

## HAMPSHIRE COUNTY COUNCIL

### Committee Meeting 16 November 2022 Update

#### Report from Assistant Director of Minerals, Waste & Environment

##### Item No: 6

Change of use of part of land forming Redfields Plant Centre to use for recycling of inert materials at Land at Farnham Road, Bowling Alley, Crondall GU10 5RW (No. 21/02058/HCC HR109)

The applicant intends to submit an application for a Lawful Development Certificate to Hart District Council regarding the previous development status of the subject site. The following updates are intended to clarify the Minerals and Waste Planning Authority position on the Previously Developed Land (PDL) status of the site.

Changes to the existing paragraphs are shown in *italics*:

##### 1) Report textual updates

Update to paragraph 12 as follows:

While it is now confirmed by Hart District Council that *at present they do not consider the site to be* Previously Developed Land (PDL), the applicant has demonstrated that there is a local need for the operation which supports the location of the development in the countryside (Policy 5). The site has good transport connections with the local market served (Policy 25). However, the proposal does not demonstrate effectively it meets a 'special need' (Policy 29).

Update to paragraph 17 as follows:

Prior to the relocation of the applicant's business to the site, it was an existing operational yard previously associated with the neighbouring landscaping business that operates from the area of land immediately north of the subject site. Hart District Council (*HDC*), as the Local Planning Authority for the previous development of the wider site, have determined the lawfulness of the use of the subject site as an 'operational yard' has not been established in planning terms, and *for the purpose of the development of the subject site, it does not consider it to be* lawful PDL (this is discussed further below in 'Development in the countryside').

Update to paragraph 107 as follows:

The applicant has asserted that based on their previous correspondence and reports by Hart District Council (HDC) (particularly Officer Report for the previously granted planning permission) the subject site has been recognised as Previously Developed Land. However, as described under Consultation

Responses, HDC have now clarified *their position* on the development status of the site.

Update to paragraph 109 as follows:

However, the latest HDC response clarifies that in light of the planning history of the subject site, they do not consider it to be PDL. *HDC have stated that a Lawful Development Certificate (LDC) would prove beyond reasonable doubt if the land is PDL. The applicant has stated that they intend to submit an application for an LDC to HDC. As the potential earlier development of the land is not of a type that is under the planning jurisdiction of the MWPA, the MWPA will not make a judgement on the PDL status of the proposed site. As such the MWPA defer to the District Council's current and future position on this. It should be emphasised that any granting of this waste planning application is not intended to prejudice any future LDC application to HDC.*

Update to paragraph 115 as follows:

Restoration is a requirement of Policy 5 (Development in the Countryside). To ensure restoration of the site when the proposed use ceases, a condition has been recommended requiring a restoration scheme to be approved and ultimately restoration back to agriculture use implemented. *If it were shown through a Lawful Development Certificate (LDC) that the land is considered PDL then full restoration would not be required, only removal of the dust fencing.* This condition is included in **Appendix A**.

Update to paragraph 116 as follows:

Taking all matters into account, whilst it is acknowledged that the subject site is considered countryside, the development has been found to meet the requirements of Policy 5, Part b, by demonstrating a local need for the relatively small scale operation. The District Council's position that the land is not considered to be PDL is accepted *for the purposes of the current application* despite it previously being identified as an 'operational yard' in district council planning documents. *Should the application be granted it is not intended to make a judgement on, or prejudice, any future application by the applicant to Hart District Council for a Lawful Development Certificate.* The proposed site would utilise a relatively small area which is disconnected from Crondall and Mill Lane and is bound by woodland, a larger area of agricultural land which is not considered PDL, and the existing structures for the landscaping business which does benefit from Planning Permission. Taking all matters into account, with the proposed mitigation and planning conditions, the proposal is considered to be in accordance with Policy 5 (Protection of the Countryside) of the HMWP (2013), Policies NBE2 (Landscape) and ED3 (Rural Economy) of HLP (2020), and Policy 4 (Crondall/Mill Lane Local Gap) of (CPCNP) (2021). However, the proposal is not considered to be in accordance with Policy NBE1 (Development in the Countryside) of HLP (2020).

Update to paragraph 195 as follows:

While it is now confirmed by Hart District Council that *at present they do not consider the site to be* Previously Developed Land (PDL), the applicant has demonstrated that there is a local need for the operation which supports the location of the development in the countryside (Policy 5). However, the site does not demonstrate it meets a 'special need' (Policy 29).

## **2) Further consultation response**

[Crandall Parish Council have provided a further response following publication of the Officers Report.](#)

Update to the end of Paragraph 61 as follows:

*Crandall Parish Council have further responded regarding the policy analysis in the Officer Report and restating their objection. If the application is granted, have requested that a contribution be made to the Highways Authority for repairs to Bowling Alley adjacent to the site access, that a routing agreement be put in place, and for a Liaison Panel to be secured by condition.*

## **3) Conditions**

The following condition is updated to reflect that restoration would not be required if the subject site is shown to previously developed land. As the dust netting is above the fence height that would be allowed under Permitted Development, requirement for its removal is retained.

### **Condition 23:**

In the event of the cessation of the uses hereby permitted, within 2 months, a Restoration Scheme shall be submitted and approved in writing by the Mineral and Waste Planning Authority detailing the return of the site to agricultural uses within 12 months of the cessation.

All plant, buildings, structures, hardstandings and associated infrastructure shall be removed from the site and the site should be restored in accordance with approved scheme.

The scheme shall include details of:

(i) the thickness and quality of subsoil and topsoil to be used and the method of soil handling and spreading, including the machinery to be used;

(ii) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing of topsoil;

(iii) measures to be taken to drain the restored land; and

(iv) details of proposed seeding.

*Restoration, other than removal of the dust netting and support poles, would not be required in the event that the land subject to the development hereby approved is demonstrated to be Previously Developed Land as evidenced by a Lawful Development Certificate.*

Reason: To ensure satisfactory restoration in accordance with Policies 5 (Protection of the countryside) and 9 (Restoration of minerals and waste developments) of the Hampshire Minerals and Waste Plan (2013).

#### **4) Notes to applicants**

Insert the following as Note 3 with numbering of subsequent notes amended as required:

*3) The granting of this planning permission has been made based on the Minerals and Waste Planning Authority's understanding of Hart District Council's position on the Previously Developed Land status of the site. It is not intended to make a judgement on, or prejudice, any future application by the applicant to Hart District Council for a Lawful Development Certificate for uses that may have occurred, on the land subject to the development hereby approved, prior to this decision.*