

Northney Farm wishes to appeal against the decision made by Havant Borough Council regarding our application for an agricultural maize silage clamp. The appeal is based on three aspects of the decision:

1. The information available to the committee when making their decision
2. The weight given to the professional officer reports, and statutory consultees
3. The impact of the conditions to reduce the perceived impact on the Listed Building and wider environment

The majority of this appeal relates to information in the Case Officer's report, and the conduct of the meeting, the recording of which is available on Havant Borough Council's website.

Point 1: The information available to the committee when making their decision

Agricultural planning matters are complex, and in the case of Havant Borough Council, are a rare subject for the Development Management Committee to discuss and decide upon. There are many Permitted Development rights, many of which vary from those available to householders. It is therefore essential that the Committee are provided with clarity about what development could be achieved without full planning permission.

Unfortunately with this application, the quality and clarity of the officer's presentation, and the answers to questions did not make these distinctions clear. As meetings have been taking place remotely during the pandemic, the full recording of the meeting is available on the Council's website, and can be reviewed.

<https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=127&MId=11114>

As can be ascertained from the recording, the full permitted development rights were not clearly laid out to the committee, and the answers to Councillor questions were inadequate. This could have been overcome by the applicant answering the questions directly – but this was not allowed. This has been a poor decision, particularly when other Havant Borough Council committees have allowed deputations and contributions from non-members.

An example of this poor information and thought process can be seen in the discussion about the security rail. It is a Health and Safety Executive requirement that a safety rail is in place where a vehicle could drop more than 600mm. This is clearly the case with a tractor moving on top of a 3000mm high silage clamp (see photograph 1). As a farm, we take health and safety matters seriously and have included a safety rail to ensure safe vehicle manoeuvring. The Committee's discussion about 'handrails' was irrelevant and diverted discussion from the substance of the application – and would have been prevented if officers had been properly briefed, or the applicant been allowed to answer questions.

Point 2: The weight given to the professional officer reports, the statutory consultees and other consultees

As described by the case officer's report, none of the statutory consultees made an objection to the application. Indeed, the Council's Conservation Officer stated that 'I am firmly of the view that there

would be no material harm to the architectural and historic interest of North Farm House and its setting’.

The Committee debated a number of aspects of the application, but insufficient weight was given to this point. The committee failed to take account of the existence of a farm building immediately south of the silage clamp, which is vastly higher and bulkier than the silage clamp (see photograph 2). As can be seen from any photographs, the intermittent views of the safety rail are usually set against the building, not a natural or open environment. There is therefore no degradation of the setting of the listed building, and the Committee’s objection falls away.

It is worth noting that the farm is heavily regulated in its activities, being located within and nearby the Chichester Harbour Area of Outstanding Natural Beauty. The Environment Agency had no objection, and no comments were received from Chichester Harbour Conservancy.

We agree with the comments made by the North East Hayling Resident’s Association who recognise the importance of the farm to the local community, and to the preservation of the village setting. We have agreed to the condition of painting the safety rail, and have selected a colour that blends the rail with the larger barn to the south side.

In summary on this point, the National Planning Policy Framework paragraph 196 clearly states that any less than substantial harm to a listed building must be weighted against the benefits of the proposal, and securing the optimum viable use of the site. There is no better location for the storage of silage in the farm complex than the chosen site. It is unfortunate that the Committee did not discuss the respective weights of the application and any harm to the listed building.

Point 3: The impact of the conditions to reduce the perceived impact on the Listed Building and wider environment

It is unfortunate that the Case Officer chose to pursue a set of conditions that had not been agreed with the applicant. We have always been in favour of painting the visible parts of the structure, and establishing planting to the north and east sides. Similar planting was done when the adjacent barn was constructed, and now 20 years later, the barn is almost invisible from the Chichester Harbour Area of Outstanding Beauty – which demonstrates that it works (see photograph 3).

As can be seen from the current photographs, the screening is already becoming established around the silage clamp, and we would agree to any conditions to improve or maintain this in perpetuity (see photograph 4). We take our relationship with the Chichester Harbour Area of Outstanding Natural Beauty very seriously, and regularly work with Chichester Harbour Conservancy to improve the environment of the harbour and contribute to its education programme.

Therefore, we suggest that the condition to clad the structure with timber does not meet the test for Planning Conditions as stipulated in paragraph 55 of the NPPF. It is neither necessary for the development to be acceptable (as the painting and landscaping provide sufficient mitigation), or fairly and reasonably relating in scale and kind to the development (as it would be a large expense compared to the development, and will be unreasonable as the clamp will be masked by foliage in a relatively short period).

In summary, we believe that Havant Borough Council's decision is flawed on at least the above three points, and we invite the Inspector to review and overturn this decision to enable the farm to continue to be an integral part of Northney village for many more generations.

Appendix 1: Photographs to illustrate appeal points

Photograph 1: Tractor driving on silage clamp – to demonstrate the need for the safety rail, now required by the Health and Safety Executive



Photograph 2: View from the north side to demonstrate the planting on the north side (screening the concrete wall), and the painted upright (showing the reduction in impact by painting the frame and safety rail). This view also demonstrates the scale of the clamp in comparison to the adjacent barn.



Photograph 3: View from the north east corner, to demonstrate the impact of previous planting masking the existing barn, which we would look to replicate alongside the adjacent silage clamp.



Photograph 4: View from further east looking west, demonstrating the impact of existing planting which completely masks the existing barn, which would be replicated around the concrete wall to the right in the picture

