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Application APP/21/01310

Deputation to HPC 01/12/22

It is important to determine this application objectively.

A true planning balance must be applied, comprising the lack of planning harm and significant environmental and economic benefits on one side, against the limited adverse impact on the private amenity of two properties on the other.

The proposal is an appropriate, sustainable land use, delivering significant social, environmental and economic benefits. Substantial enhancement of the SSSI, provision of vital employment, supporting many local businesses and providing social benefits locally, cannot significantly and demonstrably be outweighed by a single adverse impact on residential amenity, particularly where such harm can be mitigated through appropriate planning conditions and agreements.

Determination must be on fact not conjecture, and be supported by accurate and fair evidence. Unfortunately, in this case the recommendation is based on subjective considerations leading to undue weight being applied.

Material considerations relating to:

- policy,
- environment,
- heritage,
- land-use,
- noise and
- highways,

have been assessed and no harm arises.

All public objection is addressed positively, excepting the subjective and unproven amenity loss claimed at Tournerbury Farm.

The potential loss of amenity is acknowledged but not the importance applied in the officer report. It is a subjective matter which should be discussed and mitigated appropriately through planning conditions and agreement; it is not reason alone for refusal or determination at public inquiry.

No demonstrable evidence is given by officers or objectors as to:

- the scope and form of amenity to be protected
- how amenity is manifest and experienced
- weight afforded to amenity versus the combined weight applied to all other material considerations
- why the mitigation proposed is insufficient
- what changes to proposed mitigation would make the proposal acceptable, and
- how amenity is affected by fall-back scenarios

The potential for disturbance from passing traffic is not disputed. Offered in response to mitigate adverse impact, is a reduction in the number of events to a level significantly below and less frequent than lawful use limits, and tough management measures.

Unfortunately, despite our repeated requests and lengthy negotiations about some parts of the application, there has been no active discussion about:

- the appropriateness of mitigation proposed,
- what alternatives might be more effective,
- what is the true fall-back position from which to calculate reasonable living conditions, and
- what effective planning conditions or agreements can be reasonably imposed.

A true 'on the ground' assessment suggests the levels of residential amenity and farm disruptions claimed are not substantiated and there is no quantification. How can harm, and the potential for effective mitigation, be objectively assessed without further detailed negotiation between all parties?

Mitigation must be assessed on the difference between the proposed usage and that which is lawful; not an assessment of the proposal against a situation of no traffic, as suggested by objectors and reflected in the officer report.

Harm to residential amenity must be applied in relation to 'on the ground' factors that the houses are:

- surrounded by uncontrolled, unlawful 3rd party commercial enterprises;
- within 4m and 69m respectively of a busy and successful food and alcohol licensed venue with large open-air space for patrons immediately adjacent;
- on land where farming activity is incidental, increasingly replaced with commercial activities and where farmland is promoted for housing development;
- surrounded by unauthorised development and environmentally harmful activity, and
- lawful use of the existing access has been accepted for many years with no record of harm arising before this application, only hearsay.

The Officer's planning balance is opaque on this point and appears skewed through undue weight attached to limited and localised amenity concern. There is no substantive policy or planning objection raised. Why therefore, is so much weight attached to these two properties when residents of Tournurbury Lane, subject to the same traffic movements, raise no concerns? How has the amenity loss been measured and why is it weighed above the significant planning benefits? These are matters which should be discussed before any determination is made.

Applicant and officers agree that an alternative access is desirable. A route is potentially available but its delivery is thwarted by the unreasonable, self-centred interests and actions of Tournerbury Farm; moreover, its construction is non-compliant with its planning permission. Why?

Members must consider very carefully all merits of this proposal, and work with the applicant to secure a sustainable development. Further discussion can deliver such an outcome, whereas refusal will necessitate justifying at inquiry how limited amenity concerns significantly and demonstrably outweigh substantial economic and environmental benefits and why appropriate conditions and mitigation were not discussed and applied.

Haydn Morris
For HMPC Ltd