
Appeal Decision

Site visit made on 5 June 2018

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 27 June 2018

Appeal Ref: APP/X1735/W/18/3194241

Land South Side of Victoria Road, Hayling Island, Hampshire PO11 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Hickman against the decision of Havant Borough Council.
 - The application Ref APP/17/00931, dated 11 August 2017, was refused by notice dated 29 November 2017.
 - The development proposed is described as a new access for pedestrian and vehicles only.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the likely effect of the development on protected species.

Reasons

3. The formation of the access would result in the removal of a 3.6 metre section of existing hedgerow in a long established hedge which exceeds 250 metres in length. Although the hedge contains some breaks and is patchy in places, it nonetheless creates a clear and well defined 'edge' forming a distinct physical and visual boundary between the road serving properties on the north side of Victoria Road and the field to the south which is in use for the keeping of horses.
4. Vehicular accesses are in place at either end of the field. At the eastern end of Victoria Road the road is an unmade track. The appellant states that these accesses are for other owners and there is no direct access to the field however this is at odds with the submitted plan which appears to indicate the appellant owns the whole field including the two existing accesses.
5. The Councils' basis for the refusal is that the appellant failed to provide information to demonstrate that there would be no harmful impacts on protected species. The hedgerow contains a range of native species and a number of emerging standard trees though at the point the access is proposed only hedgerow would be removed. The appellant argues that there was an existing gap in the hedge and work has been undertaken to remove Japanese knotweed. I saw on my visit that partial works had been undertaken to modify the hedge at the point where the proposed access is indicated. The growth rate of vegetation has been vigorous and it was not possible to move from one side

of the hedge to the other at that point. It was also evident that parts of the hedgerow have been poorly maintained where piles of grass cuttings have been placed, if left in that condition this would, in all likelihood, be prejudicial to any wildlife importance of the hedgerow.

6. No ecological information has been provided despite the appellant being requested by the Council to undertake an ecological survey in order to establish the presence, or otherwise, of protected species. This would also enable likely ecological impacts to be assessed and inform appropriate mitigation measures. Even given the basis of the refusal no evidence has been provided by the appellant to demonstrate that there would be no adverse ecological impact nor have any mitigation measures been prepared.
7. Hedgerows are afforded protection in order to safeguard natural features, enhance local habitats and landscape distinctiveness and ensure that land management practices restore, enhance and where appropriate create new habitats. Whilst the length of hedgerow which would be lost would be relatively modest it remains important and that there should be certainty whether the hedgerow is, or is not, important. This would then enable appropriate mitigation be considered.
8. For the above reasons and in the absence of the ecological information the proposal would conflict with Policies DM8 and CS11 of the Havant Borough Core Strategy (2011) and to the aims of the National Planning Policy Framework. These policies, amongst other things, seek to ensure that decisions affecting protected species are properly assessed to ensure that protection and mitigation measures are secured where they are justified.

Conclusion

9. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

Janet Wilson

INSPECTOR