical prospect. The likely residential use of the site is a significant factor in determining this application and weighs significantly in favour of granting permission. Considering this, coupled with the proposals not resulting in any adverse impacts on the character and appearance of the surrounding area, amenity, highways or ecology, permission is recommended subject to conditions, contrary to the provisions of the Development Plan.

10.0 **RECOMMENDATION**

Delegate to Head of Planning and Building to:

- **Complete a legal agreement to secure off site mitigation to achieve nitrate neutrality.**
- **The provision of a financial contribution towards the New Forest Special Protection Area (SPA) and;**

then PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans/numbers:**

Location Plan - 01

Proposed Ground/First Floors - DFF.PD.01

Existing/Proposed Ground Floor - DFF.PD.02

Proposed First Floor - DFF.PD.03

Proposed Section - DFF.PD.04

Proposed Elevations - DFF.PD.05

Proposed Elevations - DFF.PD.06

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. The external materials to be used in the construction of all external surfaces of the development hereby permitted shall match in type, colour and texture those used in the existing building.**

Reason: To ensure a satisfactory visual relationship of the new development with the existing in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.

- 4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within its curtilage.**

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM2.

- 5. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 120 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

- 6. Prior to reaching DPC level, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.**

Reason: To enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

- 7. Prior to the installation of any external lighting, a detailed lighting strategy for the construction and operation phase of the works shall be submitted to and approved in writing by the Local Planning Authority. Works shall subsequently proceed in accordance with any such approved details, with the approved lighting strategy maintained in perpetuity.**

External lighting shall follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

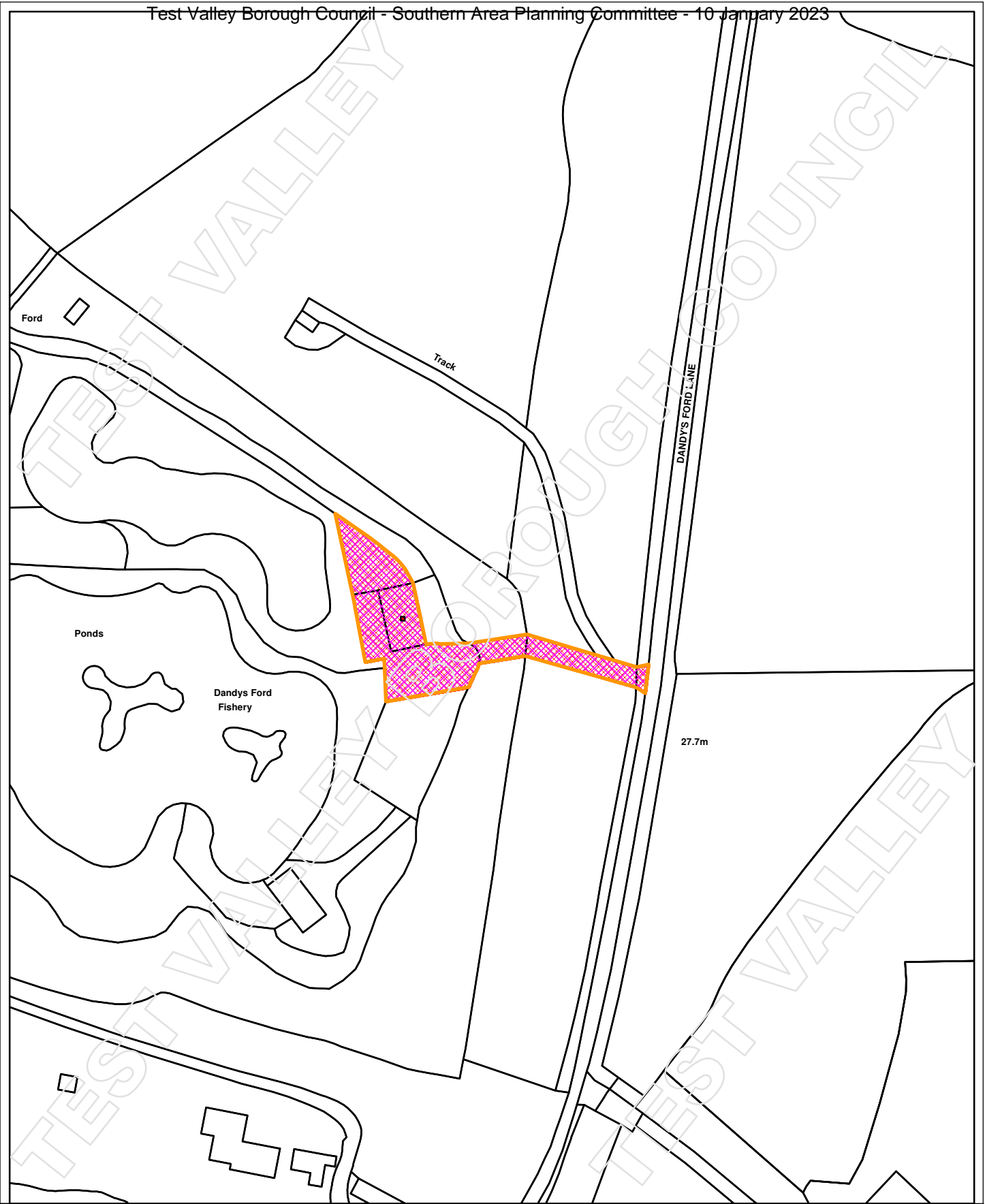
Reason: To prevent disturbance to protected species in accordance with the National Planning Policy Framework and the Test Valley Borough Revised Local Plan (2016).

- 8. Development shall proceed in accordance with the submitted Monitoring and Maintenance instructions for One2Clean wastewater treatment system, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To ensure the ongoing maintenance of the required treatment plant in order to appropriately mitigate against nitrates, in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 - 2. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.**
-




Siteplan

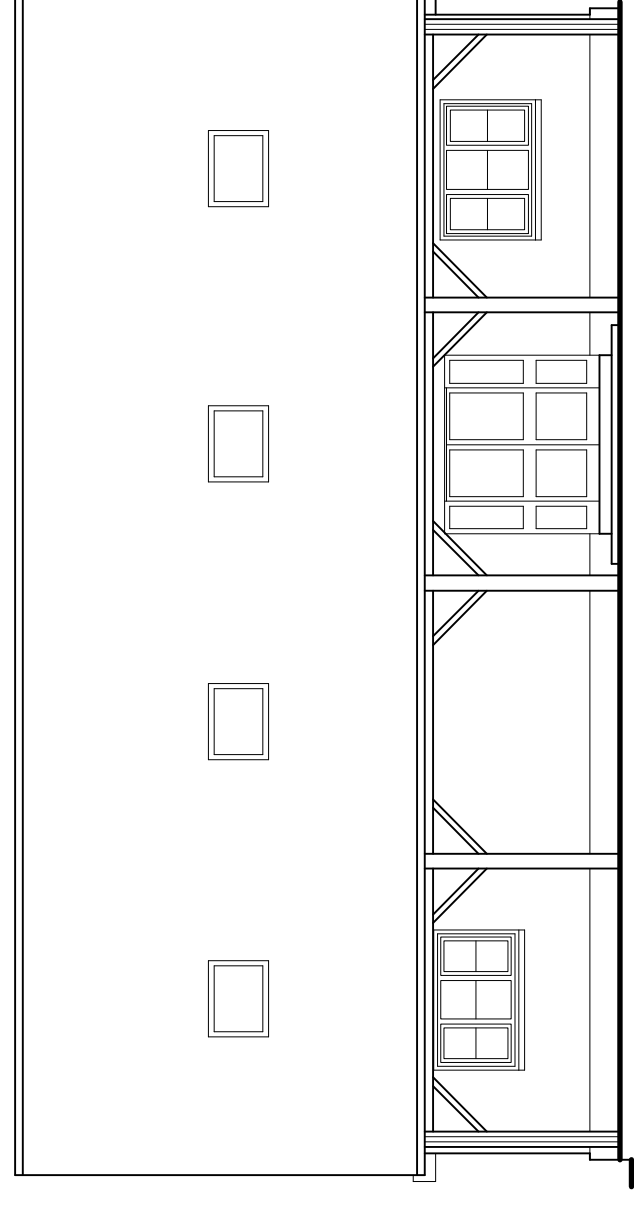


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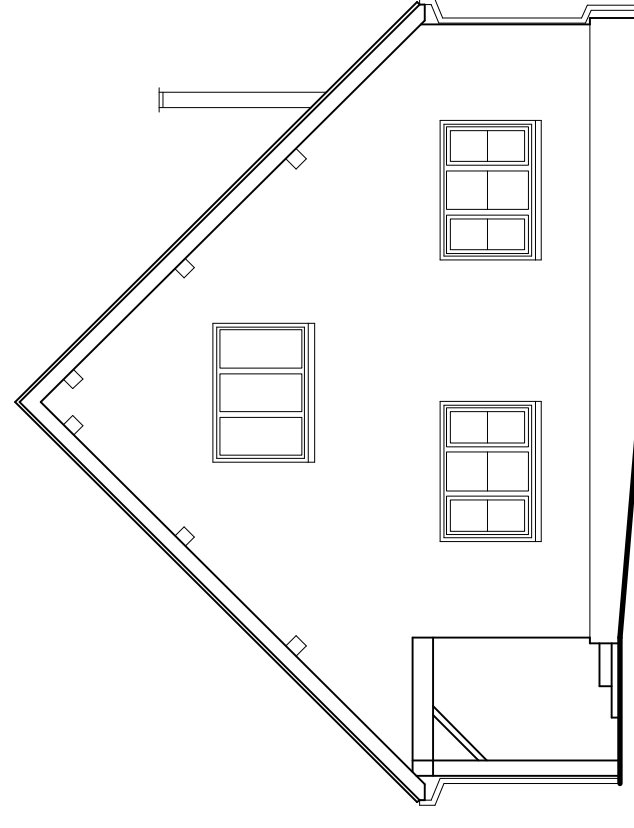
22/00040/FULLS



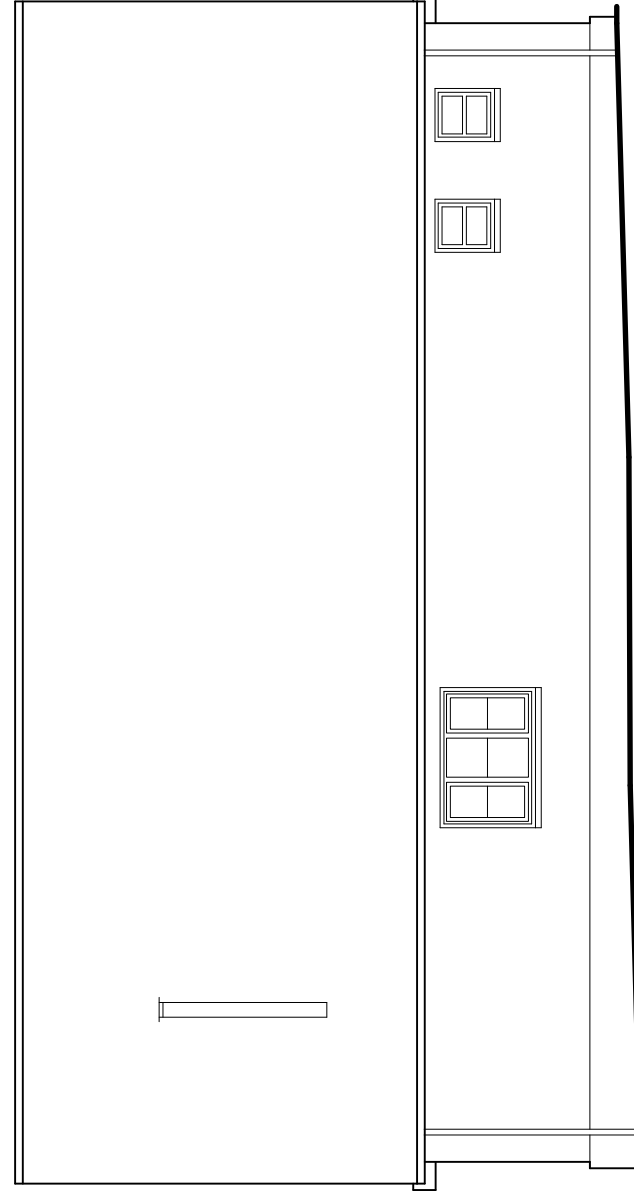
	Client Mr and Mrs Metcalfe		Drawn .		Checked .		Revision .		Date .		Project Title Class 1(A) operational development planning application	
	Address Dandy's Ford Fishery, Dandy's Ford Lane, Sherfield English SO51 4DT		Scale 1:2500 @ A4		Project Number 273		Drawing Number 01		Date 27/01/2022		Drawing Notes This drawing is not to be reproduced, copied or given to a third party without express permission. Always refer to dimensions on drawing. All dimensions to be verified on site before proceeding with work, drawing not intended for construction purposes. All dimensions given in millimeters unless stated otherwise.	



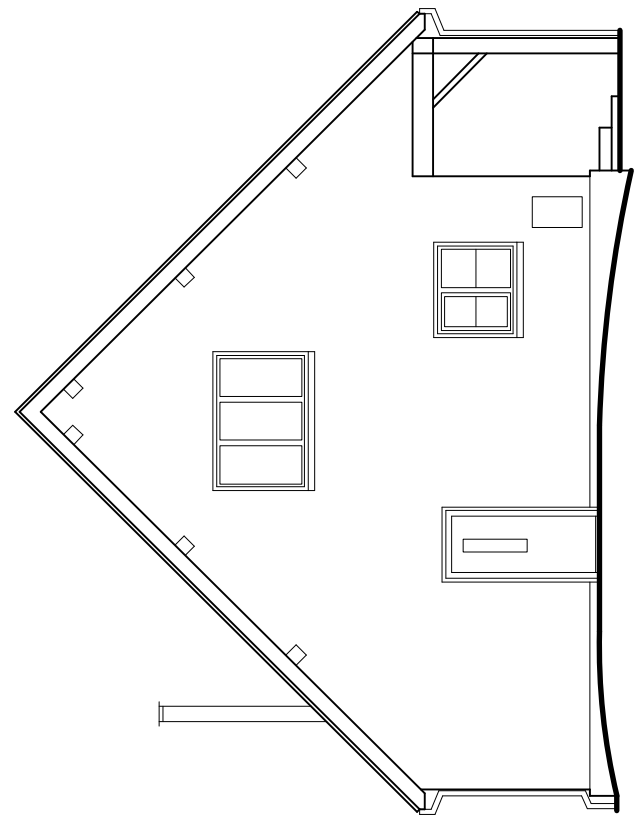
25.0m DATUM
WEST (Front) ELEVATION: as existing
1:100



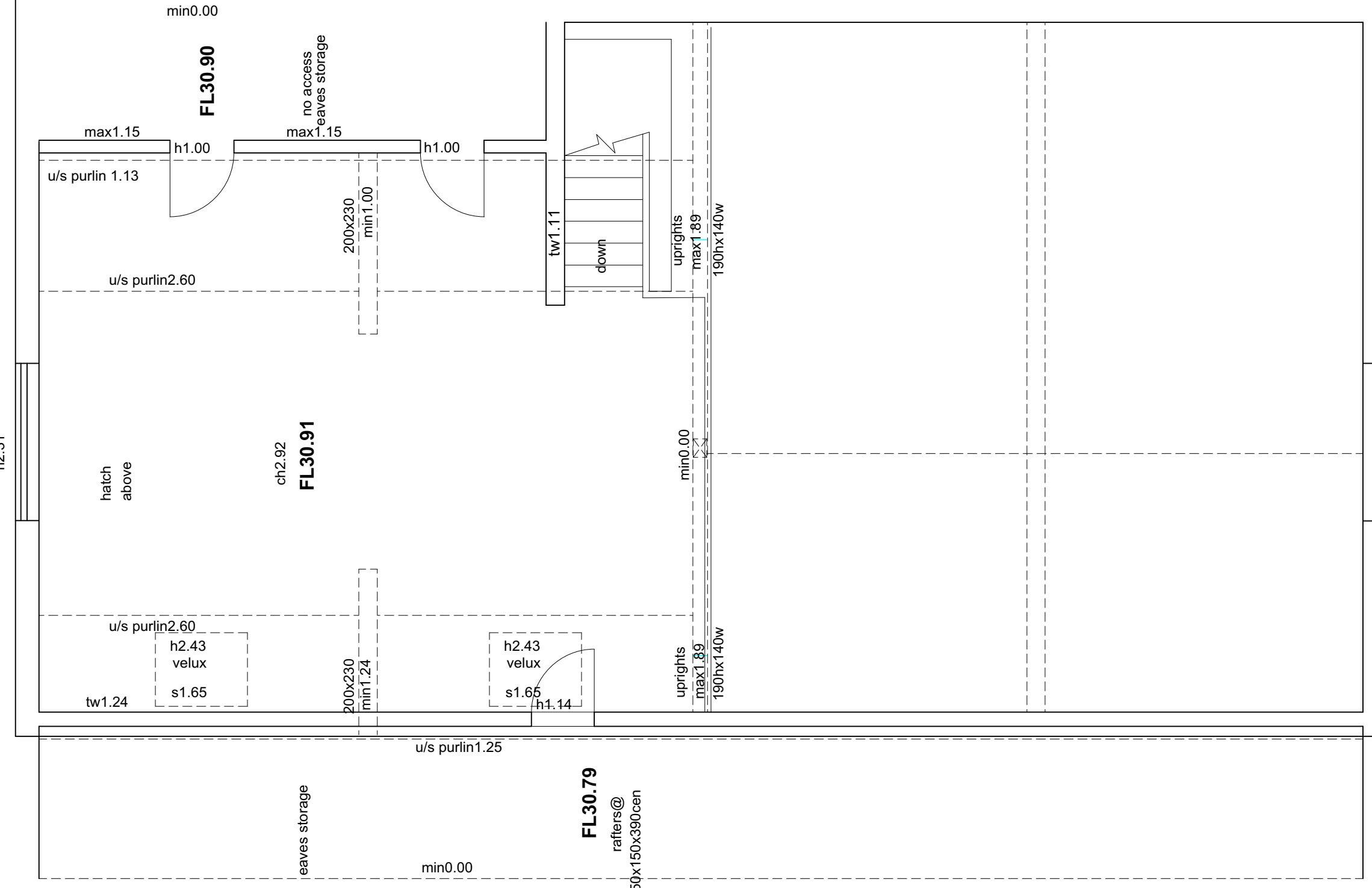
25.0m DATUM
SOUTH (Rear) ELEVATION: as existing
1:100



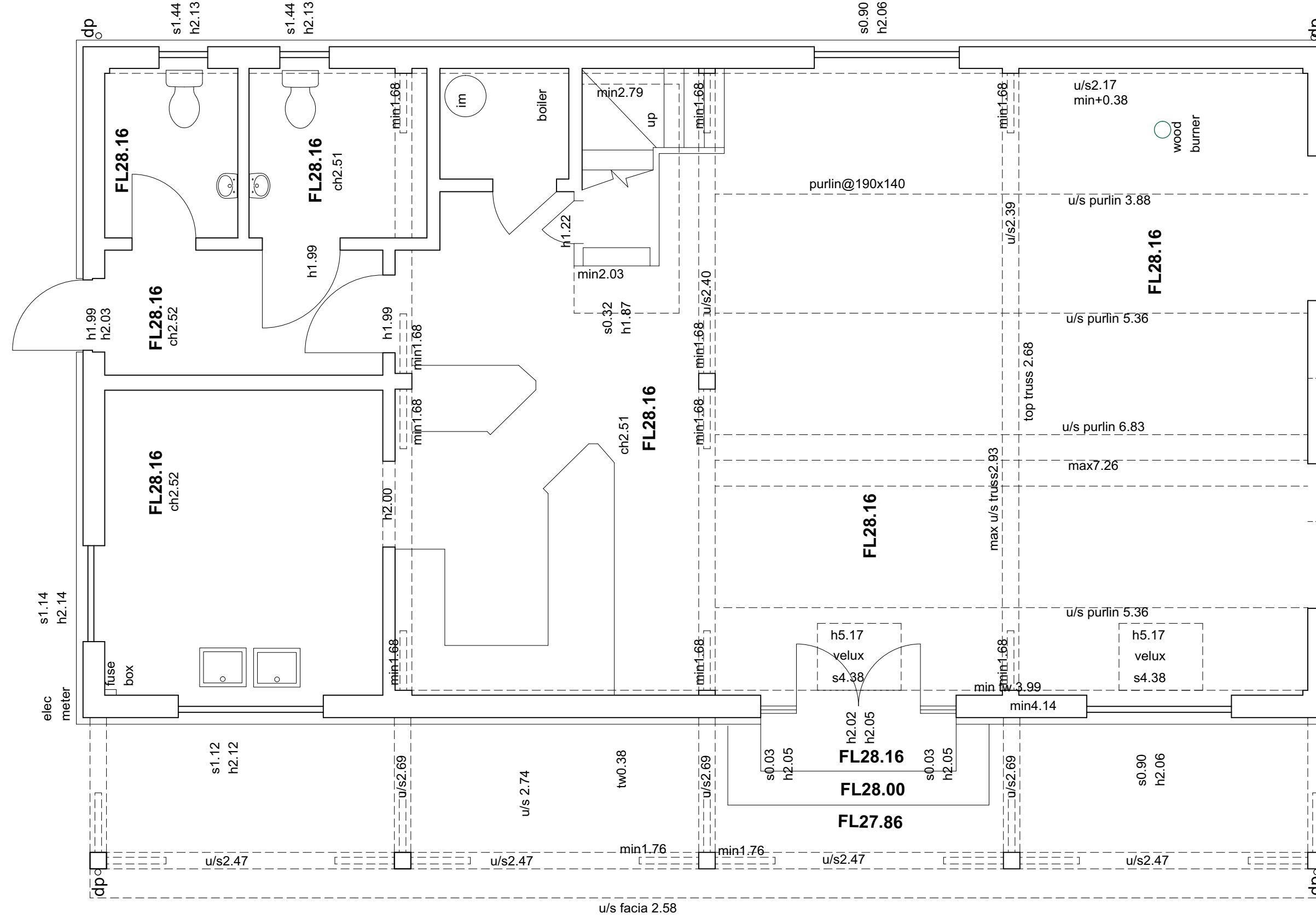
25.0m DATUM
EAST (Rear) ELEVATION: as existing
1:100



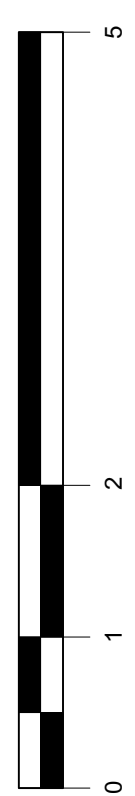
25.0m DATUM
NORTH (Side) ELEVATION: as existing
1:100



FIRST FLOOR PLAN: as existing
1:50



GROUND FLOOR PLAN: as existing
1:50

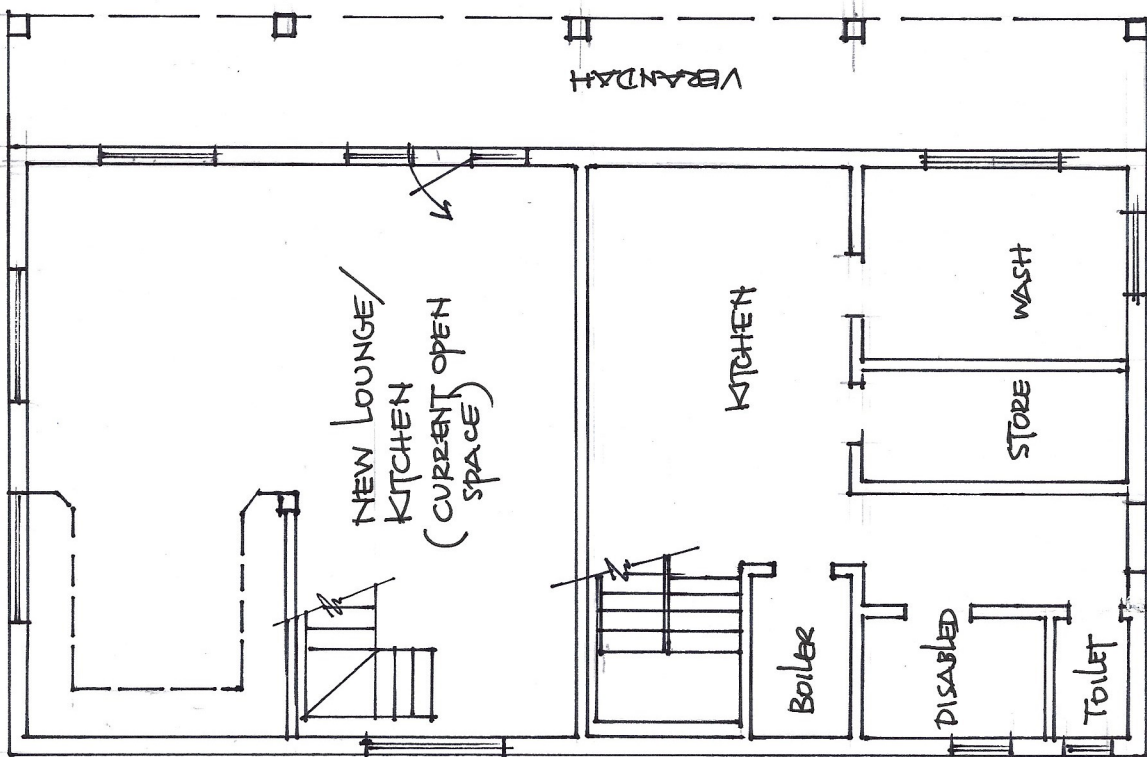


DANDY'S FORD FISHERY.

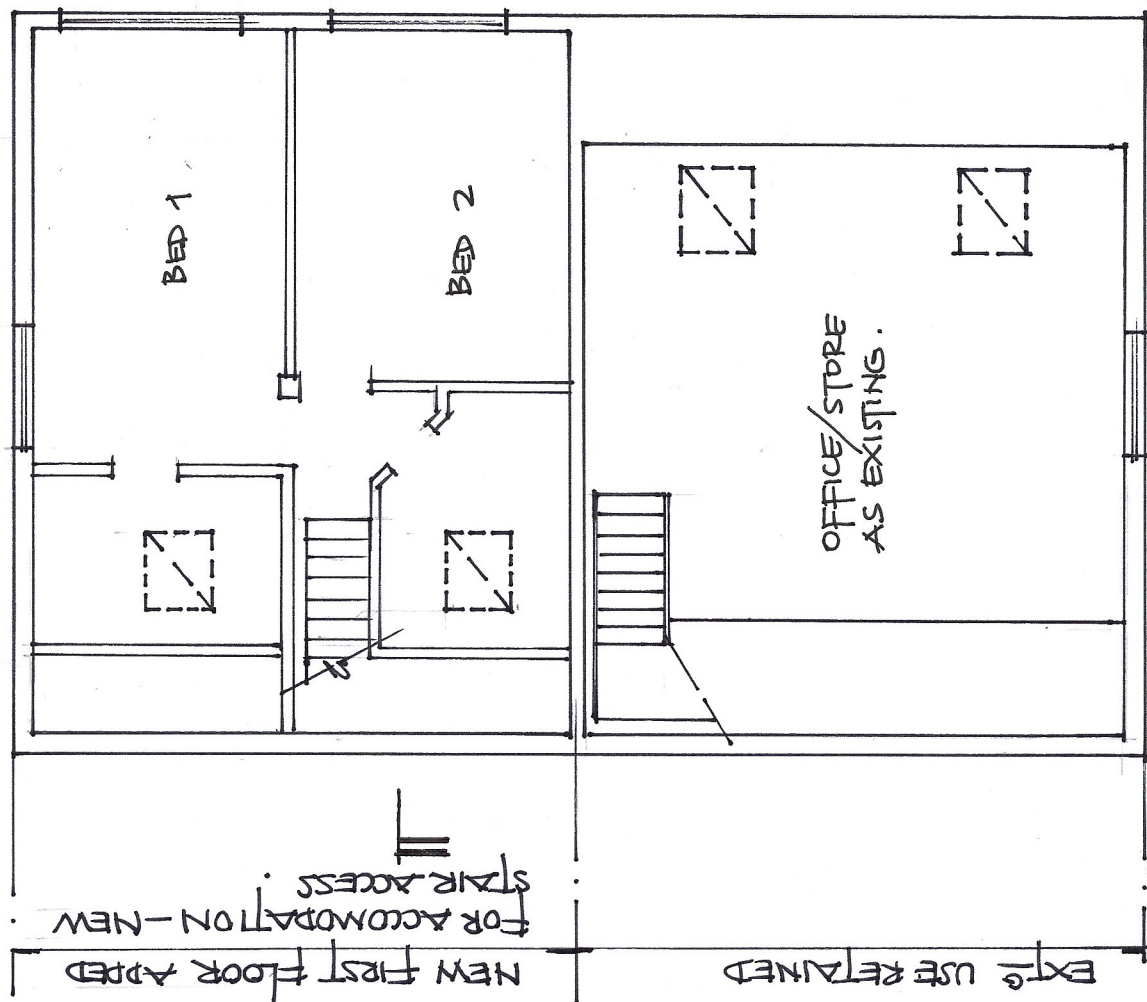
DRG: DFF.PD.01.

NEW ROOF LIGHTS

EXT. WINDOW LOWERED.



EXISTING USE RETAINED:
CONVERTED TO ACCOMMODATION
STAIR RE-CONFIGURED



NEW TWO BAY FORMER
WINDOW. ROOF LIGHTS
REMOVED.

FOR SECTION SEE
DFF.PD.0

ROOF LIGHTS
RETAINED.

GROUND FLOOR PLAN
1:100

FOR DETAILS OF CHANGES SEE
DFF.PD.02
BUILDING OVERALL FOOTPRINT
UNCHANGED.

FIRST FLOOR PLAN
1:100

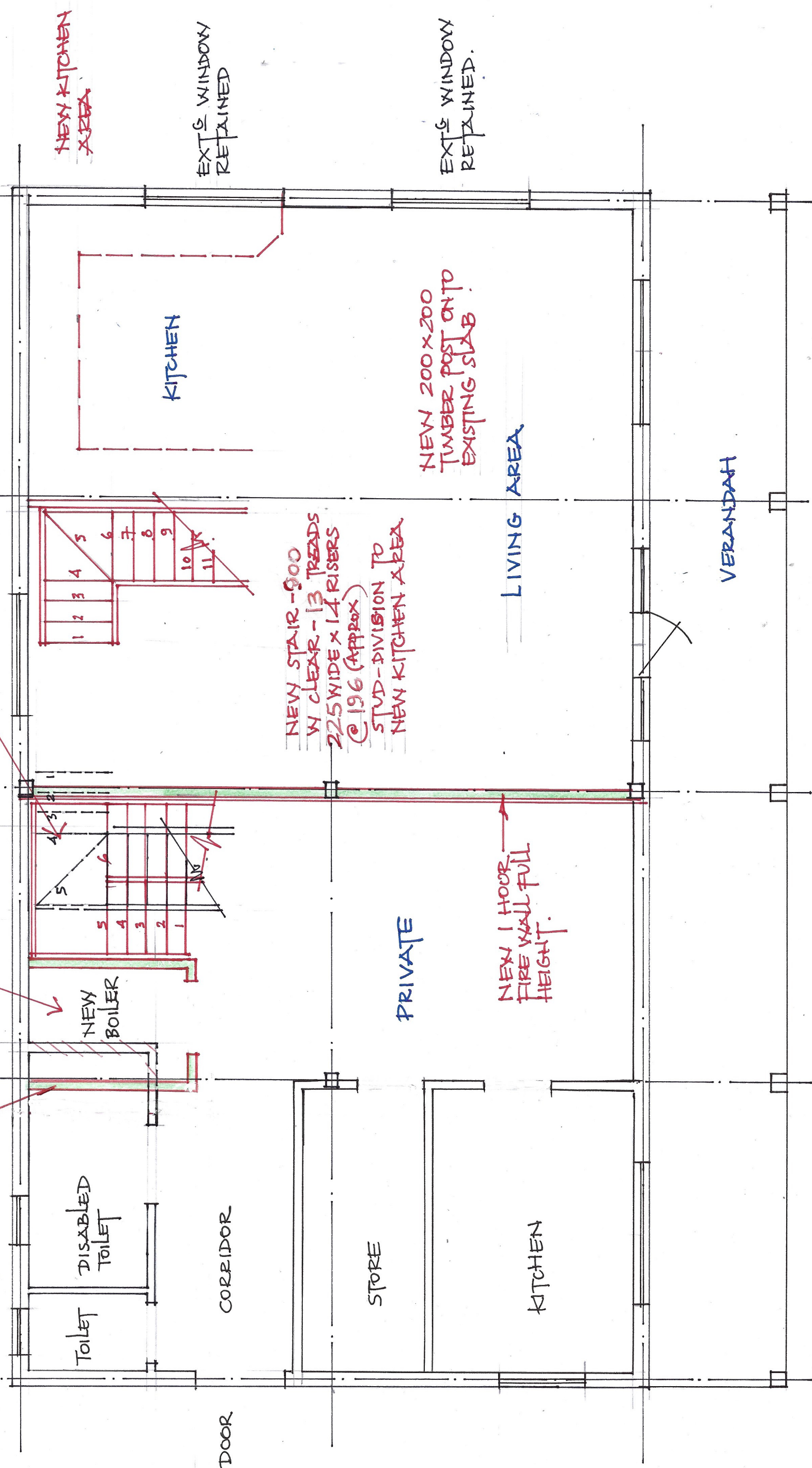
FOR DETAILS OF CHANGES SEE
DFF.PD.03

DANDY'S FORD FISHERY
DRG : DFF.PD 02

EXT'S DISABLED TOILET AREA REDUCED - NEW STUDWORK WALL. (REMAINS COMPLIANT)

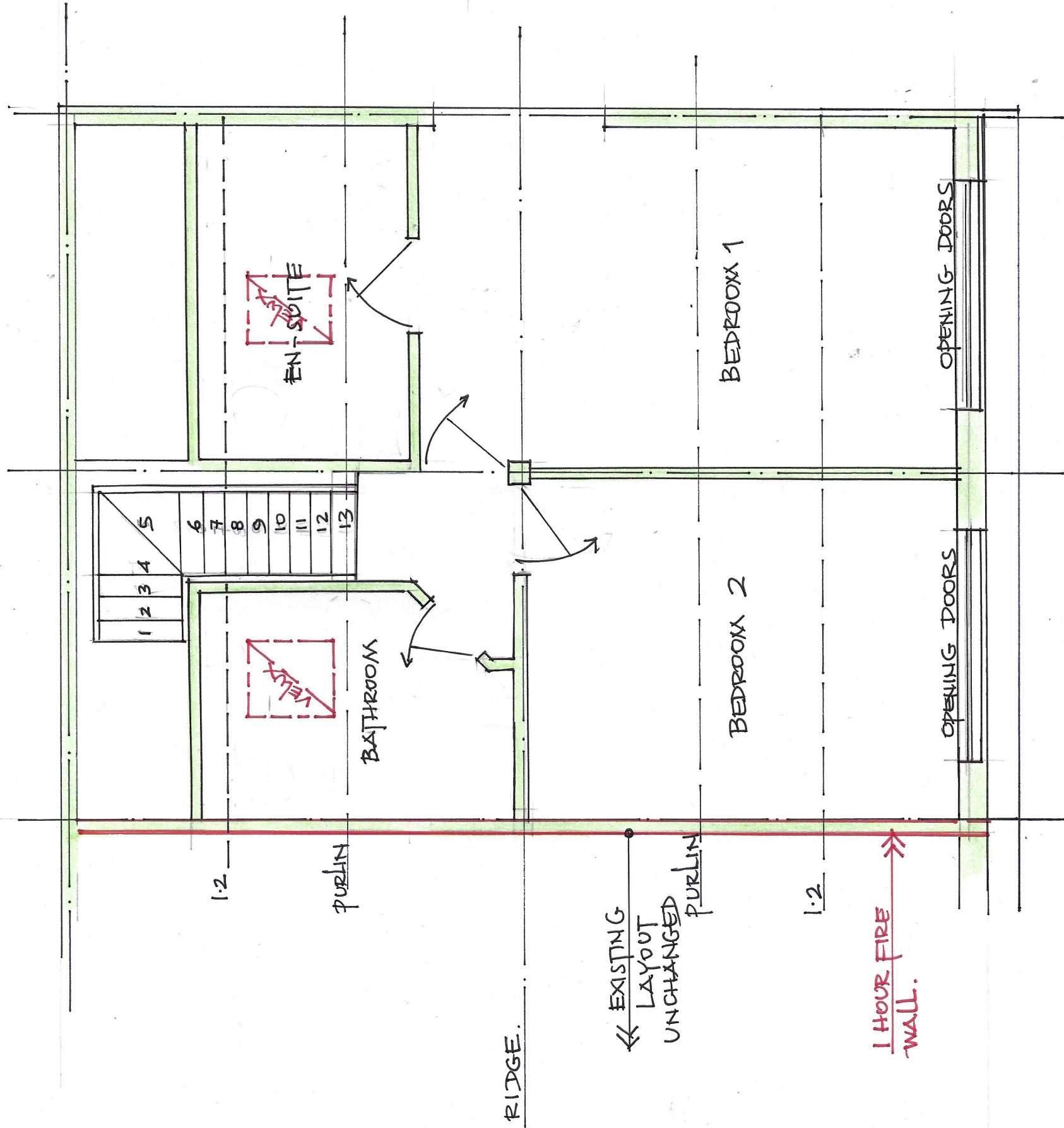
RE-ORGANISED BOILER ROOM TO SUIT NEW AREA

EXT'S STAIR MOVED ACROSS TIGHT TO DIVISION WALL. HALF LANDING & NEW LOWER FLIGHT BACK INTO CORRIDOR.

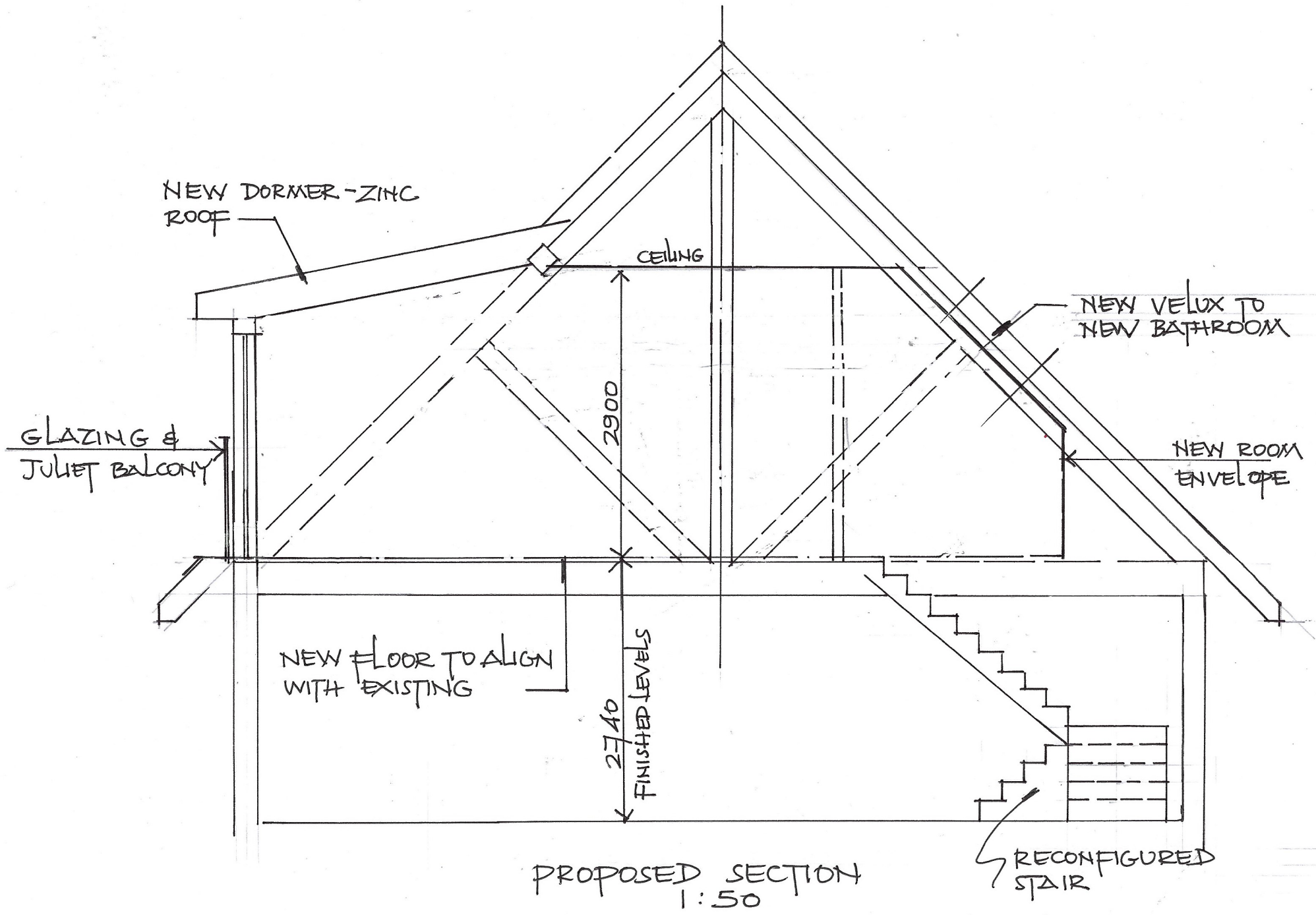


EXISTING & PROPOSED GROUND FLOOR
1:50

DANDY'S FORD FISHERY
DRG DFF. PD. 03

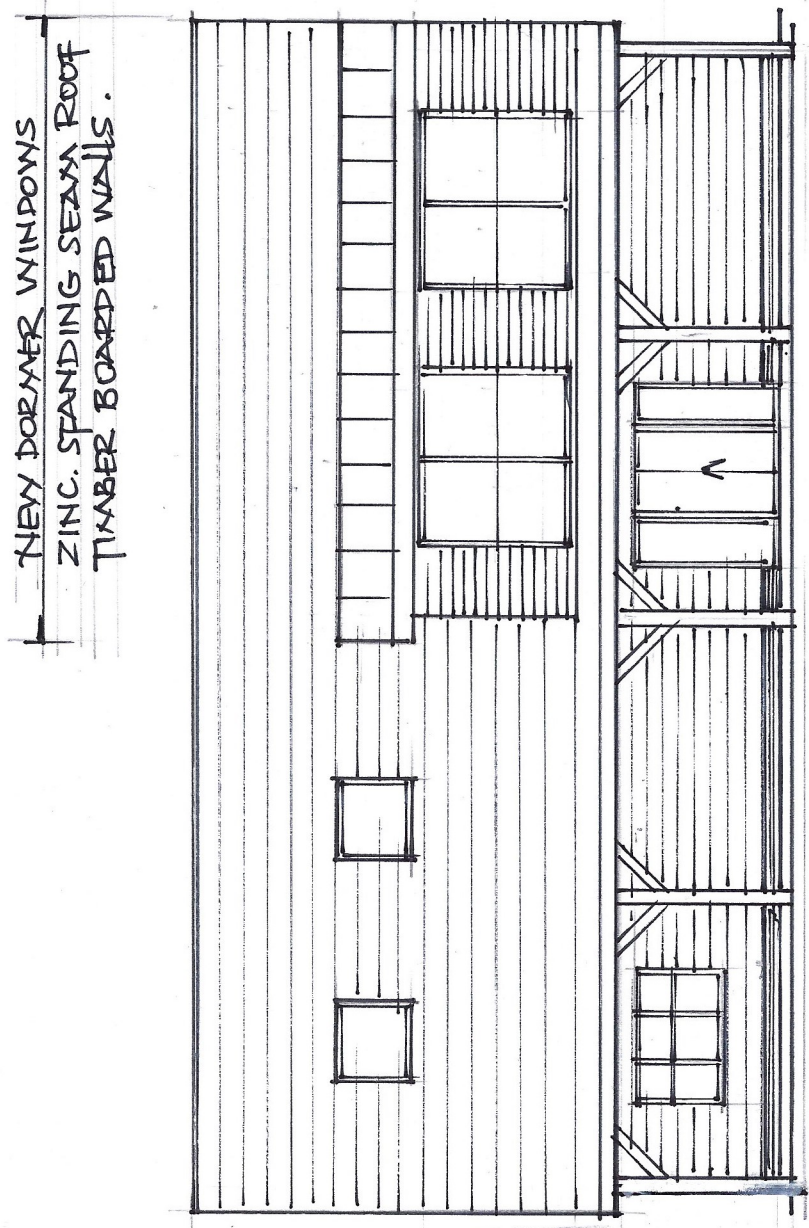


PROPOSED NEW FIRST FLOOR
1:50
READ WITH DFF. PD.



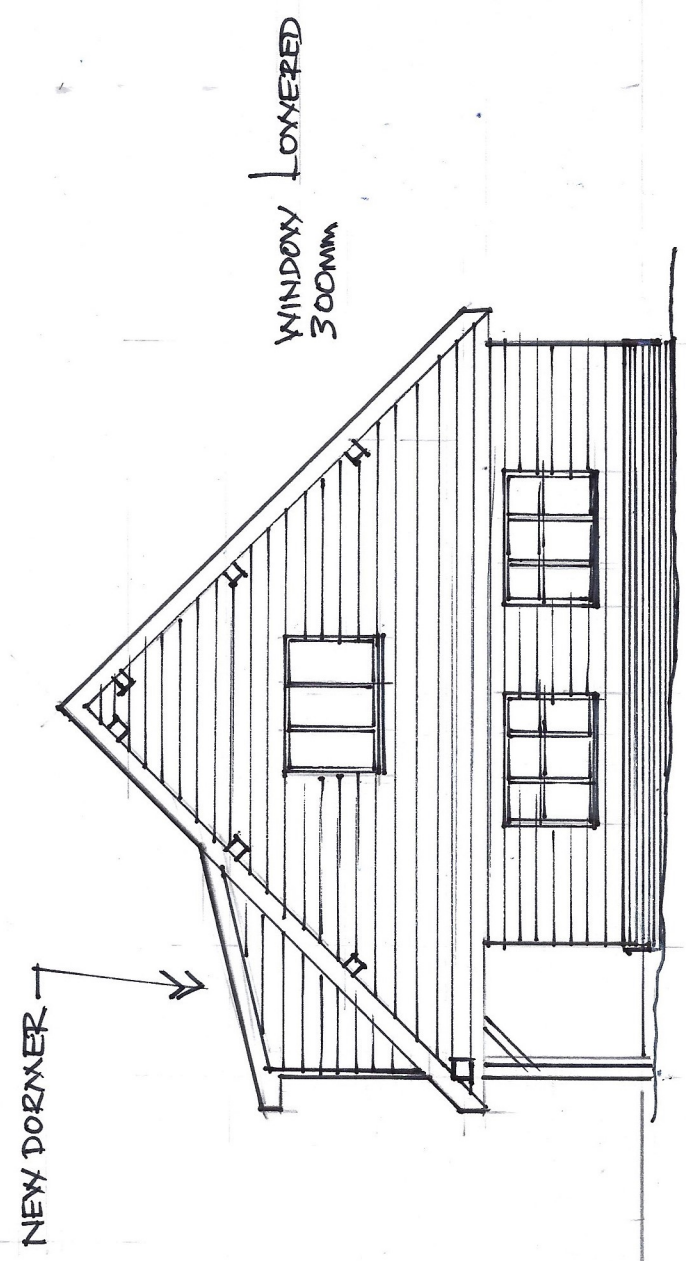
DANDY'S FORD FISHERY
DRG. DFF. PD.04

DANDY'S FORD FISHERY
PRG: DFF.PD.05



NEW DORMER WINDOWS
ZINC STANDING SEAM ROOF
TIMBER BOARDED WALLS.

REAR ELEVATION
1:100



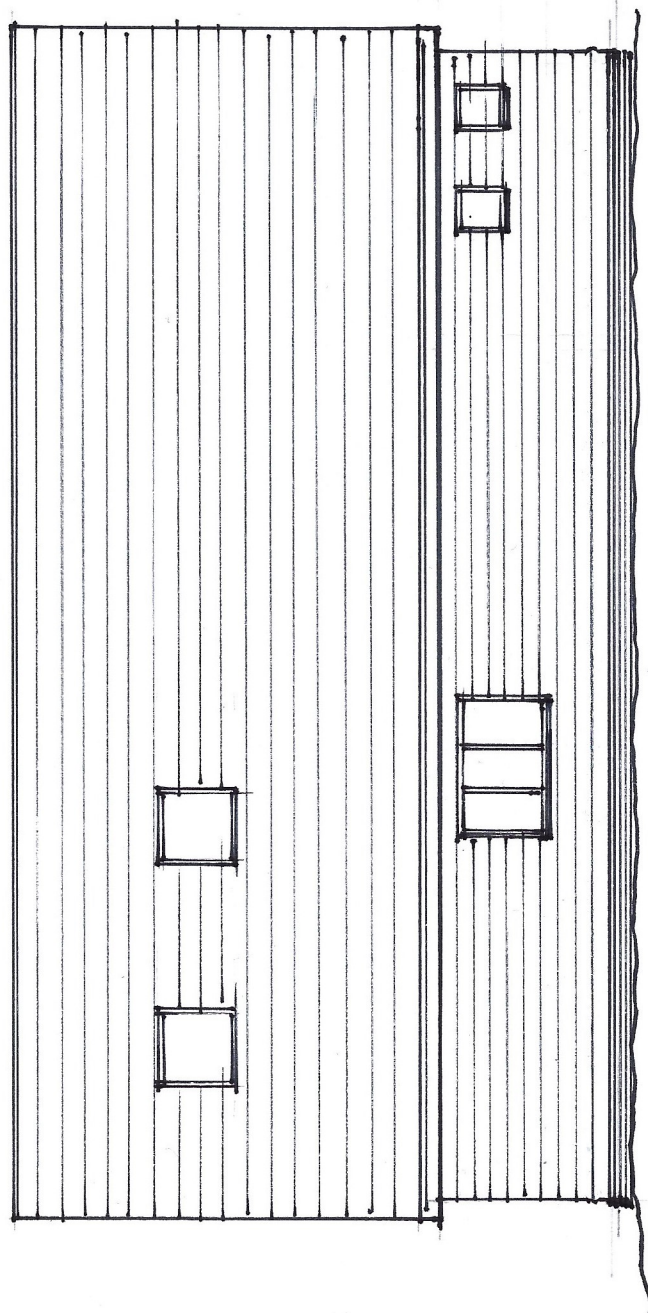
NEW DORMER

WINDOXY LOWERED
300MM

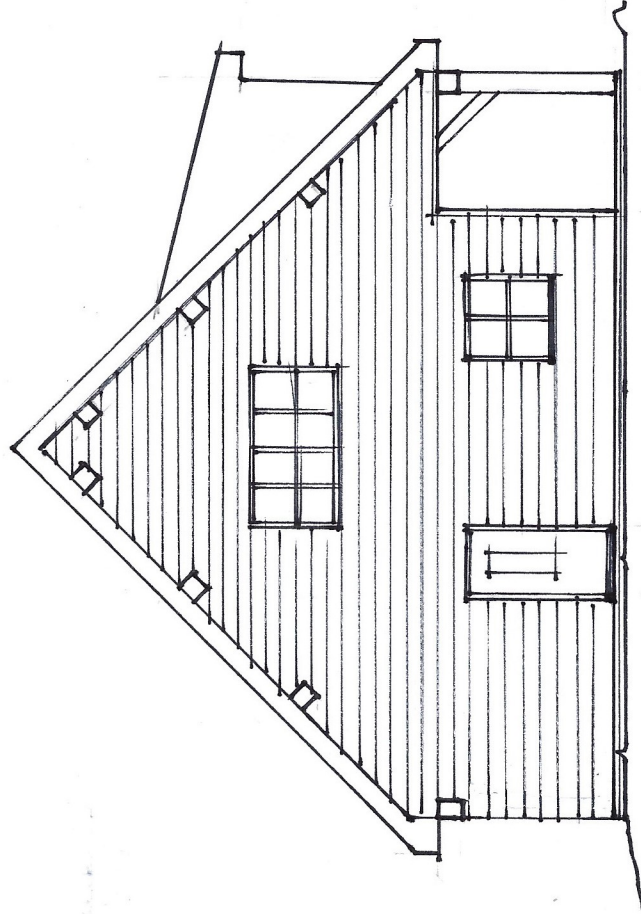
END ELEVATION
1:100

DANDY'S FORD FISHERY
DRG DFF.PD.06

2 NEW
ROOFLIGHTS →



REAR ELEVATION
1:100
(UNCHANGED BAR 2 ROOF-LIGHTS
& FLUE REMOVAL)



END ELEVATION
1:100
(UNCHANGED)

ITEM 9

APPLICATION NO.	21/02607/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.09.2021
APPLICANT	Mr Mark Weeks
SITE	14 Fairview Close, Romsey, SO51 7LS, ROMSEY TOWN
PROPOSAL	Change of use of amenity land to residential garden - (Retrospective)
AMENDMENTS	None
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application was previously presented to SAPC on 13th December 2022 and Members resolved to defer the application for the following reason:

DEFERRED to seek advice from Environment & Health on the effect of noise generated by domestic activity taking place in closer proximity to the boundary of No. 5 Windfield Drive and the effect of that activity on the living conditions of that property.

- 1.2 The Officer report presented to members on the 13th December 2022 is attached at Appendix A. The Update Paper for the meeting is also attached at Appendix B.

2.0 CONSULTATIONS

Environmental Protection: no objection

Thank you for consulting the Environmental Protection team of the Housing and Environmental Health Service. I confirm I have no objections or comments.

3.0 CONSIDERATIONS

The proposal to extend the residential garden area would result in domestic type activity being located closer to the common boundary with No.5 Winfield Drive than exists at present. However, this is not considered to give rise to additional significant, or detrimental impact on the living conditions of this property and this has been assessed by professional officers of the Council. The proposal is considered acceptable and is in accordance with policy LHW4 of the TVBRLP.

4.0 CONCLUSION

- 4.1 The proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

5.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan: location plan / block plan.**

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

1. **In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
 2. **The applicant is advised to formally apply to Hampshire County Council to extinguish the Highways Rights on the land subject of this application. The grant of planning permission does not infer or in any way bind the Highway Authority to agree to the extinguishment.**
-

Appendix A – Southern Area Planning Committee Report – 13.12.2022

APPLICATION NO.	21/02607/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.09.2021
APPLICANT	Mr Mark Weeks
SITE	14 Fairview Close, Romsey, SO51 7LS, ROMSEY TOWN
PROPOSAL	Change of use of amenity land to residential garden - (Retrospective)
AMENDMENTS	None
CASE OFFICER	Kate Levey
	Background paper (Local Government Act 1972 Section 100D)
	Click here to view application

1.0 INTRODUCTION

- 1.1 The application was previously presented to members on 11th January 2022 and was deferred for the following reason:

To enable an opportunity for Hampshire County Council as the Highway Authority to review and determine the necessary Highway Extinguishment application.

- 1.2 The Officer report presented to members previously at the meeting of 11th January 2022 is attached at appendix A. The update paper for the meeting is attached at appendix B.
- 1.3 Since the SAPC meeting on 11th January 2022, Hampshire Legal Services have served a s143 notice on the residents requiring them to remove the encroachment. The fence which previously enclosed a section of the footpath has been taken down and the rear garden at the application site now has an open aspect to the rear.

2.0 Considerations

The extinguishment of the rights of way is a matter between the land owner and HCC. The granting of planning permission will not over ride private property rights and protections which are afforded by other legislation.

- 2.1 The SAPC resolution has been met and this leaves the LPA in a position to determine the application, on planning merits. The Officer view of the proposal is the same as that previously set out in the SAPC report appendices A and B, and the recommendation is set out below.

3.0 CONCLUSION

- 3.1 The proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

4.0 RECOMMENDATION

PERMISSION subject to;

- 1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan: location plan / block plan.
Reason: For the avoidance of doubt and in the interests of proper planning.**

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. The applicant is advised to formally apply to Hampshire County Council to extinguish the Highways Rights on the land subject of this application.**

Appendix B – Southern Area Planning Committee Update – 13.12.2022

APPLICATION NO.	21/02607/FULLS
SITE	14 Fairview Close, Romsey
COMMITTEE DATE	13 th December 2022
ITEM NO.	9
PAGE NO.	57 - 66

1.0 CONSULTATIONS

1.1 Hampshire County Council Highways

I can confirm that the area in question remains highway and that no extinguishment application has been received. I am told that HCC would not support any extinguishment application if one were received.

2.0 REPRESENTATIONS

2.1 Applicant

Ownership of the land hasn't been established, and it is unregistered. We believe it is/was owned by the previous property developers who have now dissolved their business

2.2 Officer Comments

The applicant has confirmed that enquiries have been made to both Test Valley Borough Council and Hampshire County Council to determine who is the legal owner and the land, the land is understood to be unregistered. However, any disputes regarding land ownership are between the relevant parties as a civil matter, and is outside of the scope of planning control and should in no way influence the determination of the application which must be determined on its planning merits.

2.3 The extinguishment of the rights of way is a matter to be resolved between the land owner and Hampshire County Council. The granting of planning permission will not over ride private property rights and protections which are afforded by other legislation.

3.0 RECOMMENDATION

No change

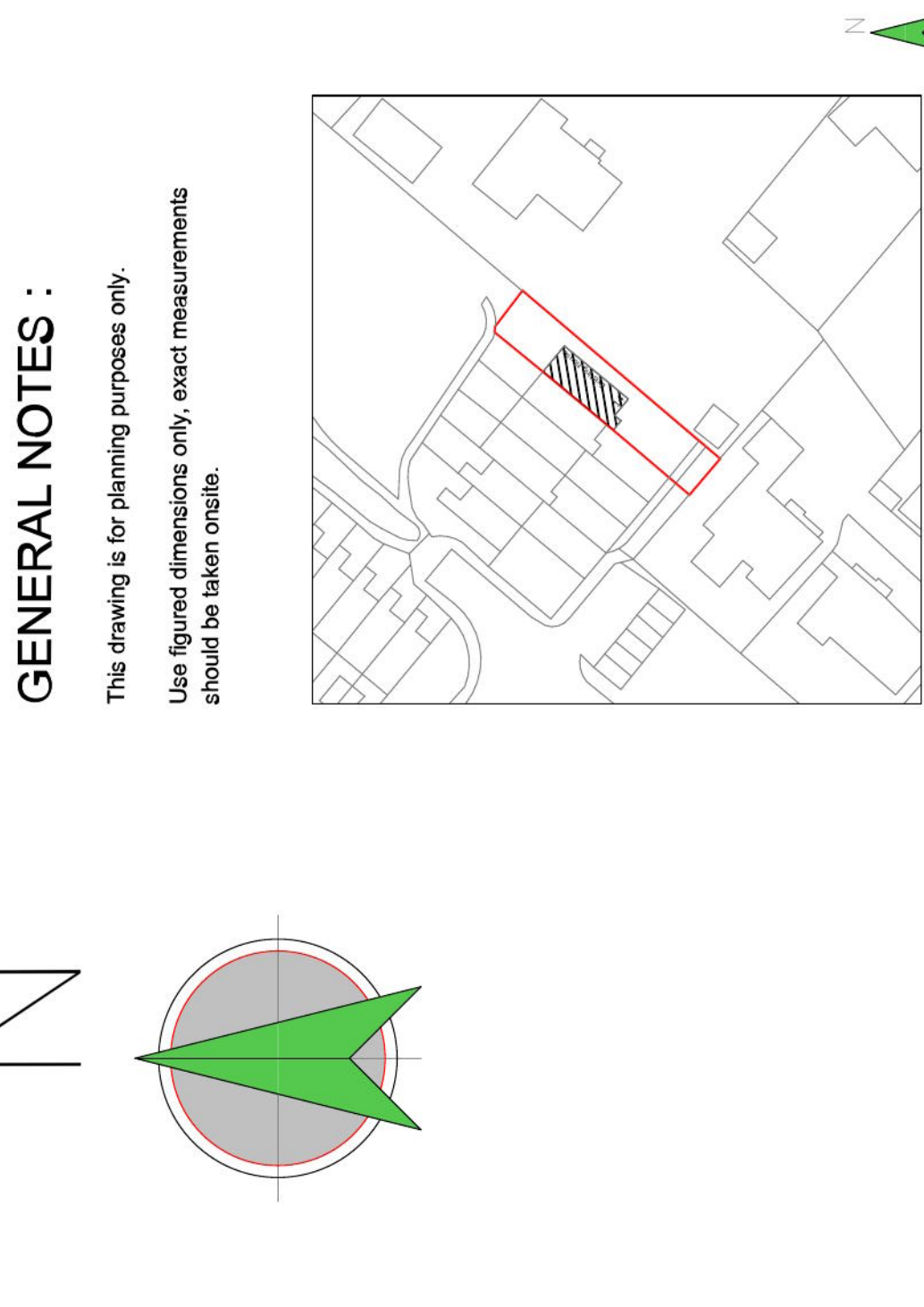
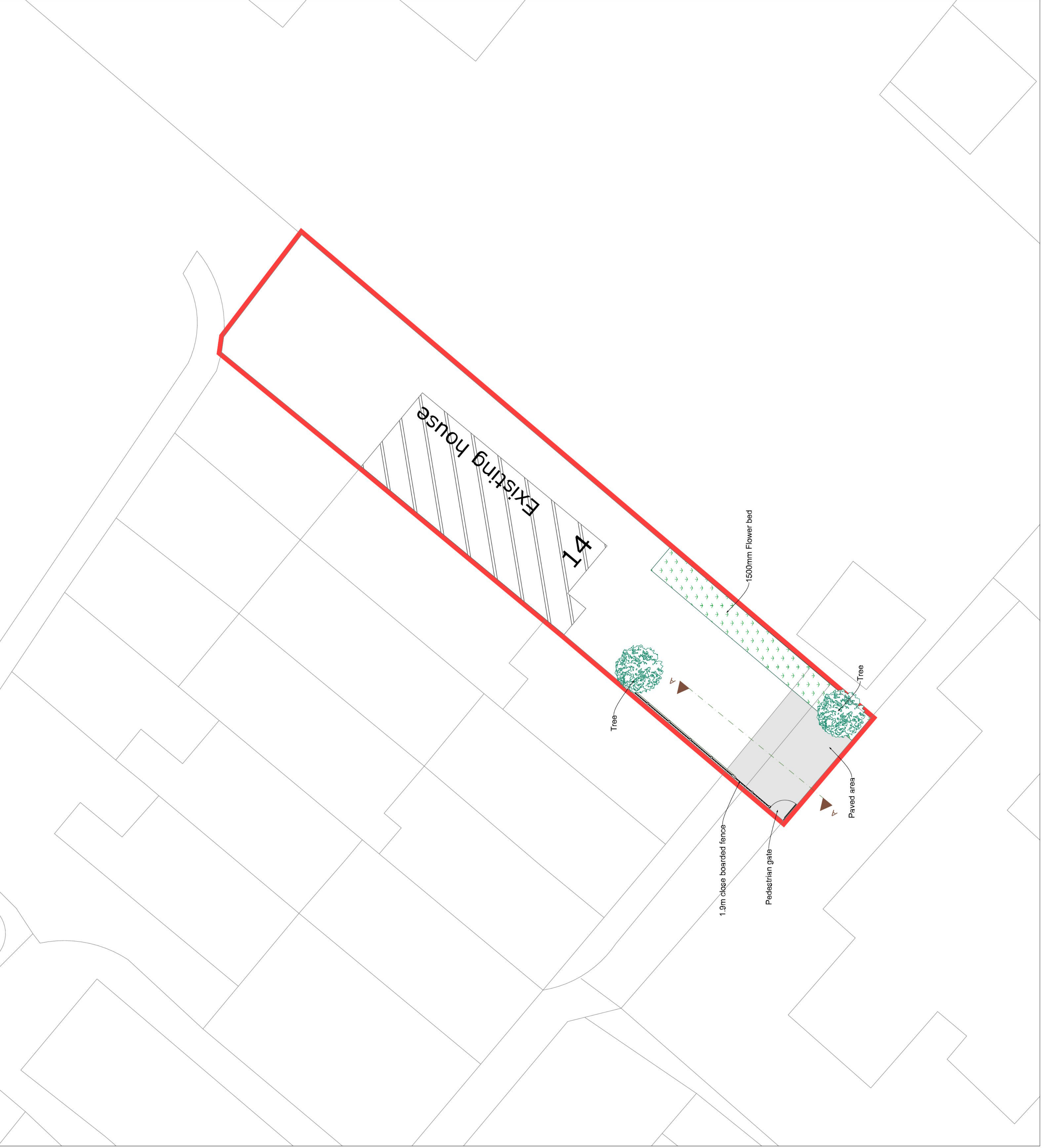


Siteplan



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21/02607/FULLS



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