

<p style="text-align: center;">SOUTHERN AREA COMMITTEE - 30/09/04 SCHEDULE OF ADDITIONAL CORRESPONDENCE</p>

Agenda
Item No.

11. TREE PRESERVATION ORDER 309, MACKS LANE, WEST GRIMSTEAD

Macks Lane Action Group - Fully support the above Tree Preservation Order
'There are only two other footpaths in West Grimstead, and those follow the same route for some distance, before diverging. An application to create a new footpath was recently rejected. There are therefore very limited opportunities for villagers to walk without being subjected to the hazards of road traffic.

Macks Lane however, is more than just a footpath. It is a rare sunken path, lined on either side with splendid trees, which connects the top and the bottom of the village. In places the tree roots are visible at ground level.

In view of the application to change the status of Macks Lane to a Byway Open To All Traffic, we are extremely concerned that vehicles will damage the root systems of these trees, being, as they are, so close to the surface. This is why we support the Tree Preservation Order.

Planslist
Item No.

1. S/2004/1711 - CHANGE OF USE TO FALCON BREEDING AVIARIES AND EXPERIENCE DAYS AT LAND ON NEW ROAD, LANDFORD

Consultations

New Forest District Council The Council would raise an objection to the application as it relates to a non-agricultural development within the countryside.

WCC Highways Following a site meeting with the applicants to discuss the requirements of the Highway Authority, I can confirm that the original requirements can be amended to reflect the scale of the development.

The applicant has submitted a revised sketch layout of the access, which is satisfactory but will require further conditions to ensure the works are carried. I also require a submitted plan showing the visibility splays to ensure that a condition can be applied to protect the splays and avoid any doubt as to their extent. Subject to a scale plan of the 2m x 120m visibility splays being submitted, I recommend the following conditions:

1. The vehicular access shall be laid out in accordance with the approved details and shall include a properly consolidated surface (not loose stone or gravel) for a distance of 10 metres from the edge of carriageway.

Reason: in the interests of highway safety.

2. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason in the interests of highway safety.

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3. Before the development hereby permitted is first brought into use, the visibility splays, in both directions, of 2m x 120m, as indicated on the approved details, shall be laid out and cleared of obstruction to visibility at and above a height of 500mm above nearside carriageway level. The visibility splays shall thereafter be maintained free of obstruction at all times.

Reason in the interests of highway safety.

Representations

Third Party Responses A further 6 letters and e-mails of objection raising the following issues
How will level of use be monitored as its difficult to see how 2-4 people three times a week will provide sufficient income to justify development of the site
Caravan should be removed - has been used for overnight accommodation
Concerned regarding future developments
Proposal brings no benefits to local wildlife or local economy
Contrary to aims of National Park,
Concrete security lights are inappropriate in National Park
Development will destroy wildlife and birds-natural heritage will be lost
Proposal spoils residents' peaceful enjoyment of area
Contrary to Salisbury District Local Plan policies G2ii, G2 iii, G2vii, G3, G5, G7, C1, C2, C9, C10
C11, C19, C22, R1A, R1Ci, R1Cii, R1Ciii
Concerns re increase in traffic
Development is on a ridge and will be visible from surrounding countryside
Change in character of area. Development started without planning permission
Motorbike trails, shooting etc occurred over a limited period in mid 1990's

HDS comments

Following additional discussion amend paragraph 5 under heading 'Planning Considerations' as follows: -

5 Impact on SSSI, cSAC and SPA

The proposal lacks an assessment of the impact of the proposed use by the applicant of predatory birds close to an SSSI and two international wildlife protected designations (a candidate Special Area of Conservation (cSAC) and a Special Protection Area (SPA) the latter specifically for birds.

English Nature however, has no concerns regarding the erection of the buildings, as no SSSI interest will be directly effected
Furthermore English Nature does not regard the flying of birds as development and would only require to be notified by the applicant before the hawks and falcons were flown over these sites.

Therefore provided the birds do not fly over the SSSI or the SPA there will be no impact on the protected wildlife

6 Highway Impact

The applicant has not included the whole visibility splay within the red line for the application and does not own part of the land. No notice has been served on the owner of the adjacent

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regarding this proposal. If members are minded to approve this application then time will be required for the applicant to serve the appropriate notices and for any response to be considered.

1. Information from Applicant

Verbally applicant has stated that the mobile home and the residential paraphernalia are to be removed from the site following approval of their proposal. Members should therefore take this fact into account when considering the visual impact of the proposal.

2. Letter from Tourism south-east

Applicant asked the Authority whether their business of 'experience days' was a 'visitor attraction'. Their definition of a visitor attraction is a permanently established excursion destination, a primary purpose of which is to allow public access for entertainment rather than being a retail outlet or venue for sporting theatrical or film performance. Additionally a visitor attraction would be expected to be open to the public without prior booking, to make an admission charge and be capable of attracting day visitors and tourists through publicity material as well as local opinion. This business would not be classified as a visitor attraction and would not be eligible for a visitor charter

3. Minutes of New Forest Committee on 2 December 2003

As regards PPS7 in response to concerns being raised through the Association of Local councils the New Forest Committee was advised that the proposal to give examples of desirable industries in rural communities should not be applied in a prescriptive nature and should allow sufficient flexibility not to stifle innovative ideas.

4. Land based industries include activities such as game keeping, environmental conservation and agriculture. The applicant asserts that Falconry could be included in this category

3. S/2004/1541 - CHANGE OF USE FROM AGRICULTURAL AND ERECTION OF 3 STABLES AND 1 HAY STORE AND HARDSTANDING FOR STABLE YARD AT WOODSIDE FARM, BENTLEY WOOD, FARLEY

Nigel Lilley - See Letter - attached as appendix 1.

Applicant Letter - See Letter - attached as appendix 2.

Enforcement - Comments of Principle Enforcement Officer – attached as appendix 3

5. S/2004/1879 - DEMOLITION OF DWELLING AND REPLACEMENT WITH TWO DETACHED DWELLING INCLUDING ALTERATIONS TO FORM NEW ACCESS AT NANT PERIS, LYNTHURST ROAD, LANDFORD

Agent - Amended site layout plan submitted by agent, indicating corrected western boundary measurement of 30m (amended from 32m).

Environmental Health Officer - Condition recommendation from EHO, requiring a survey of the sites and the immediate area, to identify the existing land drainage arrangements and to require the applicant to provide proposals to ensure that the land drainage of the site will not be adversely affected by the proposal.

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Neighbour Letters - A further four letters of objection from residents, on the grounds of the development being out of keeping with village character, unsafe access, increased flood risk, loss of privacy and light, confusion over name of property, and disruption during construction.

Appendices (3)

APPENDIX (1)

27th September 2004

Nigel Lilley

Architectural Consultant

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F.A.O. Mrs J Wallace

Dear Sirs

Change of Use, Stables and Stable Yard at Woodside Farm Bentley Wood

On behalf of the present occupier of the application site we comment on the Report to Members for the Planning Meeting due to be held on 30th September 2004 and request that the following information is included as late correspondence.

On the 26/4/2001 Mr C W Stokes confirmed by letter to us that the touring caravan and mobile home had been removed from site and he would be instructing the District Solicitor to modify the Notice. On the 8th May 2002 Mr Frampton wrote to us advising that the works required under paragraph 5 sections b (i) & (ii) had been complied with. On the 24th October 2002 Mr Hawkins confirmed in writing to the Planning Inspectorate that the Council had not sought to prevent the use of the land for genuine forestry purposes. In your Statement to the Planning Inspectorate ref. S/02/0758 you confirmed that the notice had been partly complied with. In the Appeal Decision dated 11th November 2002 paragraph 15 the Inspector corrected the Notice to include the words "not reasonably necessary for either (a) the purposes of agriculture within the unit or (b) the purposes of forestry on the land used for those purposes"

Considering the above, we feel that imposition of Conditions 3 and 4 on any Consent will affect the present occupiers statutory rights to properly use the land for forestry and agriculture. All items on site are being used legally and if you wish us to list the items and their respective use please let us know. For example, the "scrap cars" are used to transport forestry and agricultural equipment around the occupiers land. Although they may look scrap, it is a sad fact that in this location vehicles are vandalised and without a building of any form on site to secure them away it is understandable that the occupier does not store better vehicles on site. We note that in your Report you have listed the items present in the yard which further indicates that the Enforcement Notice has been complied with in respect of non agricultural or forestry materials.

1 x 000996

The Council has extant powers to seek the removal of illegally stored items on this site and we therefore consider that all items on site used for the purposes of agriculture and forestry should be removed by agreement between present and future occupier and should not be subject to a Planning Condition.

Yours faithfully

Nigel Lilley

Nigel Lilley

cc Mr R Watling

APPENDIX

(2)

27th September 2004

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LCS

Mrs J Wallace
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Dear Mrs Wallace

I note from your Report to Members for the Planning Meeting on the 30th September, you are imposing a Condition to remove the hardstanding and other items stored at the application site. It is understandable that the stored items on site will have to be removed if I purchase the site, but wonder why you are making this a Planning Condition. Is this not a matter between me and the present occupier in the same way as I would expect a householder to remove furniture and fittings before taking occupation of a house?

It also seems ridiculous to ask for the hardstanding to be removed because you are recommending to your Committee that I can form a hardstanding the same size as that already there e.g 26 x 29m. One of the advantages of this site is that I do not have to carry out this work except where the stables and concrete apron are being constructed. Unlike the site next door I do not have to bring in materials to form a new hardstanding. Their hardstanding is slightly larger than mine and is constructed of 200mm hardcore with 200mm scalpings. All I need to do is re-surface with bark chippings as stated in my Planning Application.

I am aware that there have been Planning problems with this site but they are due to the present owner and his use of the site for forestry and agriculture. I want to use it for horses. If the hardstanding has got to be removed I can presumably form it again but this does seem to be a waste of my time and money when the end result will be the same.

Conditions 3 & 4 do not make sense to me and I request that the Committee is made aware of my comments.

Yours faithfully

J. A. Dixon
J A Dixon

APPENDIX (3)

Richard Hughes

From: Stephen Hawkins
Sent: 30 September 2004 12:44
To: Janet Wallace; Gianina Newell; Richard Hughes
Subject: Woodside Farm, Bentley Wood

Janet/Gianina/ Richard,

In relation to the letters from Mrs. Dixon/Nigel Lilley:

The site is the subject of an effective Enforcement Notice, upheld at appeal requiring removal of the hardstanding currently covering the site and cessation of all storage unrelated to agriculture. The Notice required removal of the hardstanding etc. by April 2003.

On appeal the Inspector varied the Notice by the addition of the words 'not reasonably necessary for either (a) the purposes of agriculture within the unit or (b) the purposes of forestry on the land used for those purposes' after the word 'items' at the end of paragraph 3b.

Since April 2003, enforcement of the Notice has since been in abeyance due to a series of planning applications relating to its retention and erection of buildings on the site, put in by the current owner, which have subsequently been withdrawn.

The Council has taken preliminary steps to prosecute the current owner for non-compliance with the Enforcement Notice. Further steps were put in abeyance as the current owner through his agent (also Mr. Lilley) has undertaken to remove the hardstanding and all the resulting materials from the site by 11th October 2004 to avoid further proceedings.

As regards existing storage on the site, Members should be aware that a request made in July 2004 to inspect the interiors of the vehicle bodies stored on the site to ascertain whether the storage therein was genuinely for the purposes of agriculture/forestry, was not responded to.

The application currently under consideration (S/04/1541) did not clearly indicate whether the existing hardstanding was to be removed. The purpose of conditions 3 and 4 is therefore to clarify the extent of the permission given so as not to affect the enforceability of the Enforcement Notice and to remedy the harm in the landscape caused by the current hardstanding and storage unrelated to agriculture/forestry. I would have no objection to the incorporation of the Inspector's wording into conditions 3 and 4, to address the agent's concerns.

I am happy for you to incorporate the above into Late Correspondence under the heading Comments of Principal Planning Officer (Enforcement) or similar.

Steve

Steve