

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 14 February 2024

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Burton
D G Foot
M J Ford, JP
Mrs C L A Hockley
S Ingram
P Nother
Mrs S M Walker

Deputies: Ms C Bainbridge
F Birkett
S Dugan
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 4)

To confirm as a correct record the minutes of the Planning Committee meeting held on 17 January 2024.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 5)

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

ZONE 1 - WESTERN WARDS

ZONE 2 - FAREHAM

- (1) **P/23/1341/OA - LAND WEST OF FAREHAM PARK ROAD FAREHAM**
(Pages 8 - 37)

ZONE 3 - EASTERN WARDS

- (2) **53 OLD STREET HILL HEAD** (Pages 39 - 49)
(3) **Planning Appeals** (Pages 50 - 55)



A WANNELL
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
06 February 2024

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 17 January 2024

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley,
S Ingram, P Nother and Mrs S M Walker

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meetings held on 13 December 2023 and 14 December 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Mr Bob Marshall	The Fareham Society	LAND SOUTH OF FOUR ACRES NURSERY, MEON ROAD – CHANGE OF USE OF THE LAND FOR THE EXERCISING OF DOGS AND INSTALLATION OF PERIMETER FENCING	Opposing	8(1) P/23/1285/CU Pg 46	Written
Ms Kathryn Knight		-DITTO-	-Ditto-	-Ditto-	Written
Mr Ian Donohue		-DITTO-	-Ditto-	Ditto-	Written
ZONE 2 – 2.30pm					

ZONE 3 - 2.30pm					

6. ACTUAL REVENUE EXPENDITURE 2022/23

The Committee considered a report by the Assistant Chief Executive Officer on the actual revenue expenditure for 2022/23.

RESOLVED that the Committee note the content of the report.

7. SPENDING PLANS 2024/25

The Committee considered a report by the Assistant Chief Executive Officer which set out the revised revenue budget for 2023/24, the discretionary planning charges for 2024/25 and the base budget for 2024/25.

RESOLVED that the Planning Committee: -

- (i) AGREE the revised budget for 2023/24
- (ii) AGREE the base budget for 2024/25
- (iii) AGREE the revised discretionary planning charges for 2024/25 as set out at Appendix B; and
- (iv) RECOMMENDS the budget to Full Council for approval.

8. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

The Committee noted a report by the Director of Planning and Regeneration on the development control matters, including information on new appeals and decisions.

(1) P/23/1285/CU - LAND SOUTH OF FOUR ACRE NURSERY MEON ROAD TITCHFIELD PO14 4HJ

The Committee received the deputations referred to in Minute 5 above.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, PLANNING PERMISSION be granted.

(2) P/23/1533/FP - 84 ROMSEY AVENUE FAREHAM PO16 9TA

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT planning permission, subject to the conditions in the report;

Then

- (ii) DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report: -

- (i) PLANNING PERMISSION be granted;
- (ii) AUTHORITY BE DELEGATED to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

(4) Planning Appeals

The Committee noted the information in the report.

(The meeting started at 2.30 pm
and ended at 3.27 pm).

..... Chairman

..... Date



**Report to
Planning Committee**

Date: Wednesday 14th February 2024

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.

AGENDA

The meeting will take place in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. All items will be heard from 2.30pm

Agenda Annex

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER &
WARD

SITE ADDRESS & PROPOSAL

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/23/1341/OA FAREHAM NORTH-WEST	LAND WEST OF FAREHAM PARK ROAD FAREHAM OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR THE CONSTRUCTION OF SEVEN DWELLINGS WITH ACCESS FROM FAREHAM PARK ROAD	2 OUTLINE PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 14/02/2024

**P/23/1341/OA
LAND WEST OF FAREHAM PARK ROAD**

**FAREHAM NORTH-WEST
AGENT: WOOLF BOND LLP**

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS)
FOR THE CONSTRUCTION OF SEVEN DWELLINGS WITH ACCESS FROM
FAREHAM PARK ROAD

LAND WEST OF FAREHAM PARK ROAD, FAREHAM

Report By

Hannah Goldsmith - direct dial 01329 824665

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third-party representations received.

2.0 Site Description

2.1 The application site comprises a parcel of land measuring approximately 0.3 hectares in sizes. The site is currently vacant however the lawful use of the site is a caravan storage facility.

2.2 The site is accessed via Hope Lodge Close which consists of seven detached dwellinghouses which were granted planning permission in 2018. Hope Lodge Close, which is an unadopted road, provides access to the adopted highway of Fareham Park Road. The access road crosses a public right of way (Bridleway 82) near the junction with Fareham Park Road.

2.3 The site is bound by mature trees and hedgerows. To the northwest of the site is an area of ancient woodland designated as a Site of Important for Nature Conservation (SINC) known as Iron Mill Coppice. To the north of the site are stable buildings along with a scaffolders yard. The M27 motorway is a short distance further north. Ground levels vary on site with ground levels sloping downwards from the eastern to western boundary.

2.4 The site where housing is proposed is located outside of the designated urban settlement boundaries. However, the edge of the urban area lies to the immediate south of the site meaning the proposed access via Hope Lodge Close is defined as being within the urban area. The site also lies within a designated Strategic Gap (The Meon Gap) and an Area of Special Landscape Quality as defined in the adopted Fareham Local Plan 2037.

3.0 Proposal

- 3.1 Outline planning permission is sought for residential development of seven units along with parking, landscaping and access roads. All matters except for the means of access are reserved.
- 3.2 Access into the site would be provided through Hope Lodge Close (a private road which does not form part of the adopted highway). From Hope Lodge Close access is proposed through the end of the close adjacent to the dwelling known as 8 Hope Lodge Close.
- 3.3 The application is supported by a Landscape and Visual Evidence and Appraisal, Arboricultural Impact Assessment, Environmental Noise Impact Assessment Report and Ecological Impact Assessment.

4.0 Policies

- 4.1 In addition to the National Planning Policy Framework (2023)(NPPF), the relevant policies within the Fareham Local Plan 2037 include:

DS1 – Development in the Countryside

DS2 – Development in Strategic Gaps

DS3 – Landscape

NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE2 – Biodiversity Net Gain

NE3 – Recreational Disturbance on the Solent Special Protection Areas (SPAs)

NE4 – Water Quality Effects on the Special Protection Areas (SPAs)

NE6 – Trees, Woodland and Hedgerows

TIN2 – Highway Safety and Road Network

D1 – High Quality Design and Place Making

D2 – Ensuring Good Environmental Conditions

Other Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document excluding Welborne (December 2015)

5.0 Relevant Planning History

- 5.1 P/16/1178/FP - Residential development to provide 7 x 4 bed detached houses, garages, landscaping and new access including demolition of Hope Lodge. Approved May 2017.

- 5.2 P/16/1424/OA – Ten Dwellings (Use Class C3) and Associated Roads, Parking, Landscaping Areas and Pumping Station (Outline Application) Refused May 2017.
- 5.3 P/17/1385/FP – Residential Development to Provide 7x4 Bed Detached Houses, Garages, Landscaping and New Access Including Demolition of Hope Lodge (Alternative to Previous Permission Granted Under Reference P/16/1178/FP). Approved February 2018.
- 5.4 P/18/0363/OA - Residential Development of Up To 28 Units Including The Provision Of 8 Affordable Homes, Along With Parking, Landscaping And Access Road. Refused December 2022. Appeal Dismissed February 2022

6.0 Representations

- 6.1 Seven letters of representation from six addresses have been received (including a letter from the Fareham Society), objecting to the proposals on the following grounds:

Principle of the proposal

- Development would be a significant incursion into the countryside;
- Would make it difficult to resist further residential development in the vicinity;
- The site lies within a Strategic Gap and would significantly affect the integrity of the gap;
- The site has not been identified as a housing allocation area;
- No justifiable reason for development to impede on the Countryside;
- The site is not previously developed land;
- Proposal would be contradictory to previous planning refusals and appeals;

Visual harm

- Development would harm the character and appearance of the countryside;
- Building of houses would be visually intrusive;

Impact on ecology and protected species

- Proposal would result in a loss in habitat units;
- Would disrupt wildlife on the site and the adjoining SINC;
- Concerns regarding who will enforce whether ecological enhancements are implemented and retained;
- Concrete gully next to field runs directly into river Meon

Neighbouring amenity

- Existing residential properties Hope Lodge Close cause a disturbance in terms of noise and light;

Highway Concerns

- Increased vehicle traffic crossing the bridleway causing risk for bridleway users;
- Increased traffic will be detrimental to residents of Hope Lodge Close in terms of safety, noise, visual and light disruption;
- There is insufficient and unsuitable access for construction vehicles to gain entry to the site;
- Access road does not provide sufficient clearance for two cars to pass;
- Insufficient onsite parking for visitors;
- Limited visibility at the junction between Hope Lodge Close and Fareham Park Road;

7.0 Consultee Responses

EXTERNAL

Archaeology (Hampshire County Council)

7.1 No objection

Local Highways Authority (Hampshire County Council)

7.2 No objection

Countryside Services (Hampshire County Council)

7.3 No objection

Ecology (Hampshire County Council)

7.4 No objection. New scrub planting has now been shown on the site layout plan and included in the Biodiversity Net Gain Metric calculations. Justification has also been provided in relation to the size of the reptile receptor site.

INTERNAL

Tree Officer

7.5 No objection subject to condition

Environmental Health

7.6 No objection subject to glazing and noise prevention measures being secured.

Environmental Health (Contaminated Land)

7.7 No objection. This application could be approved subject to a condition requiring details of a site investigation to be submitted to the LPA prior to the commencement of development and where necessary, agreed scheme of remedial measures to be fully implemented prior to the commencement of each unit.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be addressed to determine the suitability of the development proposal. The key issues comprise:

- a) Planning History
- b) Implications of housing delivery in Fareham
- c) Residential development in the countryside;
- d) Residential development within the strategic gap;
- e) Landscape & Visual Impact
- f) Highways Matters
- g) Ecology and Trees
- h) Biodiversity Net Gain
- i) Impact on Protected Sites
- j) Other Matters
- k) Planning balance

a) Planning History

8.2 There is an extensive planning history relating to this site. The current scheme has been reduced in scale to try and address previous reasons for refusal. Unlike previous proposals for larger housing schemes, the current proposal would be contained within an area of previously developed land.

8.3 It should be noted that local policy requirements following the adoption of the Fareham Local Plan (2037) last year and the Council's five year housing land supply position have changed since the above planning applications listed in the Planning History section of this report were considered. Previous planning decisions relating to the site will be addressed again later in this report.

b) Implications of housing delivery in Fareham

8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

8.5 Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

8.6 For decision-taking this means:

‘...'

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’.

8.7 Footnote 7 to paragraph 11 reads as follows:

‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change’.

8.8 Footnote 8 to paragraph 11 reads:

‘This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years

- 8.9 The NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.10 Following revisions to the NPPF in December 2023, paragraph 76 of the NPPF states Local Planning Authorities which have an adopted plan which is less than five years old, and are able to identify a five year supply of specific, deliverable sites at the time that the examination of the plan is concluded, are now no longer required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes. Fareham Borough Council has an adopted plan which is less than five years old and as the adopted plan identified at least a five-year supply of specific and deliverable sites at the time that its examination was concluded, the above exemption is applicable.
- 8.11 However, notwithstanding the lifting of the requirement to demonstrate a five year housing land supply, having regard to footnote 8 above, development plan policies are considered out-of-date where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 8.12 Whilst the Council can demonstrate a five-year housing land supply, the Housing Delivery Test results published on 19th December 2023 stated that the Council has achieved 42% of its housing target. The Council has written to the Department for Levelling Up, Housing and Communities (DLUHC) to say that it believes this figure is incorrect and should actually be 58%. Notwithstanding, regardless of which figure is correct, it means the delivery of housing in the last three years (2019 to 2022) was substantially below (less than 75%) the housing requirement. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.
- 8.13 Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved.
- 8.14 If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d). Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies

in the NPPF which protect areas of assets of particular importance referred to within footnote 7, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.15 The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.16 The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

c) Residential development in the countryside

8.17 Policy HP1 of the Local Plan states residential development within the Urban Area boundary will be supported in principle and residential development outside of the Urban Area boundary will be permitted where one of the following applies:

'a) It involves a conversion of an existing non-residential building where:

- 1) the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding; and*
- 2) evidence has been provided to demonstrate that no other suitable alternative uses can be found, and conversion would lead to an enhancement to the building's immediate setting.*

b) It is for a replacement dwelling which is of an appropriate character to the location.

c) It has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work.

d) It accords with Policies HP2, HP3, HP4, and HP6.'

8.18 Officers confirm that none of the exceptions would apply.

8.19 However, as the application sites lies within an area which is outside of the defined urban settlement boundary, policy DS1 of the Local Plan which relates to Development in the Countryside is applicable.

8.20 Policy DS1 states:

‘Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

a) Is for development associated with an existing lawful dwelling, or

b) Is proposed on previously developed land and appropriate for the proposed use, or

c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or

d) Is for a new or replacement building, conversion and/or extension within an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,

e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or

f) Is for employment development compliant with one of the following policies: E1 or E5, or

g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or

h) Provides infrastructure that meets an overriding public need, or

i) Can demonstrate a requirement for a location outside of the urban area.

In addition, proposals will need to demonstrate that they;

j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and

k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and

l) Maintain the character of the undeveloped coast, and

m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.'

- 8.21 The proposed development does not relate to retail, community, leisure or tourism. Nor does it relate to a new or replacement building, conversion and/or extensions within an existing educational facility or employment site. While the proposed development does relate to housing, the proposed development does not comply with policies HP1, HP2, HP4, HP6 or HP11 which relate to small scale development in the countryside (development of no more than 4 units), exception sites, five-year housing supply and sites allocated for Gypsies, Travellers and Travelling Show People. Furthermore, the development does not provide infrastructure that meets an overriding need or demonstrate a requirement for a location outside of the urban area, meaning the proposed development does not benefit from support by virtue of parts (a), (c), (d), (e), (f), (g), (h) or (i) of the above policy.
- 8.22 However, consideration has been given to part (b) of the policy which states development will be supported where the development is proposed on previously development land and appropriate for the proposed use.
- 8.23 The definition of Previously Developed Land is set out within Annex 2: Glossary of the NPPF. Previously Developed Land is defined as;

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

- 8.24 In this instance, the site forms part of a site last in use as a caravan storage park and which includes areas of hardstanding and several outbuildings. While the Council has previously taken the view the site does not constitute previously developed land as defined within the NPPF, in a recent appeal decision (reference: APP/A1720/W/21/3271214) dated February 2022 relating to application reference P/18/0363/OA, the Planning Inspectorate describes the site, as 'previously developed land currently in use as a caravan storage facility'. As members will be aware, previous appeal decisions are a material planning consideration.
- 8.25 While the site has been vacant following the demolition of 84 Fareham Park Road and the construction of Hope Lodge Close, areas of hardstanding on the site remain. Having regard to the previous use of the site and the above appeal decision, the Council are of the view the site constitutes previously developed land.
- 8.26 However, part (b) of policy DS1 also requires the land to be appropriate for the proposed use, which in this instance would be housing. The application site is adjacent to the Settlement Policy Boundary and an existing area of housing to the east, Hope Lodge Close. The proposed development would utilise an existing access from Fareham Park Road and existing spine road through Hope Lodge Close. Having regard to the accessible location of the site, proximity to an existing area of housing and the urban area, the land is considered, in principle, to be appropriate for the proposed use.
- 8.27 In summary, for the reasons given above, the development is considered to be on previously developed land and appropriate for the proposed use, in compliance with part (b) of policy DS1 of the Fareham Local Plan 2037.
- 8.28 Having regard to part two of the policy, while parts (l) and (m) are not relevant to this application, for the reasons set out in full later in this report, the proposal is considered to comply with parts (j) and (k) of the policy.

d) Residential development within the strategic gap

- 8.29 The proposals map of the Fareham Borough Local Plan shows that the site lies within a designated Strategic Gap.
- 8.30 Policy DS2 of the Local Plan states:

'In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)
- 2) Fareham / Bridgemaury and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters’.

- 8.31 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) which is part of the evidence base for the Fareham Local Plan 2037) states the Meon river creates a distinctive linear feature which provides a break between the housing market area of Southampton and Portsmouth. The Review recognises the pressure for development is moderate within the Meon Gap, however, there may be pressure for development along the settlement edges of West Fareham.
- 8.32 The Fareham Landscape Assessment 2017, which also forms part of the evidence base for the Fareham Local Plan, states any future development should avoid any significant encroachment into the area beyond the existing urban edges of Fareham, Titchfield Park and Titchfield, especially where this may erode the physical or perceived gap between settlements or intrude upon the unspoilt, rural character and high quality of the landscape settings of these urban areas and important heritage assets.
- 8.33 This application proposes a smaller scale of development compared to the previous proposal for 28 dwellings on the site which was dismissed on appeal in 2022. Following these amendments to reduce the scale of the development, this proposal is not considered to be a significant encroachment on the Strategic Gap. This is a modest development of seven houses, contained within an area of previously development land situated between the M27 and an area of housing of a similar scale, adjacent to the urban boundary. Officers are of the view the proposed development would not intrude upon the unspoilt, rural character of the landscape and would not significantly affect the integrity of the Meon Gap, in compliance with policy DS2 of the Fareham Local Plan.

e) Landscape & Visual Impact

- 8.34 The proposals map of the Fareham Local Plan shows that the site lies within an Area of Special Landscape Quality (ASLQ).
- 8.35 Policy D1 of the Fareham Local Plan 2037 requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability. The policy goes on to state development proposals

will be permitted where proposals appropriately respond to the positive elements of local character.

8.36 Policy DS3 states;

‘Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Development in the countryside shall recognise the intrinsic character and beauty of the countryside, playing particular regard to intrinsic landscape, character, quality and important features...’

- 8.37 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the site lies within the Upper Meon Valley character area which comprises the upper part of the Meon Valley and occupies a corridor contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. While the assessment recognises the area lacks the ‘wilder’ qualities of the lower Meon Valley floodplain, the overall effect is an essential rural (or semi) rural, pastoral landscapes.
- 8.38 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps also forms part of the evidence base for the Fareham Local Plan 2037. The Technical Review recognises the Meon Valley ASLQ as having a high scenic quality and topographic and visual unity, particularly in the lower reaches where the valley is at its widest. While there are open views towards the southern end of the ASLQ, the review recognises, further upstream, the valley is more wooded and enclosed and views are restricted. The Review goes on to recognise while there are no detracting influences noted in the lower reaches of the ASLQ which has a high tranquillity rating, there are major road and rail corridors which pass through the upper section which affects the sense of seclusion.
- 8.39 The Fareham Landscape Assessment 2017 goes on to state the Meon Valley character area has some potential to accommodate limited small-scale development where it can be carefully integrated within well-treed, strongly enclosed plots of land in associated with existing development and is of a similar character and scale to similar built development within the locality.
- 8.40 The application site is strongly enclosed by mature woodland on its western boundary, mature hedgerows along the northern boundary and residential curtilage to the east. As a result of the sloping landform and well vegetated

boundaries, the impact of the site is relatively localised and not easily visible from medium and long-distance views. The application site is visible from the M27 to the north of the site. However, the development would be seen within the context of the existing houses in Hope Lodge Close and neighbouring farm and stable buildings and scaffolding yard.

- 8.41 A public footpath runs along the urban area to the south of the site. The planning officer walked this section of footpath as part of their site visit. Views towards the site were limited due to the linear woodland which runs along the north side of the footpath.
- 8.42 The application is supported by a Visual Impact Appraisal which concludes that whilst the proposed development would result in some minor adverse effects through the introduction of built form, the effects would be minimal due to the wooded nature of the site's immediate surroundings.
- 8.43 Having regard to its existing appearance, lawful use as a caravan storage park and close proximity to existing residential development, officers are of the opinion the land on which the application site lies, is considered not to be of a high scenic quality. This view is supported by the Planning Inspectorate in a recent planning appeal decision (APP/A1720/W/21/3271214) relating to the proposed development of 28 dwellings on the site and the neighbouring field. In the appeal decision, the Planning Inspector recognised that the former caravan storage site has a different scenic value to the neighbouring field. The Inspector recognised the undeveloped field to the west of the application site made an important contribution to the open and spacious character of the surrounding area while the current application site was described as having an 'unkempt' appearance.
- 8.44 The proposed indicative site layout shows how the site might be laid out. Whilst acknowledging that this plan is for illustrative purposes only, Officers are satisfied that the site could accommodate the development proposed without causing adverse harm to the landscape. Furthermore, the impact of the development in visual and landscape terms would be modest and the proposed development recognises the intrinsic character and beauty of the countryside, in compliance with policy DS3 of the Fareham Local Plan.

f) Highways Matters

- 8.45 *Policy TIN2 of the Fareham Local Plan states:*

'Development will be permitted where:

- a) *There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*
- b) *The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes'*

8.46 Access to the site would be to and from Fareham Park Road via an existing access through Hope Lodge Close. The Local Highways Authority have been consulted on the proposal and consider the existing access to be suitable to accommodate the additional traffic generated by the development and have raised no objection.

8.47 A public bridleway intersects Hope Lodge Close which forms part of the access to the proposed development. Hampshire County Council's countryside services have been consulted on the application and have raised no objection to the proposal.

g) Ecology and Trees

8.48 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:

'a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and

b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and

c) Proposals do not prejudice the Ecological Network or result in its fragmentation.'

8.49 The application is supported by an Ecological Impact Assessment (Ecosa, December 2023) which includes an assessment of the impact of the proposal on protected species. The report states habitats on the site are suitable to support a range of protected species including badger, breeding birds, common toad and European hedgehog. Surveys have confirmed the

presence of common reptile species on the site and the outbuilding on the site supports a common pipistrelle day roost.

- 8.50 The report identifies the Iron Mill Coppice SINC directly to the west of the site as having the greatest ecological value. Part of the Iron Mill Coppice includes an area of ancient woodland, however, the ancient woodland is located approximately 80m from the application site boundary.
- 8.51 A number of measures are proposed to protect the adjacent SINC and any protected species on the site. These measures include protective fencing while the site is cleared under the supervision of an ecologist. Any animals including reptiles will be removed to an established receptor site and bat and bird boxes will be incorporated into the design of the dwellings. In addition, a dense buffer of scrub will be established along the boundaries of the Iron Mill Coppice SINC to deter informal access by residents. All of these measures would be secured by condition and would need to be incorporated within the layout proposed at reserved matters stage. A further condition is recommended to secure details of the number and location of bird and bat boxes to be installed as part of the development.
- 8.52 In terms of trees, the application is supported by an Arboricultural Impact Appraisal and Method Statement and a Tree Protection Plan. The report states no trees will need to be removed or pruned to facilitate the development.
- 8.53 The submitted construction method statement provides a detailed description of how operations will be carried out to minimise any impact on the trees. Having regard to the Iron Mill Coppice to the southwest of the application site tree protection barriers are proposed along the western boundary and southwestern corner of the site.
- 8.54 The Council's tree officer has been consulted on the application and has raised no objection subject to a condition requiring the works to be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan.

h) Biodiversity Net Gain

- 8.55 In line with para 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the Local Plan 2037 concerns biodiversity net gain (BNG) and states;

'The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the

existing baseline value of the site and should be maintained for a minimum of 30 years'

8.56 BNG has been calculated for the proposed development by the applicant's ecologist using the biodiversity net gain metric. In accordance with the Natural England guidance, in order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerows. The submitted BNG metric demonstrates the pre and post development value of the site. However, since this is an outline application and the inputs are based to an extent on assumptions at this stage, the submission of a biodiversity net gain plan with the Reserved Matters application should be secured by condition to confirm how the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.

i) Protected Sites

8.57 Policies NE3 and NE4 of the Fareham Local Plan confirm the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate, enhanced.

8.58 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.

8.59 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS). Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.60 When considering the proposed development Officers consider there to be two main likely significant effects on HS.

Water Quality (nitrates)

- 8.61 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is an existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwelling) will have a likely significant effect upon the HS.
- 8.62 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and revised calculator (20 April,2022) which confirms that the development will generate 11.28 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice.
- 8.63 Having regard to the previous use of the land, the existing use of the land for the purposes of the nitrogen budget is considered to be scrub land. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.64 The applicant has entered into a contract to purchase 11.28kg TN/year of nitrate mitigation 'credits' from the scheme at Warnford Park, within the South Downs National Park, which will see the farmland taken out of intensive agricultural use and would be managed and maintained over the lifetime of the development. Through the operation of a legal agreement between the landowners at Warnford Park (Andrew Sellick), Fareham Borough Council and the South Downs National Park Authority in April 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.65 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Warnford Park is retained and managed in a way which ensures a reduction in nitrates entering that land of 11.28kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nitrate neutrality. Should planning permission be granted, a planning condition would be imposed requiring the applicant to provide evidence of notice of purchase of the

allocated credits to the Local Planning Authority prior to the commencement of development.

- 8.66 A further condition will be imposed to ensure the Building Regulations Optional Requirement of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation.

Recreational Disturbance

- 8.67 The second of the likely significant effects on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS).
- 8.68 In addition, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The Councils Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made the appropriate financial contribution.
- 8.69 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and the Council are currently awaiting their comments.

j) Other Matters

Amenity Implications

- 8.70 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that these details would be provided and consideration given as to whether the proposals comply with the relevant local plan policy and the adopted design guidance SPD to ensure appropriate amenity standards for future residents and to protect the living conditions of neighbouring and residential properties. A

condition requiring details of noise mitigation measures to address the impact of the M27 is recommended.

k) The planning balance

8.71 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

8.72 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

8.73 The site is outside of the defined urban settlement boundary and the proposed development does not relate to any of the types of development set out in policy HP1 of the Local Plan. However, the proposal would be compliant with Policy DS1 of the Fareham Local Plan concerning development in the countryside.

8.74 In terms of any potential adverse impacts, it is not considered that the development would unacceptably harm the landscape character and appearance or function of the countryside. The proposed residential development would be sustainably located adjacent to the settlement policy boundary and an existing area of housing. Subject to appropriate mitigation, it is not considered that the proposal would have any adverse impact on ecology, trees or highway safety.

8.75 The proposal is considered to accord with the adopted local plan and Officers recommend that outline planning permission is granted.

9.0 Recommendation

9.1 Subject to:

- i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

GRANT OUTLINE PERMISSION Subject to the following conditions:

1. Details of the appearance, scale, layout of buildings and the landscaping of the site (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

4. The development hereby permitted shall be constructed in accordance with the following approved documents:
 - i. i) Location Plan TWJ01-LOC-01 A
 - ii. ii) Environmental Noise Impact Assessment Report (June 2022)
 - iii. iii) Arboricultural Impact Appraisal and Method Statement (August 2023)
 - iv. iv) Tree Protection Plan Reference: 17339-3
 - v. v) Ecological Impact Assessment Rev 2 (December 2023)

REASON: To avoid any doubt over what has been permitted.

5. No development hereby permitted shall commence until a desk top study of the former uses of the site and adjacent land and the potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should develop a conceptual model and identify potential contaminant – pathway - receptor

linkages.

Should the above study reveal a potential for contamination, an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the LPA have been fully established. This should be submitted to and approved in writing by the LPA.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the LPA. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

6. None of the dwellings hereby permitted shall be occupied until the agreed scheme of remedial measures shall be fully implemented and on completion, shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

REASON: To ensure adequate mitigation against land contamination on human health.

7. No development shall commence until details of the external finished ground levels and internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site

and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

8. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

9. No development shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard-surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance and drainage of the development.

10. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

11. The landscaping scheme submitted and approved under Condition 1 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance

with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

12. No development shall commence until a scheme of acoustic mitigation to address the impacts of motorway noise from the nearby M27 has been submitted to and agreed in writing by the Local Planning Authority. The details submitted shall be based on the conclusions reached in the approved Environmental Noise Impact Assessment Report (ref: SA – 7181) and shall fully set out how the mitigation measures will avoid significant adverse environmental impacts on future residents. None of the dwellings hereby permitted shall be occupied until the approved mitigation measures have been implemented in full and those measures shall be retained at all times thereafter.

REASON: To protect the living conditions of future residents.

13. None of the dwellings hereby permitted shall be occupied until all windows have been installed with glazing and trickle vents in accordance with the Glazing and Ventilation Specification set out in paragraph 14.4 of the approved Environmental Noise Impact Assessment Report (reference: SA – 7181). These noise mitigation measures shall be subsequently retained at all times thereafter.

REASON: To protect the amenities of the residents.

14. No development shall commence until a Biodiversity Gain Plan setting out the measures that will provide net gains for biodiversity of at least 10% has first been submitted to and approved by the local planning authority in writing. The submitted plan shall:

- a) Quantify the post development biodiversity value of the site using the DEFRA biodiversity metric / the Small Sites Biodiversity Metric, unless the local planning authority first agrees in writing that another metric may be used, with an explanation of the condition scores set out in the DEFRA guidance. Plans of the site must be provided together with Excel spreadsheet copies of the completed relevant metrics to demonstrate how the metric conclusions were reached;

- b) Identify how a gain of at least 10% Biodiversity Net Gain can be achieved through a series of measures. The proposed habitat must be provided on-site in the first instance. If on-site provision cannot be achieved this must be evidenced before off-site measures are proposed. Off-site measures should be in reasonable proximity to the development;
- c) Demonstrate that the proposed habitat is on a 'like for like' basis and avoids the 'trading down' of habitat type i.e, replacing rare habitat with much more common habitat;
- d) Demonstrate that proposals have followed the 'mitigation hierarchy': avoiding habitat loss where possible; minimising the extent of negative impacts that can't be avoided; restoring degraded ecosystems where negative impacts can't be avoided or minimised; and as a last resort compensating for any residual negative impacts;
- e) Demonstrate that proposals maximise the connectivity of the proposed habitat with habitat in the wider area to avoid fragmented or isolated habitat;
- f) Confirm how the proposed measures to secure 10% Biodiversity Net Gain will be managed, maintained, monitored and funded for a minimum of 30-years.

The development shall be carried out in accordance with the approved details and the Biodiversity Net Gain measures shall be provided prior to the first occupation of the development hereby permitted. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains for biodiversity.

15. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick of Gawthorpe Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

16. None of the dwellings hereby permitted shall be occupied until details of water efficiency measures to be installed within that dwelling have been

submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

17. The development hereby approved shall be carried out in full accordance with the measures detailed in Section 5 'Assessment of Ecological Effects and Mitigation/Compensation Enhancement Measures' of the Ecological Impact Assessment prepared by ECOSA (December 2023). None of the dwellings hereby permitted shall be occupied until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

REASON: To ensure the protection of designated sites, retained habitats and protected species.

18. The development hereby permitted shall not commence until details of proposed bird and bat boxes (including number and location) have been submitted to and agreed in writing with the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the bird and bat boxes have been installed in accordance with the specifications and locations set out in the scheme and retained thereafter.

REASON: To ensure the protection of protected species.

19. No external lighting shall be installed until a wildlife-sensitive lighting scheme, to ensure that foraging and commuting bats and other nocturnal wildlife are not disturbed during the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed at any time unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure the protection of protected species.

20. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, 22nd August

2023) and Tree Protection Plan reference 17339-3. The tree protection measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

21. None of the dwellings hereby permitted shall be occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

22. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- f) A scheme for the suppression of any dust arising during construction or clearance works;

- g) The measures for cleaning Hope Lodge Close and Fareham Park Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles;
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) Temporary lighting;
- m) Protection of pedestrian routes during construction;
- n) No burning on-site;
- o) Scheme of work detailing the extent and type of piling proposed;
- p) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- q) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

23. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

Then:

DELEGATE authority to the Head of Planning to make any necessary modification, deletion or additions to the proposed conditions.

10.0 Notes for Information

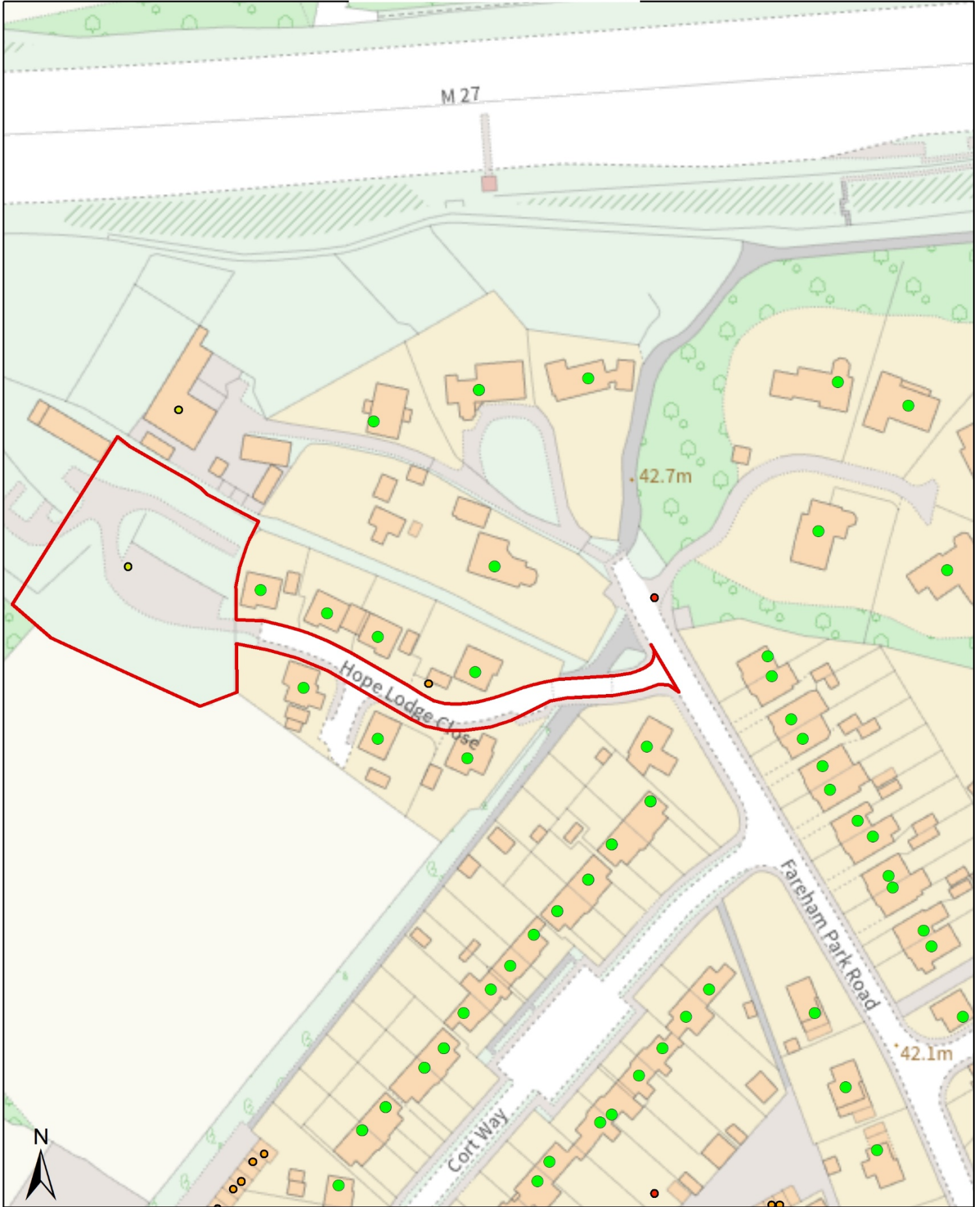
10.1 No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, skips, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to Fareham Bridleway 82 as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the Public Right of Way at all times.

11.1 Background Papers

11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land West of Fareham Park Road

Scale 1:1,250

Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
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P/23/1445/VC	53 OLD STREET HILL HEAD FAREHAM PO14 3HQ	3
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HILL HEAD	VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO FRONT OF PROPERTY	REFUSE
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OFFICER REPORT FOR COMMITTEE

DATE: 14/02/2024

P/23/1445/VC

HILL HEAD

MRS ANGELA BURD

VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO FRONT OF PROPERTY

53 OLD STREET, HILL HEAD, FAREHAM, PO14 3HQ

Report By

Jenna Flanagan – 01329 824815

1.0 Introduction

- 1.1 Members will recall this item was brought before them at the Planning Committee meeting held on Wednesday 13th December 2023. The matter was deferred to provide an opportunity for the applicant to make amendments to the application due to concerns over the proposed size of the dropped kerb. Members considered the development may be made more acceptable by reducing the front parking to accommodate only two cars located closer to the northern boundary and with replacement planting along the front boundary in order that the proposed development would appear more acceptable in visual terms.
- 1.2 This application is brought before the Planning Committee again with amended proposed plans to reflect the above concerns.
- 1.3 This application was originally reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third-party letters received.
- 1.4 The Local Planning Authority received a total of eight representations regarding this planning application including three letters of support which oppose the recommendation of the Planning Officer.
- 1.5 Following the notification of the amended plans, three updated representations have been received and updated comments have been received from Hampshire County Council Highways.

2.0 Site Description

- 2.1 The application relates to a detached dwellinghouse, located on the west side of Old Street, with an enclosed front garden. The property benefits from

pedestrian access, a double garage and off-road parking to the rear of the property via an access road to the north.

- 2.2 The western side of Old Street in this location is designated in the adopted local plan as being outside of the urban area and so within the countryside. The eastern side of the road is however within the urban settlement boundary.

3.0 Description of Proposal

- 3.1 Planning permission was approved on 18th July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site. Planning condition (no. 4) of that planning permission states:

“The planting as since hatched on the approved plan shall be retained at all times in accordance with a scheme which is to be submitted to the local planning authority within 4 weeks of the date of this decision notice. At no time shall vehicular or pedestrian access/egress be created through the planting hatched on the plan unless first agreed in writing with the local planning authority following the submission of an appropriate planning application.

REASON: In the interests of residential amenity; in the interests of the visual amenity of the area; in accordance with Policies DG3 and DG5 of the Fareham Borough Local Plan Review.”

- 3.2 The breach of the above planning condition was first brought to the attention of the Council when the planting along the eastern boundary was removed by the applicant in preparation to install a dropped kerb. The removal of the planting is contrary to condition 4; and the applicant retrospectively seeks planning permission to vary condition 4 of P/07/0742/FP to regularise the removal of the planting, and to enable the creation of a vehicular access from Old Street into the front garden of the property.
- 3.3 The applicant has approval from Hampshire County Council Highways for the installation of 2 transitional and 9 dropped kerbs at the application property, which was issued on 31 May 2023. However, no planning permission was obtained.
- 3.4 Since the matter was brought before the Planning Committee in December 2023, the applicant has amended the plans to reduce the proposed off-road parking at the front of the property from three spaces to two with the parking spaces and access moving further towards the northern boundary of the property. Some replacement planting has been proposed along the southern end of the site frontage consisting of two yew hedges set back from the highway.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

TIN2 – Highway Safety and Road Network

D1 - High Quality Design and Placemaking

D2 - Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (NPPF) 2023

Fareham Borough Design Guidance: (excluding Welborne) December 2015

Supplementary Planning Document

Residential Car & Cycle Parking Standards 2009 Supplementary Planning Document

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/12/0665/VC	Variation of Condition 4 of P/07/0742/FP (To Enable Pedestrian Access Through Planting Area for a Disabled Person)
REFUSED	19/09/2012
P/07/1208/VC	Vary Condition 4 of P/07/0742/FP (To Enable Provision of New Pedestrian Access Gate in Existing Gap in Hedgerow)
REFUSED	05/11/2007
APPEAL	18/08/2008
DISMISSED	
P/07/0742/DP/A	Erection of Detached Dwelling and Garage (Alternative to P/06/1418/FP): Details Pursuant – Conditions 4 and 5 (Landscaping)
APPROVAL	21/08/2007
P/07/0724/FP	Erection of Detached Dwelling and Garage (Alternative to P/06/1618/FP)
APPROVAL	18/07/2007

6.0 Representations

6.1 During the initial 21 day notification period, seven representations were received. Of these representations, 5 are letters of objection, and 2 are letters of support (a third letter of support was received from a household who has already commented). The following points have been raised:

Objections:

- Safety and convenience of other road users and pedestrians
- Proposed access not visible when approaching from south
- Narrowest part of the road
- Four new properties approved nearby – will cause an increase in traffic volume
- The driveway will be inaccessible/restricts access to properties on eastern side if car park nearby
- Will encourage parking on dropped kerbs of eastern side of the highway
- Already adequate parking at rear of property
- Property is much closer to the road than other properties
- Lack of privacy now planting removed - planting should be reinstated
- Pedestrian access already refused (P/12/0665/VC)
- Nothing has materially changed since previous decision

Support

- Good visibility from either side
- Advantageous to remove/reduce parked vehicles from the road
- Will bring property in line with all others in the road
- Will improve visibility turning out of Meon View Farm
- Reduce number of vehicles using dirt track to the farm - less mud on the highway

6.2 Following the receipt of amended plans a further 14 day notification period was allowed for and during that period three updated comments were received which maintained their objections to the proposal raising the following concerns:

- The visibility splay shown on the plans are representative of a 20 mph speed limit, however, Old Street is a 30 mph speed limit
- Property cannot meet the visibility splay requirements
- The property is on the narrowest part of the road, and a blind spot
- Driveways on the western side of Old Street have space to turn their vehicles in their driveways
- Parking is available at the rear of the property
- Highway safety
- Reduces spaces for visitors to Old Street
- Gateway for future unwanted development
- Chippings and stones will spill onto the highway

- Amended plans propose a slightly narrower entrance but it has not moved north
- Other properties on western side of Old Street have access for a single car width
- Does not propose adequate screening
- Property already benefits 4 off-road parking spaces

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways (first consultation response received 20 November 2023)

- 7.1 The application site comprises a detached house which fronts onto Old Street. Old Street is an unclassified road subject to a 30mph speed limit. Based on the records available, there is a narrow strip of highway verge between the property boundary and the carriageway. There is a footway available on the eastern side of the carriageway.
- 7.2 Although not shown on the application drawings, there is a parking area/garage to the rear of the property accessed via the shared private driveway adjacent to No. 57. This shared driveway is of suitable geometry and has satisfactory visibility where it joins Old Street.
- 7.3 The application proposal is for the formation of a vehicular access onto Old Street. Planting/vegetation within the highway verge has been removed in preparation for the construction of the vehicle crossover (dropped kerb). The drawing entitled Frontage Existing & Proposed Vehicle Access indicates that a parking area will be laid out to accommodate three cars (without space to turn around). The surface details have not been provided. The parking area/driveway should be designed to prevent surface water from the site draining onto the public highway and designed to prevent loose material (such as gravel) being deposited onto the public highway.
- 7.4 Visibility splays of 2m ('x' distance) by 43m ('y' distance) are necessary in both directions from the proposed access to ensure that a driver of a vehicle emerging from the access can see an oncoming vehicle travelling at 30mph in sufficient time to allow them to make their manoeuvre safely. Correspondingly, the visibility splays allow the driver of an oncoming vehicle to be aware of the exiting vehicle to be able to slow down and stop safely if necessary (the Highway Authority's publication Technical Guidance Note 3: TG3 - Stopping Sight Distances and Visibility Splays refers). Visibility to the south of the access (right on exit) is significantly reduced to below this

requirement by the adjoining property's boundary hedge. A driver of an emerging vehicle will not be able to see an oncoming vehicle until the exiting vehicle has significantly protruded into the carriageway, which would be detrimental to highway safety.

- 7.5 The Highway Authority recommends refusal as the proposed access from the application site onto Old Street is substandard in terms of visibility and egressing vehicles could cause danger and inconvenience to other highway users.

Hampshire County Council - Highways (latest consultation response received 26 January 2024)

- 7.6 I refer to your consultation sent on 15 January 2024 in relation to the amended plan (dated 14 December 2023) submitted for the above planning application and make the following comments:
- 7.7 The revised plan shows the proposed vehicle crossover reduced in length to approximately 6.4m (from 7.3m) and partial visibility splays indicated. The parking area has been reduced in size to accommodate two parked cars.
- 7.8 The minor adjustment to the access has not materially improved visibility to the right of the access (on exit). The required visibility splay for the posted speed limit of 30mph is 2m by 43m.
- 7.9 The amended parking layout shows the two parking spaces in a somewhat awkward position relative to the vehicle crossover. Also, the proposed replacement planting (H4) is shown in line with the vehicle crossover, which would impede access.
- 7.10 Unfortunately, the revised details have not satisfactorily addressed the Highway Authority's objection raised in my letter dated 20 November 2023.

8.0 *Planning Considerations*

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Planning history
- b) Highway safety;
- c) Visual amenity;

a) Planning history

- 8.2 Planning permission was approved on 18th July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site with Planning condition (no. 4) secured the retention of the planting along the eastern boundary at all times and prevents the creation of a vehicular or pedestrian access/egress through the planted area, unless first approved by the Council.
- 8.3 Shortly after planning permission was granted, a further application was submitted seeking approval for a new pedestrian access gate to be installed in an existing gap in the boundary hedgerow (our reference P/07/1208/VC). That application was refused, and an appeal was subsequently lodged. The appeal was dismissed as the Planning Inspector was unable to conclude categorically that no harm to the character and appearance of the locality or unacceptable highway dangers would arise from the appeal proposal.
- 8.4 A further application was then submitted in 2012 (P/12/0665/VC), again requesting the variation of condition 4 of P/07/0742/FP, to enable pedestrian access through the planted area for a disabled person. The application was refused and considered unacceptable on the following grounds:
- (i) *the available length of frontage to Old Street is insufficient to enable a satisfactory pedestrian access, with adequate visibility splays, to be provided. Use of the access would be hazardous for pedestrians and would cause undue interference with the safety and convenience of the users of the adjoining highway.*
 - (ii) *the proposed access would encourage the parking of vehicles on the adjacent section of Old Street thereby causing an obstruction and adding to the hazards of highway users at this point.*
- 8.5 This current application seeks permission to again vary Condition 4, to create a vehicular access/egress from Old Street, through the eastern boundary into a driveway, which will be laid in the front garden.
- b) Highway safety**
- 8.6 The property already benefits from a vehicular and pedestrian access at the rear of the property via an access road to the north of the site. A double garage and a hard standing with off-road parking for at least 2-3 vehicles is available to the rear of the property.
- 8.7 The applicant has sought permission from Hampshire County Council for the installation of a dropped kerb and this was approved on 31st May 2023. The

applicant was of the belief that only the permission from Hampshire County Council was required and therefore planning permission was overlooked.

- 8.8 Preparations to install the dropped kerb commenced in June 2023 by removing planting along the eastern boundary, contrary to Condition 4 of planning reference P/07/0742/FP. Therefore, the Council approached the homeowner to resolve the breach of Condition 4, and an application was submitted to regularise the unauthorised removal of the planting and to seek permission for the installation of the dropped kerb to create a vehicular access through the eastern boundary.
- 8.9 Policy TIN2 of the adopted local plan states that development will be permitted where there is no unacceptable impact on highway safety. Despite Hampshire County Council approving the applicant's request to install a dropped kerb, during consultation with Hampshire County Council, the Highway Authority have objected to the application and a recommendation for refusal has been made on the grounds of highway safety.
- 8.10 Old Street is an unclassified road subject to a 30 mph speed limit. The road is narrow, with a footpath on the eastern side of the highway. No footpath is available on the western side of the highway where no. 53 is located. Historically, boundary treatments and hedgerows along the western side of Old Street appear to have encroached towards the back edge of the kerb marking the edge of the carriageway along the road. The Highway Authority have therefore treated the kerb as being the extent of the available highway.
- 8.11 With the above in mind, the required visibility splays appropriate for the speed limit of the road cannot be achieved across the land within the applicant's ownership or land confirmed to be that of the adopted highway. Despite the amended plans, due to the substandard visibility for egressing vehicles, which could cause danger and inconvenience to other highway users, the development is not considered to comply with Policy TIN2.
- 8.12 Improvements to the poor visibility for egressing vehicles cannot be achieved to meet the visibility splay requirements within the red edge of the application site shown on the submitted location plan. Although the hedgerow planting at the adjoining property to the south (51 Old Street) has been cut back to improve visibility, that visibility crosses land which the Highway Authority cannot confirm forms part of the adopted highway and which, in any case, is outside of the applicant's control. It would not be acceptable to rely on this visibility since the applicant has no control over it being retained in perpetuity as required.

- 8.13 The application has also raised the prospect of installing traffic/safety mirrors to help driver's see one another, however, the installation of a mirror would not mitigate the poor visibility as it is difficult to judge speed and distance of approaching vehicles and can reflect light and dazzle drivers. In any case, Hampshire County Council will not permit the erection of a mirror on the highway.
- 8.14 Officers acknowledge comments raised by Committee Members, regarding the neighbouring properties along the western side of Old Street benefitting from vehicular accesses. It should be noted that these vehicular accesses are historic and would not have been subject to the same requirements being considered for this application at the time they were formed. Officers do however recognise that some of these accesses may have similar reduced visibility spays, with no recorded road traffic collisions along this section of Old Street.

c) Visual amenity

- 8.15 The application site is permitted infill development within the countryside. The aforementioned condition 4 of planning reference P/07/0742/FP was imposed in the interests of residential amenity and in the interests of the visual amenity of the area.
- 8.16 Policy D1 of the adopted local plan states, amongst other things:

“Development proposals will be permitted where compliance with the following key characteristics of high quality design, has been demonstrated:

- i. Context – where proposals appropriately respond to the positive elements of local character, ecology, history, culture and heritage;...”*

- 8.17 The boundaries along the western side of Old Street mostly consist of mature hedgerows, planting and low fences. The property to the north of the site has removed planting along the eastern boundary, and erected a low picket fence, however, other properties have maintained planting alongside other boundary treatments. The character of the western side of Old Street is of a rural lane which reflects its countryside designation on the edge of the urban settlement area. Meanwhile, properties sited on the eastern side of Old Street sit within the urban settlement and display characteristics of a residential estate. The eastern side of the street is more urbanised, and many properties have open frontages with hardsurfaced driveways and relatively sparse boundary treatment.

- 8.18 The removal of the mature planting at the application site, and creation of a hard standing driveway will have a harmful urbanising effect on the more rural character of the western side of the road. The proposed dropped kerb and opening in the planting along the eastern boundary is not considered to respond to the positive elements of local character, despite the proposal to plant native shrubs at the southern end of the front boundary. Furthermore, the harmful urbanising effect would be exaggerated if the hedgerow to the south of the property is removed to improve visibility for the proposed access. Therefore, the development is contrary to Policy D1.
- 8.19 In summary, Officers have previously set out a recommendation to refuse planning permission when this application was reported to the committee in December last year. The removal of the planting and creation of the dropped kerb to allow vehicular access to a hardstanding area at the front of the property does not respond positively to the local character of the area, and the visibility to the south of the site is significantly reduced, and cannot meet the required visibility splays, therefore, the vehicular access would be detrimental to highway safety. The amendments made to the proposals to reduce the number of parking spaces, move the access point slightly north and introduce some more replacement planting along the frontage do not overcome these issues. Officers acknowledge comments supporting the additional off road parking, however, the property already benefits from a garage and off road parking to the rear of the property, providing adequate off road parking.
- 8.20 Having carefully considered all the relevant planning matters, Officers consider the proposal contrary to the policies of the adopted Local Plan and recommend that planning permission be refused.

9.0 Recommendation

- 9.1 REFUSE PLANNING PERMISSION, on the following grounds:

The proposed development is contrary to Policy D1 and TIN2 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) the removal of planting to support the development of the proposed vehicular access would fail to respond positively to the character of the western side of Old Street;
- ii) the visibility (within the control of the applicant), available south of the proposed vehicular access, would be very limited for vehicles leaving the application site. The use of the access would have an unacceptable impact upon highway safety.

FAREHAM

BOROUGH COUNCIL



FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 31/01/2024

Report of Director of Planning and Regeneration

Subject PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/21/1317/FP](#)

Appeal site address: Andark 256 Bridge Road Swanwick Southampton SO31 7FL

Ward: Sarisbury

The appellant: Mr & Mrs Andrew Goddard

Description of proposal: Change of Use of Land adjacent to Diving Lake to a Motorhome and Camping site for up to 7 Motorhomes and 6 Tents (Excluding Caravans) & Construction of Toilet/Shower Facilities

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 19/09/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0337/OA](#)

Appeal site address: Land to South of 16/17 Glenthorne Close Fareham PO14 2NP

Ward: Stubbington

The appellant: Mr Peter Day

Description of proposal: Outline planning application for proposed erection of nine live/work (research/development/industrial/residential - Class E and C3) hangar buildings for aviation sector and public open space, with matters relating to access, layout and scale sought (appearance and landscaping reserved).

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 03/11/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0338/FP](#)

Appeal site address: Turret House Hospital Lane Portchester Fareham PO16 9LT

Ward: Portchester East

The appellant: Mr Anthony Lawrence

Description of proposal: New detached dwelling (self build)

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 27/02/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1409/FP](#)

Appeal site address: Hunters Lodge Care Home 39 Kiln Road Fareham PO16 7UQ

Ward: Fareham North

The appellant: Mr Stephen Geach

Description of proposal: Construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48

rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (Resubmission of application P/21/1163/FP).

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 12/10/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1582/FP](#)

Appeal site address: Land adj to Meadow Brook Oslands Lane Swanwick Southampton SO31 7EG

Ward: Sarisbury

The appellant: C R Aquisitions Ltd

Description of proposal: Construction of detached dwelling with associated parking and access from Oslands Lane

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 01/11/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/1439/DA](#)

Appeal site address: Land at Titchfield Road Titchfield Fareham Hampshire PO14 3EW

Ward: Titchfield

The appellant: Mr Stuart Banks

Description of proposal: Change of Use of Land to Haulage Yard

Date appeal lodged: 30/10/2023

Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/23/0954/DA](#)

Appeal site address: Meon View Farm 57 Old Street Fareham PO14 3HQ

Ward: Hill Head

The appellant: Mr Nicholas Chappell

Description of proposal: Change of Use of land & laying hard surface

Date appeal lodged: 10/07/2023

Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/24/0007/DA](#)

Appeal site address: Titchfield Festival Theatre 71-73 St Margarets Lane Fareham PO14 4BG

Ward: Titchfield Common

The appellant: Titchfield Festival Theatre Limited

Description of proposal: The material change of use of the Land to theatre use (sui generis) and an engineering operation to excavate and create an underground area beneath the Land

Date appeal lodged: 16/01/2024

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 14/05/2024 for 3 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/22/0295/OA](#)

Appeal site address: 50 Paxton Road Fareham PO14 1AD

Ward: Fareham South

The appellant: Mr George Bell

Description of proposal: Outline application for 1 x 3 bedroom dwelling (with all matters reserved)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: ALLOWED

Appeal decision date: 11/01/2024

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the 'written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)