

Q/0366/16

TITCHFIELD

RICHARD WRIGHT

AGENT: RICHARD WRIGHT

BREACH OF CONDITION 5 OF PLANNING REFERENCE P/13/1089/CU AND
UNAUTHORISED WORKS COMPRISING LAYING OF HARD SURFACING

293B TITCHFIELD ROAD FAREHAM HAMPSHIRE PO16 7AZ

Report By

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Site Description

This report relates to a residential caravan site which was first granted planning permission on appeal in March 2013 (our ref P/11/1097/CU / Planning Inspectorate ref APP/A1720/A/12/2183866). A later planning permission in March 2014 granted permission for the extension of this site and the siting of an additional caravan (our ref P/13/1089/CU).

The site lies on the western side of Titchfield Road to the immediate north of a commercial nursery site and along a lane used to access a small number of houses (nos. 293, 293a, 295, 297-299, 301, 303) as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).

The site is enclosed by high level fencing with a set of gates and brick wing walls at the entrance with the lane on its northern side. Except for a small patch of ground the site is entirely hardsurfaced with a mixture of tarmac and block paved finishes.

There are two existing buildings on the site. The first is a day/amenity block which has stood on the land for a number of years and was previously used as an artists' working studio. Planning permission was recently granted for its extension and conversion to a single dwelling house (ref P/16/0691/FP) but has not been implemented. The second is a timber outbuilding located in the south-eastern corner of the site which was erected in September 2015. A retrospective application for the outbuilding was received in August this year. A report elsewhere on the agenda for this Planning Committee meeting recommends that planning permission be granted.

Planning Considerations - Key Issues

a) Breaches of planning control

This report addresses two breaches of planning control which have been drawn to the attention of Officers.

The first relates to non-compliance with a planning condition imposed on the 2014 permission in relation to a landscaping scheme.

The second concerns the unauthorised laying of hard surfacing across the site which appears to have occurred in a piecemeal fashion since 2011.

b) Non-compliance with condition 5 of planning permission reference P/13/1089/CU

When deciding the appeal in March 2013 the Planning Inspector commented on the appearance of the site from the lane. They noted that "The entrance and boundary fencing can be seen from where the track meets Titchfield Road but the LPA does not dispute the

fence is permitted development; it has a stark appearance but this could be softened by planting in front of it, which could be required by means of a planning condition" (paragraph 13). When granting planning permission the Inspector imposed a condition requiring a landscaping scheme to be produced and implemented in order to specifically address what the Inspector felt was the 'stark appearance' of the front boundary fence abutting the lane.

In May 2013 the applicant submitted details of a native hedgerow to be planted in front of the boundary fence abutting the lane, however due to unrelated issues with the application those details were not formally approved. When permission was granted for the extension of the site in March 2014 a similar condition to that imposed by the Inspector requiring landscaping was imposed (condition 5 of our reference P/13/1089/CU) which reads:

"Within one month of the date of this decision a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, plus details of all areas of hard standing shall be submitted to and approved by the local planning authority in writing. The landscaping shall be undertaken in accordance with the approved details in the first available planting season following the approval of the details. The landscaping shall be maintained in accordance with the approved details.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality; in accordance with Policies DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy."

To date no landscaping details have been submitted to discharge the condition and as a result there is a breach of the condition.

Officers have previously discussed this issue with the applicant who has indicated that he would be willing to plant a hedgerow if the Council could tell him what would be required. Officers have also previously raised this matter with the immediate neighbours who expressed concern that a hedge planted in front of the boundary could become a liability to other users of the access lane if not maintained properly.

Officers have given further consideration to whether a hedge or planting is actually desirable or necessary in this location, notwithstanding the extant planning condition. Past photos show that a high close boarded fence and timber gates existed across the front of the property prior to the current owner moving on to the site in 2011. The current fence at the front of the site was constructed as a replacement boundary fence slightly further forward than the previous fence, and was erected at some point between July 2012 and the Inspector visiting the site on 14th February 2013. As the Inspector noted at paragraph 13, during the appeal it was common ground between the Council and the appellant that the new fence did not require planning permission. Although no photos are available to show the appearance of the fence at the time of the appeal site visit the fence would have only recently been erected and was possibly still untreated raw timber leading the Inspector to remark on its 'stark appearance'. However the fence as it appears today is stained a dark brown colour and in the opinion of Officers does not appear harsh. Furthermore the fence does not appear out of keeping such that it would be harmful to the character and appearance of the lane.

In summary, if an application were to be submitted seeking removal of the condition in question Officers would recommend that permission be granted and in doing so find that the

proposal would not be contrary to Policies CS14 & CS17 of the adopted Fareham Borough Core Strategy. In light of this it is not considered to be expedient to take formal enforcement action to remedy this breach.

c) Unauthorised works comprising laying of hard surfacing

Since the purchase of the site by the current landowner in 2011 hard surfacing has been laid in a piecemeal fashion.

In December 2011 Officers visited the site and photographs taken during the visit show the ground being covered with gravel/shingle. By January 2012 small areas of block paved hardstanding had been constructed in front of a static caravan on the site at that time and to the rear of the amenity building. The rest of the site remained gravelled.

Aerial photography dated 2013 appears to show the area of block paving extended to approximately 250 square metres of the south-western corner of the compound. At some point after then the northern half of the compound (land to the west and north of the amenity building) was resurfaced with tarmac. Finally, in 2014/2015 the remaining area in the south-eastern corner of the site was surfaced with block pavements except for a small area of land in front of the timber outbuilding which was erected in the very far south-eastern corner of the site during September 2015.

No planning permission has been obtained for any of the hard surfacing works undertaken. There are also no permitted development rights granting deemed permission for hard surfacing of this nature. With that in mind the works are unauthorised. Given that, with the exception of the area of block paving in the south-western corner of the site, the works were carried out within the last four years it is within the local planning authority's gift to take formal enforcement action if it considers it expedient to do so.

There are two main issues to consider in terms of the expediency of taking formal enforcement action. The first of these is the visual impact of the hard surfacing. Given that the site is screened on all boundaries and public views into the compound are limited, it is not considered that the extent of the hard surfacing detracts from the appearance or character of the surrounding area. Secondly, the effect of the hard surfacing on drainage should be considered. To assess the impact the hard surfacing might have had on surface water run-off it is important to look at what the conditions of the site were like prior to the applicant laying the block pavements and tarmac.

In 2008 planning permission was granted for the use of the site as an artists' working studio (ref P/08/0063/CU). The Officers' committee report describes the single storey building within the compound being surrounded by hoggin surfacing at the time.

In response to being consulted on the application, Mr Roy Richards of 293 Titchfield Road wrote to comment on the proposed change of use. His letter explains that he purchased the property in 2006. It follows:

"Our major concern is the amount of flooding we have experienced since the development has taken place. Foul sewage was formerly disposed of via the established cesspit of 293 Titchfield Road. A new holding tank and new surface drainage system has been installed as part of the construction work carried out on site, and we know from personal experience that difficulties were encountered during this work. We have been advised that surface water drainage is an issue in this locality. Since this work has been done we have

experienced major drainage issues and flooding within our property which we did not have before this development."

The applicant wrote a letter in response to Mr Richards' comments. In it she explains that in 2007 the building was refurbished and "the land around the buildings was cleared of builders' huts, spoil and waste material that had been left there by the previous owners. The surface was renewed due to the heavy damage caused by the builders' construction vehicles and later from scrub and sapling root damage." In their view "none of the work could possibly cause flooding or divert water towards 293". "Both properties are considerably lower than the lane as it has been built up over the years with resurfacing and repair work. The water table is quite high in this area and a lot of water comes off the roofs of the greenhouses from the neighbouring nursery business."

The exchange of views at the time of the 2008 application being considered is relevant because it reveals that surface water drainage and flooding issues were experienced several years prior to the current owner laying any block pavements or tarmac on the site at 293B Titchfield Road. It is unclear if or how the unauthorised hard surfacing carried out since 2011 has exacerbated or contributed to this problem.

Policy DSP2 of the adopted Fareham Borough Local Plan Review Part 2 expects that "Development should provide for the satisfactory disposal of surface water and waste water".

There are no drainage channels, gulleys or other means of directing surface water run-off on the site. However, it has not been possible to attribute any material harm from surface water run-off from the site which might otherwise suggest that the hard standing would be contrary to Policy DSP2.

In light of the historic reports of surface water drainage issues in the locality and the lack of evidence that the unauthorised hard surfacing has had a material adverse effect on land drainage on adjacent properties, Officers do not consider it would be expedient to pursue formal enforcement action in relation to this matter.

d) Conclusion

Based on the above assessments, consideration of the relevant Act, and other relevant material considerations including advice contained within the policies of the Development Plan, para 207 of the NPPF (2012) and PPG, it is not considered reasonable, proportionate and expedient in view of policies contained within the Development Plan to instigate enforcement action in relation to either of the two identified breaches of planning control.

Recommendation

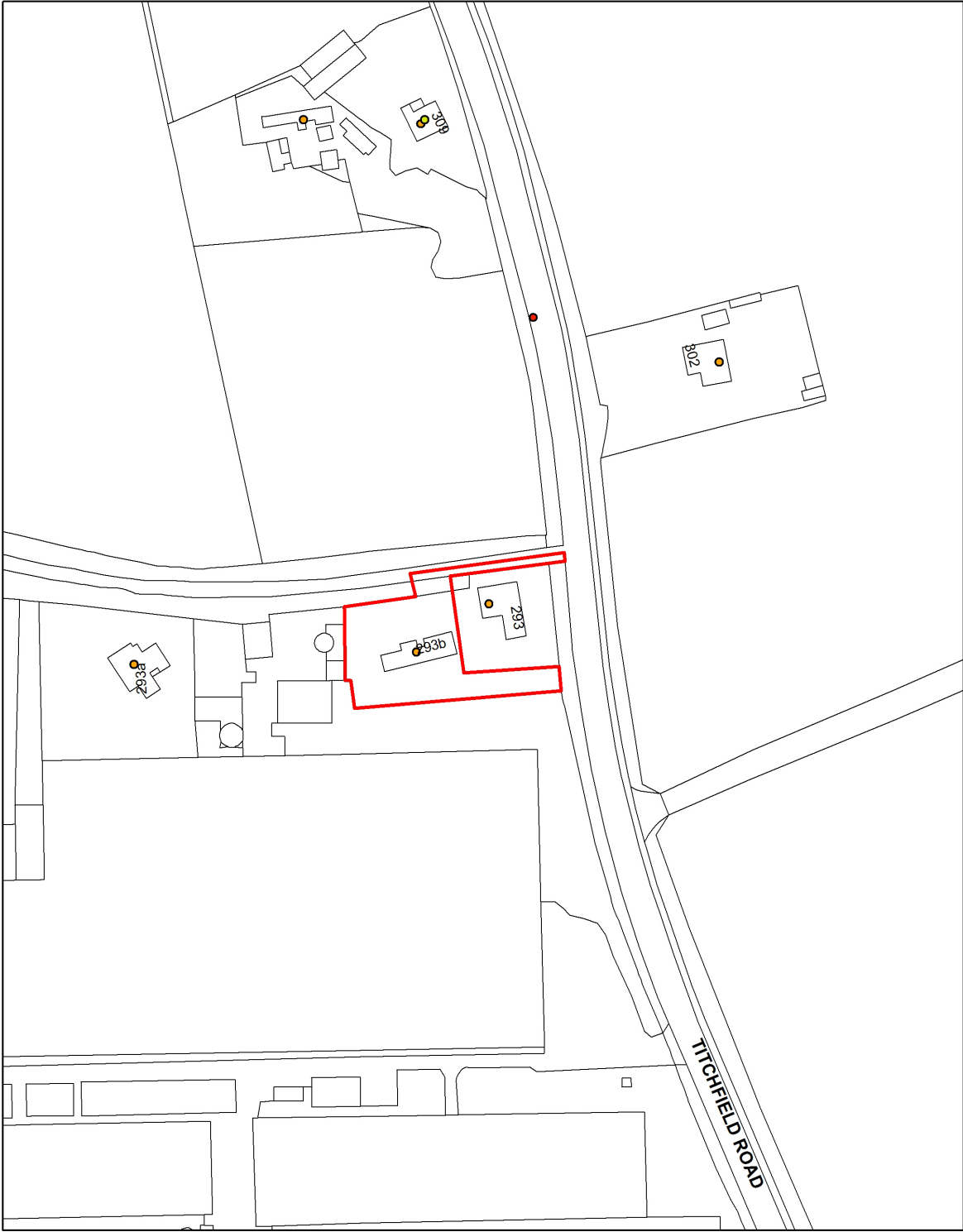
That no further action be taken in respect of either of the above breaches of planning control.

Background Papers

P/11/1097/CU (Planning Inspectorate ref APP/A1720/A/12/2183866); P/13/1089/CU; P/16/0691/FP

FAREHAM

BOROUGH COUNCIL



293B TITCHFIELD ROAD
Scale 1 : 2,500



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