# TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

# STATEMENT OF HAVANT BOROUGH COUNCIL

## Northney Farm, St Peters Road, Hayling Island

## Local Planning Authority Reference: APP/19/01048

## Planning Inspectorate Reference: APP/X1735/W/20/3260889

**HAVANT BOROUGH COUNCIL**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

**APPEAL BY MRS PIKE, A.H. BROWN LTD AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR RETROSPECTIVE APPLICATION FOR MAIZE SILAGE CLMP AND 3 METRE HIGH WALLS WITH SAFETY RAIL NORTHNEY FARM, ST PETERS ROAD, HAYLING ISLAND.**

**Planning Inspectorate Reference: APP/X1735/W/20/3260889**

**LPA REF: APP/19/01048**

## 1.0 THE APPEAL SITE AND ITS SURROUNDINGS

1.1 Northney Farm is located to the east of St Peters Road in Northney, Hayling Island. The Farm itself is long established with a number of farm buildings of various ages. The farm includes a dairy herd, pasture land, arable land cropped for maize silage with some fields cropped for wheat, potatoes and peas by Stoke Fruit Farm. In more recent years the farm has diversified introducing Northney Tea Rooms and producing ice cream.

1.2 The application is retrospective with the silage clamp having been erected on site. The silage clamp is located to the north-eastern corner of the farm building complex and has replaced an earlier silage clamp in the same location, however it is understood that the previous silage clamp had a lower profile and did not include rails above.

1.3 In relation to the silage claps surroundings, to the east are open fields and hedges leading to Chichester Harbour and the Chichester Harbour Area of Outstanding Natural Beauty. To the south are existing modern farm buildings with the building adjacent to the clamp being taller than the new structure (including rails).

1.4 To the west is an area of hardstanding with modern agricultural buildings beyond. To the north of the silage clamp is in part an open field with dwellings in Spinnaker Grange beyond and in part the residential curtilage with North Farm House with some tree screening to the boundary. North Farm House is a Grade 2 Listed Building.

1.5 The Borough Map and 1:1250 Location Plan are provided at **APPENDIX A**.

## 2.0 PLANNING HISTORY

2.1 There is a long planning history relating to the farm and the following applications are considered relevant to the consideration of this planning application shown in date order with most recent shown first:

APP/18/01090 - Change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development subject to prior approval. PRIOR APPROVAL GRANTED, 14/12/2018
APP/18/00321 - Change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development subject to prior approval., PRIOR

APPROVAL REQUIRED and REFUSED, 02/05/2018

APP/17/00983 - Change of use from agricultural building to 1No. dwellinghouse subject to prior approval., PRIOR APPROVAL REQUIRED and REFUSED, 17/10/2017

APP/17/01071 - Single storey rear extension to Tea Rooms. (Approved 26.02.18). Request to discharge condition 13 (05.10.18). Request to discharge condition 14 and 15 (07.12.18)., PERMITTED, 26/02/2018

APP/13/01262 - Extension of car park and associated landscaping., PERMITTED, 06/03/2014

APP/12/01071 - Erection of new agricultural building to provide winter housing for livestock., PERMITTED, 18/12/2012

APP/11/00071 - Non-Material Amendment of Planning Permission's 09/74191/000 & 09/74191/001 regarding the addition of 2No. windows to the east elevation of the tea room, PERMITTED, 21/02/2011

07/58698/005 - Re-surfacing of cow tracks with chalk rubble and adjacent storage yard with brick rubble topped gravel (part retrospective)., PERMITTED,19/07/2007

05/58698/004 - Application to determine if prior approval is required for a new concrete access road (5m) (revised notice) and new recessed access with double gates to field for cows., PRIOR APPROVAL REQUIRED and PERMITTED, 22/03/2005

04/58698/003 - Application to determine if prior approval is required for a new concrete access road (6m wide) with recessed gates., PARR,02/02/2004

00/58698/002 - New livestock building, PERMITTED, 20/09/2000

96/58698/001 - Application for approval of details of siting, design and appearance of proposed timber clad replacement agricultural barn., PRIOR APPROVAL REQUIRED and PERMITTED,11/02/1998

93/58698/000 - Application for prior approval for erection of Straw and Hay barn, PERMITTED, 12/09/1994

93/58698/000 - Application for prior approval for erection of Straw and Hay barn, PERMITTED, 23/04/1994

## 3.0 THE APPLICATION

3.1 The application for Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail was validated on the 25th November 2019 and was considered at the Council's Development Management Committee on the 16th July 2020. The Development Management Committee determined to refuse planning permission and the application was refused on the 17th July 2020 for the following reason:

***The development, by reason of its height, causes less than substantial harm to the setting of the adjacent Grade II Listed Building, North Farm House. On the basis of the information available to the Local Planning Authority, it is not***

***considered that this harm is outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.***

A copy of the Draft Minutes relating to the Development Management Committee have previously been forwarded to the Planning Inspectorate.

## 4.0 PLANNING POLICY

4.1 The following National Planning Policy guidance and policy is considered particularly relevant to the consideration of this appeal:

**National Planning Policy Framework** – In particular: *Supporting a prosperous rural economy* paragraph 83; *Conserving and enhancing the historic environment* paragraphs 184-185, 189-192, 193-194 and 196.

**Planning (Listed Building and Conservation Areas) Act 1990** – Sections 16 and 66

**Planning Policy Guidance – Historic Environment July 2019** – Overview: Historic Environment; Decision-making: historic environment; Designated heritage assets

**Historic England – Managing Significance in Decision Taking in the Historic Environment – Historic Environment Good Practice Advice in Planning: 2 July 2015** – paragraphs 4, 8-10

4.2 The following Local Planning Policy and guidance is particularly relevant to the Consideration of this appeal.

**Havant Borough Local Plan (Core Strategy) March 2011** – Policies CS11, CS12, CS15, CS16, CS17, DM8, DM9 and DM10.

**Havant Borough Local Plan (Allocations) July 2014** – Policies AL1, AL2 and DM20.

## 5.0 CONSULTATION RESPONSES / REPRESENTATIONS

5.1 The following Consultation Responses have been received in relation to the application and the responses have previously been forwarded to the Planning Inspectorate:

- Arbouriculturalist Havant Borough Council
- Building Control Havant Borough Council
- Conservation Officer Havant Borough Council
- Southern Water
- Environment Agency
- Environmental Health

5.2 Number of representations received: 2 of Objection (3 comments) (which includes representation by and on behalf of objector) 2 neutral comments (Including 1 from North-East Hayling Residents Association) 1 of support (2 comments).

Representations received in relation to the application have previously been forwarded to the Planning Inspectorate. The comments received are also summarised in the Officers Report to the Development Management Committee which is attached at **Appendix B**. It should be noted that detailed objections have been received in relation to the setting of North Farm House the Grade 2 Listed Building adjacent to the site.

5.3 The application was recommended for planning permission as set out in the Officers Report to the Development Management Committee. Committee members received a written Deputation from Mr JP & P Higney together with updates and additional information included at **Appendix C**.

5.4 As set out in the Draft Committee Minutes **Appendix D** Members received a presentation by Officers outlining the report and answering the questions raised by the Site Viewing Working Party and individual members of the Committee. Officers responded to matters raised in the Deputation, answered questions raised by members and members discussed the application in detail. Having considered the matter in detail, although a minority of the members considered that the proposed development was acceptable subject to added conditions and would not have an unacceptable impact on the neighbouring property, a majority of the members felt that the proposal by reason of its height, design and siting would result in a harmful impact on the setting of the listed building and its surroundings. Members agreed the Reason for Refusal which is set out in paragraphs 3.1 and 5.5. It is of course entirely legitimate for members of the Development Management Committee to determine a planning application contrary to officer recommendation providing that there are clear planning reasons to do so.

5.5 In this case the planning matters used to determine the application relate to the impact of the development on the setting of the Listed Building North Farm House. This is a matter legitimately under consideration as set out in national and local policies and guidance. The reason for refusal sets out clearly the concerns of the majority of members:

***The development by reason of its height causes less than substantial harm to the setting of the adjacent grade 2 listed building, North Farm House. On the basis of the information available to the Local Planning Authority, it is not considered that this harm is outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.***

The decision notice meets the requirements of Section 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 which states *Where planning permission is refused, the notice must state clearly ad precisely their full reasons for refusal, specifying all policies and proposals in the development plan which are relevant to the decision.*

## 6.0 PLANNING CONSIDERATIONS

6.1 The main issues in relation to the consideration of this appeal are considered to be the Impact of the development on the Setting of the Heritage Assets and this is considered below. However, in assessing the proposals the following other matters were also considered and set out in full in the Officer report to the Development Management Committee (**Appendix B**):

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Drainage and water resources
(v) Impact on protected sites
(vi) Impact on trees.

These matters are important in understanding the wider impacts of the development and led to a recommendation for a number of conditions to the Development Management Committee for consideration had planning permission been granted. It is not intended to repeat the above listed considerations which are covered in the Officers Report to the Development Management Committee and are not relevant to the consideration of the single reason for refusal set out in the Decision Notice, this relates to the impact on the setting of the Heritage Assets.

Impact on the setting of the Heritage Assets

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6.2 In relation to the impact on heritage assets there are considered to be two assets to consider and a detailed assessment has been provided on behalf of the owner of North Farm House and by the Council's Heritage Team Leader. The two assets are the locally listed barn at Northney Farm and North Farm House and these are considered below.

6.3 In relation to the Locally Listed Barn and Northney Farm the Councils Heritage Team Leader has commented that:

*In regards of the locally listed barn there will be no impact from the proposals. The barn is set within a complex of other modern large barns which screen the development from any view. As such there would no harm to its setting.*

The reason for refusal does not relate to the Locally Listed Barn and therefore this is not considered to be a concern in relation to this appeal.

6.4 The issue to which this appeal relates is the impact of the development on North Farm House. North Farm House is a Grade 2 Listed Building with the following listing description:

*SU 70 SW HAVANT NORTHNEY LANE Hayling Island 26.5.76 7/7 North Farmhouse II*

*House. C17 with C18 and C20 additions. Timber-framed building, clad later in brickwork, and with a tiled roof. South elevation of 2 storeys, 3 windows. Red brick walling in Flemish bond, eaves fascia, 1st floor band, cambered ground floor openings. C20 casements, French door, and large windows in a flat-roofed forward extension at the west side. The north elevation has 3 large C20 hipped roofed dormers, resting on the catslide roof, and there is a gabled staircase projection, with Flemish Garden Wall bond. Timber-framing exposed within. Modernised, with minor additions, in traditional style.*

6.5 The Legislative and Policy Background sets the basis for the consideration of any application which may impact a heritage asset, in this case a Grade 2 listed building and its setting. In this regard the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) Section 16 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of

special architectural or historic interest when considering whether to grant Listed Building Consent. Whilst this is not an application for Listed Building Consent it does introduce the concept of preserving the setting of a Listed Building.

6.6 Section 66 of the 1990 Act considers the General duty as respects listed buildings in exercise of planning functions and requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.7 The National Planning Policy Framework (NPPF) sets out policies that Councils must take into account when determining planning applications. Of particular relevance in relation to the impact of development affecting Heritage Assets that should be considered in making planning decisions are the following paragraphs:

Paragraph 184

*These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

Paragraph 190

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

Paragraph 192

*In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 193

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and 11 * listed buildings, grade I and 11 * registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

6.8 The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

*The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.*

6.9 Havant Borough Local Plan (Core Strategy) 2011 policy CS11 relates to Protecting and Enhancing the Special Environment and Heritage of Havant Borough and states that Planning Permission will be granted for development that amongst other matters:

*4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.*

6.10 Havant Borough Local Plan (Allocations) 2014 policy DM20 relates to Historic Assets and states amongst other matters that:

*Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.*

6.11 It is clear from National and Local planning policy that any proposal that has the potential to affect a heritage asset must be considered against the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case it is the setting of the Grade 2 Listed Building North Farm House which needs to be considered.

6.12 The silage clamp itself replaced an earlier clamp what is understood to have been a lower smaller structure with timber walls. The clamp adjoins in part the common boundary with North Farm House. The clamp at the time of the case officers site visit had concrete walls with a red painted metal frame enclosing the concrete walls but then projecting above the walls. The height of the concrete walls is 3m with the framework above extending to 4.9m in height. The silage clamp is considered to require planning permission under the General Permitted Development Order Part 6 A (f) as *the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres* The Aerodrome in this case is at Thorney Island. Photographs of the silage clamp and its surroundings are attached at **Appendix E**.

6.13 In considering the development which was already in situ some members were particularly concerned in relation to the height of the structure which rises to 4.9m and its relationship to North Farm House. The Inspectors attention is also respectfully drawn to the detailed concerns in relation to the impact of the development on the Setting of the listed Farm House in the detailed representations made during the course of the consideration of the application and previously forwarded to the Planning Inspectorate including by a professional heritage consultant.

6.14 Members considered that the silage clamp by reason of its height, design and siting, resulted in less than substantial harm to the setting of the adjacent grade 2 listed building, North Farm House. Paragraphs 193 and 194 of the National Planning Policy Framework state that (paragraph 193) *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or* <u>*less than substantial harm*</u> *to its significance.* (underlining added).

6.15 Where it is considered that the development is detrimental to the designated heritage asset paragraph 194 states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* In this case members considered that there was harm to the setting of the listed building. The Grade 11 listed building is clearly an important designated heritage asset.

6.16 Where there is considered to be less than significant harm paragraph 196 of the National Planning Policy Framework sets out the circumstances in which such harm might be justified:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

In this case the benefit is primarily a private one with the main benefit being to the farm. Whilst it is recognised that the operation of the farm, (in this case silage production for cattle feed) and ultimately human food including dairy production has a public benefit there is no evidence that the silage clamp would have to be positioned adjacent to the boundary with the Grade II listed building. The silage clamp, having been erected without planning permission has resulted in any opportunity to consider alternative sittings for the clamp being limited. The stark light grey concrete walls and red rails above, result in an intrusive and prominent structure on the boundary with the private garden area of the listed building. The structure is therefore out of character with the rural and verdant setting of the listed building. The height of the structure and walls utilising alien materials are out of keeping with the hedges and former lower, timber silage clamp on this boundary and cause visual intrusion on the garden, which is an integral part of the setting of this listed dwelling. On the basis of the information available to the Local Planning Authority members concluded that it is not considered that this harm is outweighed by the benefits of the scheme.

6.17 On the basis of these conclusions members considered that the development is contrary to the following adopted Council policies:

Havant Borough Local Plan (Core Strategy) 2011 policies CS11 and CS16:

6.18 Policy CS11 relates to Protecting and Enhancing the Special Environment and Heritage of Havant Borough and states:

*Planning permission will be granted for development that* (amongst other matters):
*4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.*

Members considered that the development adjacent to the curtilage of North Farm House would not protect the setting of the Listed Building.

6.19 Policy CS16 relates to High Quality Design and states:

*Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design* (Amongst other matters):

1. *Responds to, draws inspiration from and respects local context and:*

*a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;*

*c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;*

In this case members did not consider that the development responded positively to the existing historic Listed Building and its setting. Furthermore, members were concerned about the height of the frame and its impact on the setting of North Farm House.

Havant Borough Local Plan (Allocations) 2014

6.20 Policy DM20 relates to Historic Assets and states:

*Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.* Members did not consider that the development would meet this requirement in relation to the impact on the setting of the Listed Building.

Other Matters

6.21 It is understood that following that following the decision to refuse planning permission further works have taken place in relation to the Silage Clamp including the painting of some or all of the frame in green rather than red and the bracing of part of the frame structure as the silage clamp had spread. The clamp has also been in use for the storage of maize. These actions had not been taken at the time of the determination of the application. The current condition of the silage clamp has not been able to be checked given Covid 19 restrictions. It is recognised that the current condition of the silage clamp may require amendments in relation to any conditions recommended should the appeal be allowed.

Comments on Appellants Grounds of Appeal

6.22 Concerns have been raised in relation to the information available to Committee Members at the Development Management Committee. As can be seen from the Officers Report, members had a comprehensive report setting out details of the application. The applicants had an opportunity to make a written Deputation to the Committee, however this was not taken up. Development Management Committee procedures do not and did not pre-corona virus allow for applicants to answer questions during the members questions to officers or debate.

6.23 In relation to the particular matter of the safety rails officers confirmed in the Site View Working Party Minutes and at the meeting that the rails were a safety requirement. The Site View Working Party Minutes confirmed:

*(6) the rails were a safety requirement for the farm;*

The Additional Planning Information also confirmed:

*The applicant has advised that:*
*The maize within the clamp won't go above the 3m concrete sides of the clamp and, as you know it is covered with green polythene and tyres. The previous pit was 8.5m wide by 35m long and 2m high but often, because we were short of space, it would be mounded in the middle making it probably 2.4m at the centre. We did not have a guard rail around it, which we have to have now to comply with Health and Safety regulations. The capacity of the new clamp is slightly larger than the old clamp but often with the old one we had to extend beyond the front.*

It should be noted that both reports were available to Development Management Committee Members prior to the application's determination.

The officers Committee Report also states on page 22:

**Officer Comment:** *The rails are understood to be a safety requirement for the farm.*

6.24 The appellant comments that insufficient weight was given to the Conservation Officers comments. It should be noted that the Council's Heritage Manager attended the Committee meeting and addressed members of the Committee. It is clear that the decision took account of Heritage comments (both for and against the proposal when including the report on behalf of the objector). As previously stated the Development Management Committee are able to determine the application contrary to the recommendation of officers. The reason for refusal is based on planning and heritage impacts and taken on legitimate planning grounds. Clearly the merits of the decision are a matter for the Planning Inspectorate.

6.25 It is stated that *The committee failed to take account of the existence of a farm building immediately south of the silage clamp, which is vastly bulkier than the silage clamp..*

The Committee members clearly considered the full context of the development and a detailed presentation by officers included numerous views of the silage clamp and its context.

6.26 It is noted that the appellant has agreed to the condition requiring painting of the safety rail should the application be permitted on appeal.

6.27 The appellant appears to accept the planting conditions requirements. Concern is raised in relation to cladding the structure with timber. Officers consider that such a condition is appropriate and meets the tests for the imposition of conditions. The Officers report states in paragraph 7.12:

*The concrete walls of the structure could be softened by the introduction of wood cladding to the northern elevation of the structure facing North Farm House. It is considered that the introduction of the cladding would result in a more natural appearance similar to a tall fence or more traditional agricultural building.*

The Councils Heritage Team Leader also supported the introduction of timber cladding to the north elevation wall.

## 7.0 CONCLUSION

7.1 In conclusion, it is considered that the development by reason of its height, design and siting causes less than substantial harm to the setting of the adjacent grade 2 listed building, North Farm House.

7.2 Given this conclusion it is necessary to consider whether this less than substantial harm is outweighed by the public benefits of the development. In this case it is not considered, on the basis of the information available to the Council that any public benefits from the scheme would justify the development. The proposal is therefore considered contrary to national and local policies and guidance as set out above.

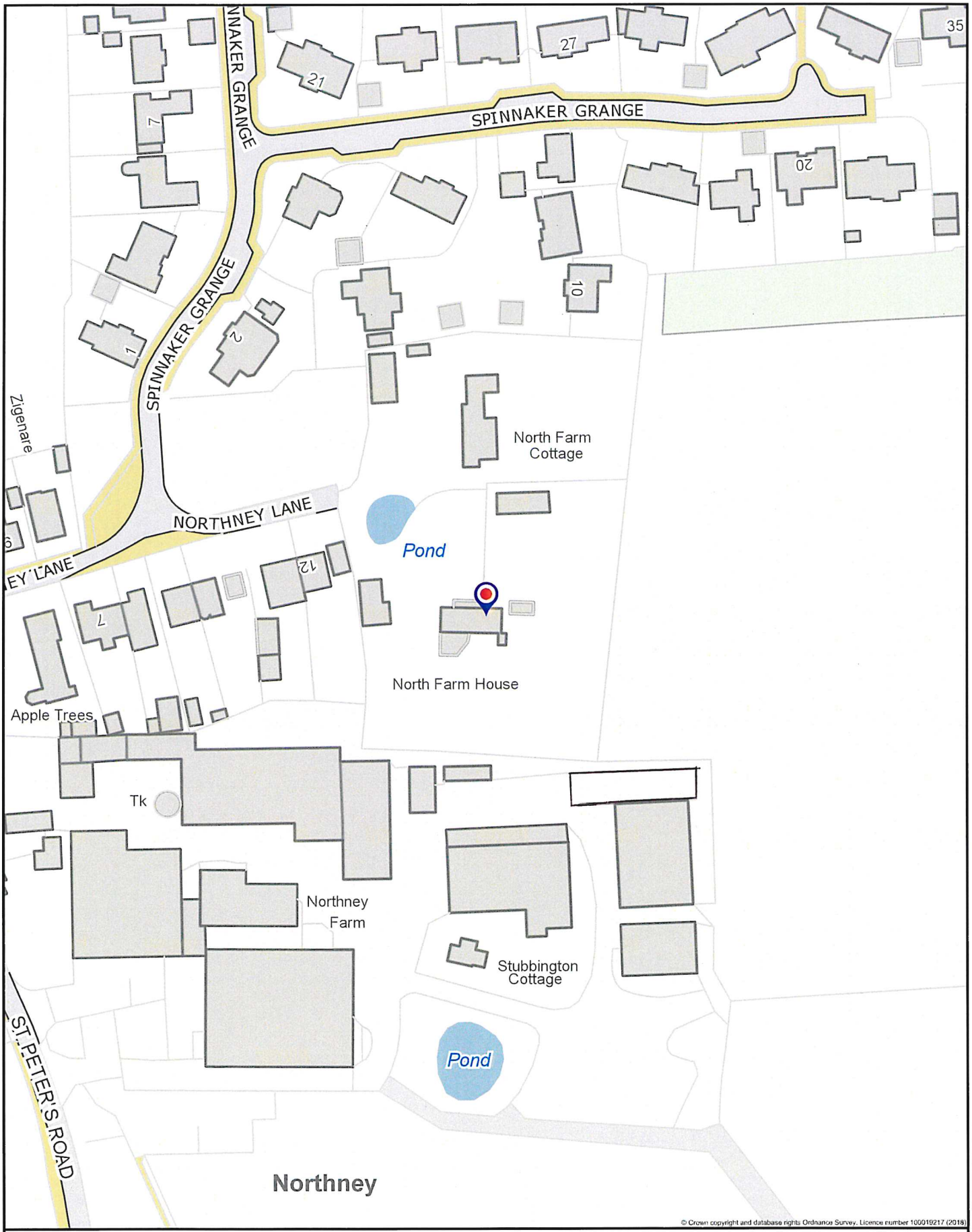
7.3 The Inspector is respectfully requested to **DISMISS** this appeal. In the event that the appeal is allowed recommended conditions will be forwarded separately.

## APPENDICES

(A) Borough Map and 1:1250 Location Plan
(B) Officers Report to the Development Management Committee
(C) Deputation from Mr JP & P Higney and Committee updates and additional information
(D) Draft Committee Minutes
(E) Photographs of the silage clamp and its surroundings

# APPENDIX A

# Borough of Havant




# Northney Farm Hayling Island

Havant BOROUGH COUNCIL

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# APPENDIX B

**HAVANT BOROUGH COUNCIL**
**PUBLIC SERVICE PLAZA**
**CIVIC CENTRE ROAD**
**HAVANT**
**HAMPSHIRE P09 2AX**

*Telephone:* *023 9247 4174*
*Fax:* *023 9248 0263*
*Website:* *www.havant.gov.uk*

# DEVELOPMENT MANAGEMENT COMMITTEE AGENDA

**Membership:** Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Standing Deputees: Councillor David Guest, Councillor Husky Patel, Councillor Diana Patrick, Councillor Julie Thain-Smith and Councillor Joanne Thomas

***Meeting:*** **Development Management Committee**

***Date:*** **16 July 2020**

***Time:*** **5.00 pm**

***Venue:*** **Remote Meeting - Via Skype for Business**

The business to be transacted is set out below:

David Brown
Monitoring Officer

7 July 2020

*Contact Officer:* *Mark Gregory 023 9244 6232*
*Email: mark.gregory@havant.gov.uk*

**Page**

**PART A - (Items Open for Public Attendance)**

**1 Apologies for Absence**

To receive and record apologies for absence.

**2 Site Viewing Working Party Minutes** **To Follow**

To receive the minutes of the Site Viewing Working Party held on 8

July 2020.

**3 Declarations of Interest**

To receive and record declarations of interests from members present in respect of the various matters on the agenda for this meeting.

**4 Applications for Development and Development Control Matters 1 - 4**

**4(1) APP/19/01048 - Northney Farm, St Peters Road, Hayling Island 5 - 44**

Proposal: Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail.

Additional Information

## GENERAL INFORMATION

**IF YOU WOULD LIKE A VERSION OF THIS AGENDA IN LARGE PRINT, BRAILLE, AUDIO OR IN ANOTHER LANGUAGE PLEASE CONTACT DEMOCRATIC SERVICES ON 023 92 446 231**

### Internet

This agenda and its accompanying reports can also be found on the Havant Borough Council website: www.havant.gov.uk. Would you please note that committee reports are subject to changes and you are recommended to regularly check the website and to contact *Mark Gregory (tel no: 023 9244 6232)* on the afternoon prior to the meeting for details of any amendments issued.

### Public Attendance and Participation

The meeting will be streamed live online to enable members of the public to watch in real time. The meeting will also be recorded and the recording will be published on the council's website.

IP addresses will not not collected, however in order to function, Skype for Business collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

Members of the public, County Councillors, and Non-Members of the Development Management Committee may submit a written deputation to meetings of the Development Management Committee provided that it relates to an item on the Agenda for a particular meeting.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired. However, "same or similar topic" does not apply to applications for planning permission considered by the Development Management Committee.

A copy of a deputation must be received by the Democratic Services Team not later than 48 hours before the start of the meeting (other than when the meeting is on a Monday, when notice has to be in by the previous Wednesday). Written deputations may be sent by email to the address set out below.

A deputation from a member of the public, agent or a County Councillor may be no longer than 750 words (including footnotes). A deputation from a Havant Borough Councillor, who is not a member of the meeting, shall be no longer than 1,500 words (including footnotes). A deputation may not contain images or photographs.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond

to a written deputation after it has been published, unless the response is to correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: DemocraticServices@havant.gov.uk

**Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item please contact the Contact Officer (contact details are on page i of the agenda)

# PROTOCOL AT MEETINGS – RULES OF DEBATE

Site Briefing

- A private remote meeting may be held to enable the Councillors to familiarise themselves with a site's characteristics and request additional information to be provided prior to the meeting the Development Management Committee, where it is considered necessary to do so.

- A site briefing will normally be initiated either by:

  - The Head of Planning in advance of the Development Management Committee, in circumstances where she considers it important to understand the physical circumstances of the site, and representations of third parties (particularly where a deputation is expected), or where the application raises issues of precedent where Councillors need to understand the wider implications of any decision
  - The submission of a Red Card and specific request to site briefing by a Councillor
  - Resolution of the Development Management Committee

- The site briefing is an opportunity for members of the Committee to familiarise themselves with the site officially and have a proposal explained to them by Officers. No decision is made at a site briefing; the matter is always referred to a future meeting of the Development Management Committee for decision.

- Whilst attending a site briefing it is important for members of the Committee to consider:

  1. The site layout and boundaries;
  2. Physical features and constraints including levels and orientation;
  3. The general characteristics of the site and how it relates to the surrounding area;
  4. Nearby land uses, and
  5. Any relevant transport issues affecting the site.

- The site briefing should be a 'fact finding mission' and a means of identifying issues for consideration by the Development Management Committee. It must not therefore be used as an opportunity to debate the merits of an application. There will be no opportunity to receive representations from members of the public or applicants. Members should however ask questions of the Officers present, make points and highlight certain characteristics that they can only draw to the attention of other members of the Site briefing.

- The minutes of the meeting shall be published. The presentation together with supporting materials, which have not already been published on the Council's website, will be published as an appendix to the minutes of the meeting.

- Any member of the site briefing who has a disclosable pecuniary interest (as set out in the Members Code of Conduct) or has formed a concluded view – in the application must disclose to the meeting the existence and nature of that interest. If a disclosable pecuniary interest or a concluded view is declared the Councillor must not take any part in the site briefing or vote on the recommendation regarding the site in question and must not be part of the meeting during the briefing.

- Whilst the site briefing does not make a decision on an application or other planning matter, it is normal working practice for the briefing to make a recommendation to the Development Management Committee in one of the following forms

    1. To resolve, on the basis of the site briefing and information available at the time, that the site briefing does not wish to draw to the attention of the Development Management Committee any additional matters, OR
    2. To resolve on the basis of the site briefing and information available at the time, that the site briefing would wish that the Development Management Committee to consider the following matters in addition to those detailed in the Head of Planning report before making a decision:

        a. the need for additional information, and/or
        b. the need for additional conditions, and/or
        c. areas of concern arising from the site briefing

- The Chairman will seek to secure a majority view as to the recommendation for the need or otherwise of additional matters being drawn to the attention of the Development Management Committee. If it is apparent that a majority cannot be obtained, he will recommend that the site briefing do not record a view.

- Any Councillor interested in a matter on the agenda can attend the site briefing, in order to have a better understanding of a proposal in their own ward or one that is of Borough wide interest. However, other Councillors attending the site briefing will not be allowed to address the working party, other than to point out matters of fact, detail, local knowledge and history.

- No recommendation of the site briefing to the Development Management Committee should be regarded as the final view of any Councillor as to how an application should be determined by the Committee.

<u>Submission of Questions for the Development Management Committee</u>

- Councillors are encourage to forward questions to be raised at the meeting to Democratic Services at least 4 hours before the meeting. These questions can then be addressed either as part of the officer's presentation or shortly after. This

does not inhibit your ability to ask questions at the meeting, but questions in advance can help facilitate a smoother and easier to follow virtual meeting.

- Questions cannot be directed to persons who have submitted written deputations.

- Questions and answers will be published and attached as an appendix to the minutes.

Meeting Protocol

- Microphones will be muted centrally unless it is a councillor/officers turn to speak. When unmuted centrally please note that a councillor/officer will also need to press the unmute button before speaking!

- Councillors are encouraged to arrive at the virtual meeting no less than 15 minutes prior to the meeting start time. This will allow any technical issues to be resolved and the quorum to be confirmed.

- Whilst being held remotely, the meeting remains a formal meeting of the council with the same rules of conduct. There is the potential for greater audience numbers due to people being able to watch from their own homes. The meeting will also be recorded and the recording publicly available.

- After reading the report and attending the site briefing, if any, Councillors must forward primary questions to Democratic Services at least 4 hours before the meeting to facilitate a smoother meeting. These questions will be addressed by the officers at the meeting. Please note that the opportunity to ask supplementary questions at the meeting will be limited (please see above).

- There is a viewing pane showing all participants on the left-hand side (clicking the icon depicting three people in the top left of the screen will open). This lists the attendees (committee members) in alphabetical order, which is useful to ascertain when you will have an opportunity to speak.

The Chairman will read out a detailed introduction to outline how the meeting will run.

**Apologies for Absence**

Will be read by the Democratic Services Officer.

**Confirmation of Attendance/ Declarations of Interest/ Supplementary Matters**

For expediency, the Chairman will ask each councillor in turn to confirm the above. Attendees will be able to mute and unmute their own microphones. Councillors and Officers are requested to mute their microphone them when not speaking and wait to be invited to speak by the Chairman at the appropriate time unless you they are experiencing technical difficulties in hearing another person. A standard form of words has been drafted:

*Present. I confirm that I have read the Supplementary Matters papers and that I have no interests to declare.*
If you have an interest:

*Present and I confirm that I have read the Supplementary Matters papers. I have an interest to declare in application xxxx/xxxx – Land at xxxxx, item x of the agenda. The nature of this interest is xxxxxxxx and I shall…….(remain in the meeting for the discussion/voting on this item/ remain in the meeting for the item but abstain from voting/ withdraw from the meeting for this item)*
Please use this form of words.

**Confirmation of Minutes**

The Chairman will ask each councillor in turn whether they have any amendments to the previous minutes. Either reply 'No amendments Chairman', or yes and clearly state the amendment.

The Chairman will ask for a proposer, at this point all microphones will be unmuted. The first councillor to speak, stating only their name 'Cllr X' will be taken as the proposer. The process will be repeated for the seconder. Prior to speaking please remember that you need to unmute your microphone!

**First Application**

The officer will introduce as usual, with a PowerPoint shown via Skype for Business. During his introduction, the officer will highlight any new issues raised in the presentation, which are not covered in the report or supplementary papers. Public and ward councillor deputations will be submitted in advance and published. They will not be read aloud.

Following this the Planning Officer will respond to the deputations and answer questions that have been submitted by members of the committee prior to this meeting. After a reply has been given to each question, The Chairman shall ask the Councillor, who asked the questions if they are satisfied with the answer and/or have a supplementary question prompted by the answer.

The Chairman will then ask each Councillor in turn whether they have any supplementary questions. Once questions have been answered the Chairman will move to the debate. This will follow the same format as questions.
Councillors are encouraged to move a motion (including an amendment) at any stage during the debate. The Chairman will announce when a motion has been proposed and name the proposer and will then call for a seconder. All microphones will be made live and Councillors must state their name if they wish to propose/second. At this point the Chairman shall ask each Councillor in turn if they wish to speak, the debate centring solely on the motion.

If members are minded to refuse an application, contrary to officer advice they must clearly state their reasons for refusal. If a member wishes to add conditions not recommended by the officers, he or she must also give reasons for this new condition. These reasons will be noted by the Officers. Councillors should make it clear that they are putting a motion forward and state the wording of the motion clearly.

Officers shall be given an opportunity to comment on any motion (including amendments) and any issues raised during the debate.
At the end of a debate the Chairman shall ask each member, alphabetically, if they have anything to add.

**Voting**

When voting, the Chairman will ask each Councillor in turn, alphabetically, to state either 'FOR, AGAINST or ABSTAIN'. Your microphone will be made live to enable you to speak, but please - remember to unmute before speaking!
The Democratic Services Officer will confirm the voting numbers, following which the Chairman will declare the result of the vote.

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# HAVANT BOROUGH COUNCIL

## Development Management Committee

## APPLICATIONS FOR DEVELOPMENT AND OTHER DEVELOPMENT CONTROL MATTERS

**REPORT BY THE HEAD OF PLANNING**

**Applications to be determined by the Council as the Local Planning Authority**

Members are advised that all planning applications have been publicised in accordance with the Code of Practice for Publicity of Planning Applications approved at Minute 207/25/6/92, and have been referred to the Development Management Committee in accordance with the Delegation Procedure for Determining Planning Applications 'Red Card System' approved at minutes 86(1)/4/97 and 19/12/97.

All views of consultees, amenity bodies and local residents will be summarised in the relevant report only if received prior to the report being prepared, **otherwise** only those views contrary to the recommendation of the Head of Planning will be reported **verbally** at the meeting of the Development Management Committee.

***Members are reminded that all letters received are placed upon the application file and are available for Development Management Committee Members to read on request. Where a member has concerns on such matters, they should speak directly to the officer dealing with the planning application or other development control matter, and if appropriate make the time available to inspect the file and the correspondence thereon <u>prior</u> to the meeting of the Development Management Committee.***

The coded conditions and reasons for refusal included in the recommendations are set out in full in the Council's Manual of Model Conditions and Reasons for Refusal The standard conditions may be modified to meet the specific circumstances of each individual application. Members are advised to bring their copies to the meeting of the Development Management Committee.

In reaching decisions on the applications for development and other development control matters regard should be paid to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

The following abbreviations are frequently used in the officers' reports:

| | |
|---|---|
| HPS | Head of Planning Services |
| HCSPR | Hampshire County Structure Plan - Review |
| HBLP | Havant Borough Local Plan (comprising the adopted Core Strategy 2011 and saved policies from the District Wide Local Plan 2005. A related emerging document is the Draft Allocations Plan 2012) |
| HWLP | Hampshire, Portsmouth & Southampton Minerals & Waste Local Plan |
| NPPF | National Planning Policy Framework 2012 |
| HBCCAR | Havant Borough Council Conservation Area Review |
| AONB | Area of Outstanding Natural Beauty |
| CA | Conservation Area |
| LB | Listed Building included in the list of Buildings of Architectural or Historic Interest |
| SAC | Special Area of Conservation |
| SINC | Site of Importance for Nature Conservation |
| SPA | Site identified as a Special Protection Area for the protection of birds under the Ramsar Convention |
| SSSI | Site of Special Scientific Interest |
| FP | Definitive Footpath |
| POS | Public Open Space |
| TPO | Tree Preservation Order |
| HBC | Havant Borough Council |
| GPDO | Town & Country Planning (General Permitted Development) Order |
| DMPO | Town & Country Planning (Development Management Procedure)(England) Order 2010 amended |
| UCO | Town & Country Planning (Use Classes) Order |
| S106 | Section 106 Agreement |
| Ha. | Hectare(s) |
| m. | Metre(s) |

RECOMMENDATIONS

To reach decisions on the applications for development and other matters having regard to the approved development plan, all other material considerations, the views of consultees, the recommendations of the Head of Planning, and where applicable the views of the Site Viewing Working Party.

**Implications**

**Resources:**

None unless detailed in attached report.

**Legal:**

Details set in the individual reports

**Strategy:**

The efficient determination of applications and making of other decisions under the Town & Country Planning Acts in an open manner, consistent with the Council's planning policies, Regional Guidance and Central Government Advice and Regulations seeks to ensure the appropriate use of land in the public interest by the protection and enhancement of the natural and historic environment; the promotion of the economy; the re-use of existing buildings and redevelopment of 'brownfield' sites; and the promotion of higher densities and good quality design in all new development all of which matters assist in promoting the aims of the Council's Community Strategy.

**Risks:**

Details set out in the individual reports

**Communications:**

Details set out in the individual reports

Background Papers:
Individual Applications with Case Officers

Simon Jenkins
Head of Planning

David Brown

Monitoring Officer

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Site Address: Northney Farm, St Peters Road, Hayling Island, PO11 0RX
Proposal: Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail.
Application No: APP/19/01048 Expiry Date: 20/01/2020
Applicant: Mrs Pike
A. H. Brown Ltd.
Agent: Case Officer: David Eaves
Ward: Hayling East

Reason for Committee Consideration: Referral by the Director of Regeneration and Place

Density: N/A

HPS Recommendation: **GRANT PERMISSION**

## 1 Site Description

1.1 Northney Farm is located to the east of St Peters Road in Northney, Hayling Island. The Farm itself is long established with a number of farm buildings of various ages. The farm includes a dairy herd, pasture land, arable land cropped for maize silage with some fields cropped for wheat, potatoes and peas by Stoke Fruit Farm. In more recent years the farm has diversified introducing Northney Tea Rooms and producing ice cream.

1.2 The application is retrospective with the silage clamp having been erected on site. The silage clamp is located to the north-eastern corner of the farm building complex and has replaced an earlier silage clamp in the same location, however it is understood that the previous silage clamp had a lower profile and did not include rails above.

1.3 In relation to the silage clamp's surroundings, to the east are open fields and hedges leading to Chichester Harbour and the Chichester Harbour Area of Outstanding Natural Beauty. To the south are existing modern farm buildings with the building adjacent to the clamp being taller than the new structure (including rails).

1.4 To the west is an area of hardstanding with modern agricultural buildings beyond. To the north of the silage clamp is in part an open field with dwellings in Spinnaker Grange beyond, and in part the residential curtilage of North Farm House with some tree screening to the boundary. North Farm House is a Grade 2 Listed Building.

## 2 Planning History

2.1 There is a long planning history relating to the farm and the following applications are considered relevant to the consideration of this planning application shown in date order with most recent shown first:

APP/18/01090 - Change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development subject to prior approval. PRIOR APPROVAL GRANTED, 14/12/2018

APP/18/00321 - Change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development subject to prior approval., PRIOR APPROVAL REQUIRED and REFUSED, 02/05/2018

APP/17/00983 - Change of use from agricultural building to 1No. dwellinghouse subject to prior approval., PRIOR APPROVAL REQUIRED and REFUSED, 17/10/2017

APP/17/01071 - Single storey rear extension to Tea Rooms. (Approved 26.02.18). Request to discharge condition 13 (05.10.18). Request to discharge condition 14 and 15 (07.12.18)., PERMITTED, 26/02/2018

APP/13/01262 - Extension of car park and associated landscaping., PERMITTED, 06/03/2014

APP/12/01071 - Erection of new agricultural building to provide winter housing for livestock., PERMITTED, 18/12/2012

APP/11/00071 - Non-Material Amendment of Planning Permission's 09/74191/000 & 09/74191/001 regarding the addition of 2No. windows to the east elevation of the tea room., PERMITTED, 21/02/2011

07/58698/005 - Re-surfacing of cow tracks with chalk rubble and adjacent storage yard with brick rubble topped gravel (part retrospective)., PERMITTED,19/07/2007

05/58698/004 - Application to determine if prior approval is required for a new concrete access road (5m) (revised notice) and new recessed access with double gates to field for cows., PRIOR APPROVAL REQUIRED and PERMITTED, 22/03/2005

04/58698/003 - Application to determine if prior approval is required for a new concrete access road (6m wide) with recessed gates., PRIOR APPROVAL REQUIRED and REFUSED, 02/02/2004

00/58698/002 - New livestock building, PERMITTED, 20/09/2000

96/58698/001 - Application for approval of details of siting, design and appearance of proposed timber clad replacement agricultural barn., PRIOR APPROVAL REQUIRED and PERMITTED,11/02/1998

93/58698/000 - Application for prior approval for erection of Straw and Hay barn, PERMITTED, 12/09/1994

93/58698/000 - Application for prior approval for erection of Straw and Hay barn, PERMITTED, 23/04/1994

## 3 Proposal

3.1 Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail.

3.2 The building consists of a metal framework painted red with a height of 4.9m annotated on the submitted elevations. This is the framework for concrete retaining walls with a height of 3m.

3.3 During the consideration of the application, the applicant has agreed to provide landscape planting to part of the northern and eastern side of the silage clamp (this is discussed further in part 7 of this report). It has also been agreed to paint the metal framework in green (greengage) of a similar appearance to the adjacent barn.

## 4 Policy Considerations

National Planning Policy Framework
Planning (Listed Building and Conservation Areas) Act 1990
Planning Policy Guidance - Historic Environment July 2019
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Northney and Tye Village Design Statement April 2008

Havant Borough Local Plan (Core Strategy) March 2011

| | |
|---|---|
| CS11 | (Protecting and Enhancing the Special Environment and Heritage of Havant Borough) |
| CS12 | (Chichester Harbour Area of Outstanding Natural Beauty (AONB)) |
| CS15 | (Flood and Coastal Erosion) |
| CS16 | (High Quality Design) |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| DM10 | (Pollution) |
| DM8 | (Conservation, Protection and Enhancement of Existing Natural Features) |
| DM9 | (Development in the Coastal Zone) |

Havant Borough Local Plan (Allocations) July 2014

| | |
|---|---|
| DM20 | (Historic Assets) |
| AL1 | (Presumption in Favour of Sustainable Development) |
| AL2 | (Urban Area Boundaries and Undeveloped Gaps between Settlements) |

Listed Building Grade: Not applicable to application site; adjoining the site North Farm House is a Grade 2 Listed Building.
Conservation Area: Not applicable.

## 5 Statutory and Non Statutory Consultations

**Arboriculturalist, Havant Borough Council**
No objection.

**Building Control, Havant Borough Council**
No comments.

**Conservation Officer**

Further Comments:

Recommendation: No Objection

*Site*
Northney Farm is a working farm located in Northney Village. The main farm building complex is sited to the east of St Peters Road comprising a mix of traditional and modern farm buildings. Along the St Peters Road frontage are two historic Grade II listed dwellings which date from the 18th century. Within the farm itself the barn situated to the north of the farmyard has been confirmed as a building of local historic interest. The site is not located within a conservation area.

The proposals in question relate to an agricultural maize silage clamp which is located to the eastern most side of the farmyard. This is located close to North Farm House which is Grade II listed.

*Proposals*
Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail.

*Legislative and Policy Background*

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

The National Planning Policy Framework (NPPF) sets out the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

'184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Considering potential impacts

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and 11* listed buildings, grade I and 11* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

*Local Plan Policies*

Policy CP16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant

Assessment

The relevant consideration relating to the historic environment in this instance is the impact of the proposals on the adjacent listed building (North Farm House) and locally listed buildings, their respective setting and any features of special architectural or historic interest which it possesses.

*Locally listed barn Northney Farm*

In regards of the locally listed barn there will be no impact from the proposals. The barn is set within a complex of other modern large barns which screen the development from any view. As such there would no harm to its setting.

*North Farm House*

North Farm House is Grade II listed and originates from the 17th century. It is timber-framed building which has been clad later in brickwork. There are 18th & 20th additions to the dwellings. The plan (including the granary) and surrounding gardens adds to the historic significance of the Listed Building and its setting. The significance of North Farm House not only lies in its architectural value but also in its evidential value as a physical document of past agricultural practices and rural settlement. This allows the observer to properly appreciate the functional origins of the complex and its relationship with the surrounding agricultural land.

A traditional farmstead or farm building will have significance if it makes a positive contribution to local character and distinctiveness, whether it is designated as a heritage asset or not. It is clear in this case that North Farm House and the granary make a positive contribution in their current form to the character of the area.

The proposed silage clamp is located to the south east of North Farm House and is constructed with concrete walls (approximately 3 metres in height) and a steel frame with a safety rail/steel uprights which reach 4.9m. This replaced an existing timber clad enclosure of approximately 2m. It is located next to a large metal clad agricultural barn and is separated from the garden of North Farm House by mature hedging/shrubs.

Views of development from the house itself would be relatively distant and screened from view by mature vegetation. Any glimpse views of the silage clamp would be seen in the context and with the background of the large modern agricultural barn. It should also be noted that the steel frame allows for views through the structure above the height of the concrete walling. The red colour of the steel frame does currently make it stand out more and as such I would recommend that it is painted green to blend in with the vegetation. A softening of the concrete walling with timber cladding would have also been beneficial to try and blend the development into its surroundings.

From within the gardens themselves the development would come more into view the closer one gets to the boundary. However, again any views of the structure are intermittent with the mature screening available. It is also clear this is set to a backdrop of a longstanding working farm with large modern barns visually notable. In turn the existing farm does not allow for southern long-distance views from North Farm House into open countryside which might have made the existing view more significant. Furthermore, I do not consider that this development causes any harm to the spacious nature of the gardens as this is substantially maintained by the development.

*CONCLUSION*

The proposed silage clamp It is sufficiently distant from North Farm House and the locally listed barn not to materially impact on it. The red steel frame will be the most noticeable feature within the garden of North Farm House which could beneficially be softened by appropriate painting. However, even the steel frame is intermittently viewed even when in close proximity. The development would also not impact on the spacious feel of the surrounding gardens. As such even considering the importance of the neighbouring assets and the high sensitivity of the location, in my view is not such as to make the proposal unacceptable. Given the limited scale of the development and the backdrop of buildings against which it would be viewed 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.

Recommendations:
Paint steel frame green
Clad external concrete walling in timber

Original Comments:
The proposed maize silage and walls are located a sufficient distance from any listed or locally listed building to not cause any harm to their setting. In addition there is ample mature boundary screening to North Farm House which adequately screens the development. As such I have no objection to the proposals.

**Southern Water**
The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**Environment Agency**
We have reviewed the information as submitted and set out our position below.

Environment Agency position
We have no objection to the proposal as submitted.

Advice to the Applicant
The Applicant should ensure that the silage clamps complies with The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (SSAFO Regulations). Compliance with the SSAFO Regulations is a separate matter to planning permission.

We should be notified 14 days before use of new silage stores to allow us the opportunity to assess whether or not the structure is compliant with the SSAFO Regulations.

Further guidance can be found on the gov.uk website:

https:/lwww.gov.uk/guidance/storing-silage-slurry-and-agricuItural-fuel-oil

The Applicant should note the following paragraph copied from the gov.uk website:
"Before you start work

It's up to you to decide what planning and work is needed but you must:
. tell the Environment Agency at least 14 days before you begin construction - you can also contact them for advice on planning and building a store
. make sure you don't pollute the surrounding environment – e.g. rivers or other watercourses
. check if you also need planning permission

Once your storage is built you must carry out maintenance to make sure there's no risk of pollution."

Therefore, the Applicant is advised to contact us as soon as possible by contacting our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

**Environmental Health**
No adverse comments from this office.
The above shall not prejudice any comments that may be made by Mr J. Driver, Environment Control Officer.

## 6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 2

Number of site notices: 2

Statutory advertisement: 17/01/2020

Number of representations received: 2 of Objection (3 comments) (which includes representation by and on behalf of objector) 2 neutral comments (Including 1 from North-East Hayling Residents Association) 1 of support (2 comments)

**Objections:**

**Legislation, National and Local Planning Policy**

UK law, national and statutory local policy give a very high level of protection to listed buildings and their settings.

Policy considerations are set out with reference to:

- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Local Plan (Core Strategy) - Policies CS11 (Protecting and Enhancing the Special Environmental and Heritage of Havant Borough), CS16 (High Quality Design).
- Local Plan (Allocations) - Policy DM20 (Historic Assets).
- Draft Local Plan 2036 - Policy E9 (Historic Environment and Heritage Assets) - paragraph 5.109.

- NPPF - Paragraphs 189, 190, 194, 196
- Historic England's 2017 publication The Setting of Heritage Assets.
- The setting of a heritage asset is defined in the Glossary of the NPPF.
- BS 7913: 2013 Guide to the conservation of historic buildings

Northney and Tye Village Design Statement 2007, includes taking account of:

- Scale and form of extensions to existing commercial buildings.
- The design and size of any proposed building in relation to the high visibility across the harbour on to north east Hayling
- The natural appearance and peace of the surrounding area.

The NPPF requires applicants to justify their development proposals but also requires local authorities to assess both the justification and the development itself to reach a recommendation for determination.

Any approach to the required assessment should at least address the following considerations in accordance with NPPF 194 and 196:

1. How does the existing setting contribute to the significance of the asset?
2. Does the development affect the setting of the asset?
3. Does the development harm the setting?
4. Is the harm substantial or less than substantial? (If substantial, the clear presumption is refusal)
5. If the latter is there any balancing public benefit to outweigh the harm?
6. Should the application be refused? Where there is no public benefit, or reasonable mitigation opportunity, the application should be refused.

Responses to paragraph above:

1. Historic maps show North Farm House as the farmhouse to North Farm, adjacent to Northney Farm. Historically the surroundings have to the SE have been open farmland. The large modern shed was not present in 1969 or 1975. The shed may have been erected after the farm house was listed in 1977. My client acquired the house in 2000. The existing farm shed and previously existing clamp enclosure were evident as lying within the setting at that time. They interrupted the otherwise open

aspect to some degree, especially in winter, as well as conveying intermittent noise and smell.

2. The Council has acknowledged the setting is affected.

3. The development is significantly larger, taller and considerably more prominent than the pre-existing enclosure. The NPPF establishes setting as incapable of definitive, permanent description as a spatially bounded area or as lying within a set distance of a heritage asset. It is a dynamic experience, as one moves within the space surrounding an historic asset. Where, as in this case, significance is already harmed by the intrusion of pre-existing structures, further, cumulative harm arising from new development cannot be justified. The harm here is further increased by the greater scale, alien materials, sense of enclosure, noise and smell. It's also important to note how the eye focuses and adjusts to see intrusive objects in greater detail than a static camera position. The experience now perceived by anyone within the space between the farm house and the development or looking out from the south facing windows is palpably degraded.

4. I consider the harm to be less than substantial.

5. No, the benefit is entirely private.

6. The NPPF is clear where there is no public benefit or reasonable mitigation opportunity, the application should be refused.

Conclusion
Sec 54A of the Planning and Compensation Act 1991 requires that determination of applications shall be made in accordance with the development plan unless material considerations indicate otherwise. The application fails the high test of Sec 66 of the 1990 Act, contravenes Core Strategy Policy CS 11 and CS16, Local Plan DM20, Draft Local Plan E9, NPPF paragraphs 194 and 196.
No public benefits have been claimed or are apparent. No other material considerations have been identified. Refusal of this application should therefore be considered as mandated. Enforcement action should then be commenced.

***Officer Comments:*** *It is agreed that national and local policies give a high level of protection to Listed Buildings and their settings.*
*Policy considerations in relation to heritage assets, design and landscape amongst other matters are considered in part 7 of this report. In addition, the policy requirements in relation to Historic Assets have been considered by the Council's Heritage Team Leader as set out in part 5 above.*

**North Farm House (Grade 2 Listed Building**

North Farm House is Listed Grade II

The house also forms a group with an historic granary, cottage and modern garage. The gardens extend around all sides of the house.

***Officer Comment:*** *The list description is included in Part 7.*

**Impact on the Setting of the Listed Building**
The Council acknowledges the application affects the setting of a listed building.

The objection is against the unauthorised erection of a replacement agricultural structure, intended to enclose a maize silage clamp. The primary ground of objection is the harmful effect of the development on the setting of the listed building.

The development replaces a timber clad enclosure of approximately 2m height (the normally permitted height of domestic boundary fencing) with a concrete structure of approximately 3m height. This structure is supported by steel columns rising above the 3m wall to a total height of approximately 5m. The capacity of the as built development appears to be approximately double that of the previous existing enclosure. The effect on the setting of the farm house can be experienced from virtually any part of its rear garden as well as from rear windows on the ground and first floors.

The Council has now acknowledged the development does affect the setting of the listed building. On 8 January however, the Conservation Officer responded to an internal consultation as follows: ***Officer Comment:*** *See original consultation response Conservation Officer in part 5 above.*

The above representation, written by the Council's designated heritage expert prior to the case officer's visit and without any site inspection by the designated officer or any other expert flies in the face of Local Plan saved policy DM20 and national policy expressed as NPPF paragraph 190, by failing to visit the site and offering the distance between the development and the listed Farmhouse as the only consideration relevant to assessment of setting. It demonstrates both ignorance of even the most basic criteria for assessment and failure of the planning authority to perform its statutory duty.

This new build structure is more than twice the size of the previous maize clamp which did precede it. There does not appear to be any plans lodged with the Council for the original structure but it is estimated that the height of the sleepers used before was about six to seven feet.

The working capacity of this new structure has increased we estimate by approximately thirty-five percent. This has been achieved by adding approximately one metre in height around the area which the applicant asserts is the base. Additionally the ability of the mechanised equipment to work at a greater height with a safety rail also allows the clamp to be filled to its maximum.

We say that the change from what was an existing and relatively low profile structure to what is now proposed is materially changed from what existed before due its increased size, the proximity to a listed building that this build cannot be contemplated under ‘Permitted development rights for agriculture and forestry’. This is confirmed by the Council’s requirement for retrospective planning.

The design of his structure is grotesquely ugly. The materials used are not sympathetic to the landscape, vista or setting of the listed building. By reason of its proximity to the listed building of North Farm House (built 1598) and its dominating size, it has a visually and physically overbearing impact on North Farm House and the landscape. This structure impacts the Residential Amenity previously enjoyed. We assert that this proposed structure contravenes Havant Borough Core Strategy 2011 CS16. We also assert that Development Management Policies - Caring For Our Borough - The Coast and Natural Environment DM8 Conservation, Protection and Enhancement of Existing Natural Features would be contravened should this structure prevail. We believe that the Council has a legal duty to satisfy themselves that any development would not adversely affect the setting of our listed building.

It appears that the submitted plan has been assembled with little regard for the impact on the adjacent listed building which is only forty metres from the new structure. We do acknowledge that North Farm House has been identified on two drawings.

Lastly we have attached some photographs of the 'maize clamp' and other relevant views which the planning authority might find helpful in coming to a decision. Some additional viewsl.

***Officer Comments:*** *The application is being assessed fully in terms of its impact on the setting of North Farm House a Grade 2 Listed building.*

*Impacts on setting are assessed in Part 7 of this report. Photographs of the development as viewed from North Farm House have been provided and can be viewed on the Councils website.*

*The Councils Heritage Team Leader has confirmed that he visited the application site. This visit was separate to the Planning Case Officers visit.*

*Given the concerns raised in relation to the setting of the listed building a more detailed heritage response has been provided, this confirms the overall findings of the first response in relation to the impact on the setting of the Listed Building whilst providing a very robust assessment.*

*Comments in relation to the previous silage clamp are noted, however, the current proposal is being considered on its planning merits.*

*The impact on the character of the area, setting of the listed building and residential amenity are considered in part 7 of this report.*

*The silage clamp is considered to require planning permission.*

*The presentation to the Development Management Committee will include views from the curtilage of North Farm House.*

**Committee Determination**

The Council should issue a written assurance that the regulatory and ethical processes outlined will be fully implemented, including consideration in public at Committee. Any failure will be a clear breach of duty, referable to the Planning Ombudsman and actionable in law.

This application is normally likely to be determined under delegated powers, i.e. by officers alone, in accordance government policy where clear cut policies are applicable. In this application however, other material considerations weigh heavily against allowing normal processing to continue:

1. The application breaches the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990, all relevant statutory and emergent policies and relevant NPPF paragraphs.

2. The applicant cannot have been unaware of the potential impact of the development on the setting of, including outlook from the neighbouring listed building (the farm house of Northney Farm is itself listed) but failed to consult her neighbouring listed

building owner.

3. The applicant did not take up the Council's pre-application service.

4. The unauthorised development has prevented any opportunity for consideration of alternative locations for the maize clamp or acceptable mitigation measures.

5. The Conservation Officer's failed to discharge the duties set out in policy and guidance normally expected of any conservation expert. His improper, pre-emptive representation should disqualify him from further comment.

6. The applicant's relationship to a Council cabinet member should require the member concerned to make a personal public statement confirming whether he had any discussion with the applicant, any other council member or officer in connection with the application at any time.

7. The application should be declared invalid and held in abeyance pending submission of nationally and locally required further details.

8. An independent, suitably qualified conservation specialist should be engaged to properly assess the effect of the development on the setting of the farm house.

9. It would conflict with normal standards of propriety and ethics in planning to allow this application to be determined under delegated powers. Although not a major application, the evident mishandling and issues raised in this case strongly plead for fairness, with a full public report and hearing at Committee. Otherwise my client and the local public would lose the right to comment on the agenda report and address members before it is discussed and determined.

We have noted that the answer to question no 24 (Authority Employee/Member) in the planning submission document has been answered ‘yes”. The name of the person was redacted when we accessed the website. We understand the person related is the Deputy Leader of the Council and Cabinet Lead for Planning, Regeneration and Communities and is the son of the applicant. Clearly a material conflict of interest exists and it is essential prior to any decision making how this conflict of interest would be handled e.g. which personnel would be disqualified or even if the Council might acknowledge it appropriate to pass to another Council entity or other independent body to process. In any event and as a minimum, we would request that the decision on this proposal would go to the planning committee.

***Officer Comments:*** *The application is to be determined at the Development Management Committee. There is an opportunity for Deputations to be made to Committee in a manner appropriate under Covid 19 requirements.*

*It is not accepted that the application breaches the Town and Country Planning Act, The Planning (Listed Buildings and Conservation Areas) Act, the NPPF or other policies for the reasons set out in this report.*

*Whether an applicant discusses a proposed application with neighbours is a private matter between the parties and the application needs to be assessed on its planning merits.*

*There is no mandatory requirement to take up pre-application advice.*

*The silage clamp is in situ and its impact has been assessed on its planning merits. Mitigation measures have been recommended and planting and painting agreed by the applicant*

*The Heritage Team Leader has provided a detailed assessment of the development and its impact on the Heritage Asset.*

*With regard to the Councillors relationship to the applicant, the application has been referred to the Development Management Committee by the Director of Regeneration and Place which will ensure that the decision is taken in an open and transparent manner.*

*It is considered that the application can be fully assessed on its planning merits including the impact on the heritage asset on the basis of the information available to the Local Planning Authority.*

*The Council has in house Conservation officers who provide professional input into the determining of applications that potentially impact heritage assets.*

*The Councils requirements for the determination of planning applications are set out in the Constitution of the Council. In this case the relationship between the applicant and a Councillor would not require Committee consideration. The Director of Regeneration and Place has however determined that the application should be presented to the Development Management Committee for decision. The Committee itself will operate in accordance with Covid 19 requirements.*

**Impact on Residential Amenity**

This is a unique planning application which seeks to build a very large maize clamp / silo which partially borders the garden of a listed building (listing number 1091611). This garden is used for recreation where both adults and children relax and play. We believe that any reasonable person viewing this new maize clamp would say that this is a hideous industrial structure far too close to a historic English property. We say it should be relocated.

The last bay (West) of the new clamp which extends to the southern border of the garden of North Farm House is approximately one metre from the boundary.

At approximately five metres in height the structure towers above the corner of the garden where adults sit and children play from time to time. JCB and telehandler equipment will operate at elevated levels above and adjacent to the garden. Although unlikely, accidents can and do happen even when safety measures are implemented NB. Very large equipment can still topple sideways even with safety rails. We say this risk is real and represents a Health and Safety issue. We say Northney Farm would be able to use the maize clamp at any time of the day as required.

***Officer Comments:*** *Work within the clamp would need to be carried out safely and this is a matter for the farm to ensure.*

**Planting and Painting amendments**

Without a rigorous heritage assessment any assertion that painting or screen planting would avoid or adequately mitigate harm to the historic asset is of no value in determination. Likewise the Heritage Team Leaders assertions in that regard as he has not visited the site.

The development as-built cannot be diminished by painting. It's prominence in relation to the listed building is significantly greater than the existing, more distant farm building, or the now replaced timber maize clamp. Any effective screen planting would be at least equally high, visually intrusive, and create a harmful increased sense of enclosure. Evergreen species are non-native to the area and additionally harmful as an alien feature in close proximity to the boundary and existing deciduous planting within North Farmhouse.

***Officer Comment:*** *Painting & screen planting are proposed to improve the appearance of the silage clamp in terms of the impact on the visual amenities of the area. As above the application site has been visited by the Heritage Team Leader.*

*The proposed landscaping would be native planting including a mix with evergreen holly. The planting is to the area beyond the curtilage with North Farm House and would improve the impact of the structure in the wider landscape*.

**Drainage and Pollution Issues**
A second ground, the possible harm arising from effluent from the enlarged silage clamp is increased potentially hazardous effluent. As this is not within my area of expertise, it is noted here as recommended for reference to the Environment Agency.

This new structure with its increased capacity brings with it additional pollution over and above what pre-existed. This comes in the form of additional noise, odours and fumes closer to the garden. The increased risk of the already present vermin and the danger of toxic effluent from a maize clamp which can damage water sources, wild life and pose a health risk to humans. A particular concern is how any effluent and ground water is handled by the farm as it relates to the maize clamp. This is a particular concern as Northney Farm yard and the field next the proposed clamp are already located in a NVZ (Nitrate Vulnerable Zone).

The submitted plan does not describe that new build maize clamp, completed 20 September 2019, complies with current legislation (Storing silage, slurry & agricultural fuel oil regulations) required by the Environmental Agency and Department for Environment, Food and Rural Affairs. We note that question 15 'Trade Effluent' has been answered 'NO'. The management of toxic effluent from a maize clamp is critical and the example in the link below demonstrates how things can go badly wrong. Two Nottinghamshire farming companies have been fined a total of £28,800 for causing pollution to a pond through the discharge of maize silage effluent from Sutton Grange farm in Sutton-cum-Lound near Retford. https://www.gov.uk/government/news/28000-penalty-for-nottinghamshire-farming-companies-who-caused-serious-pollution

In certain climatic conditions (prolonged rainfall and tidal events) groundwater can flow from the adjoining field at the corner of the garden where the silage clamp is located and does flow towards the House. This groundwater creates a risk of water pollution in our garden, and to the Roman well which is forty metres away. The water abstracted from the well is used for watering the garden and growing vegetables in our two small plots.

It is acknowledged that a ‘soakaway’ is mentioned under Section 11 Assessment of flood risk but there is no specification. There is no description of how floodwater or effluent would be channelled into described ‘soakaway’ What flood capacity is the ‘soakaway’ designed to capture. We would have expected to see this type of information in a planning submission and we note the ‘soakaway’ is not identified in any of the drawings submitted.

The plan submission for this structure and its future contents does not deal with aspects of pollution that may impact neighbours including North Farm House e.g. water, air or soil or pollution through noise, smell, smoke, fumes, gases etc. We say that the Council must be satisfied that the risks are fully understood and that any mitigating measures adopted are robust. We do not believe this planning proposal demonstrates or complies with Development Management Policies - DM10 Pollution.

Please find some additional photographs relating to APP/19/01048 OBJECTION dated 8/1/2020 for your consideration. The previous owners told us that the well in the photograph was Roman.

***Officer Comment:*** *Consultation has taken place with the Environment Agency (EA) as set out in part 5 of this report. No objection has been raised by the EA.*

*Impacts on residential amenity are considered in part 7*

*Impacts on water resources are also considered in part 7 following consultation with the Environment Agency*

*The applicant has confirmed that there was existing drainage around the previous silage clamp and that they make sure this is fully functioning. They also state that there is a fall from North to South so there should be no danger to our neighbours pond. The Environment Agency raise no objection.*

*The application has been considered by the Environmental Health team who raise no objections to the development.*

*Photographs will be included in the Committee Presentation to show the relationship with North Farm House.*

**Comments on other Representations**

The NEHRA planning committee, of which we are members, comments appropriately of ‘Northney Farm’s importance to the character of the area’. Bizarrely however their comments avoid any reference to the flouting of statutory process by the applicant, the importance of the listed building’s setting or the failure of the council’s management structure to respond either expeditiously to unauthorised development or at all to the listed building setting issue until 15 January. More bizarrely, NEHRA claim no expertise in making heritage judgements, yet do seem to do just that, associating feeding cattle with addressing climate change, despite compelling evidence that the earth’s expanding cattle population and feed production is a primary contributor to the present climate emergency. https://academic.oup.com/af/article/9/1/69/5173494

***Officer Comments:*** *The comments of North East Hayling Residents Association are included below.*

*The application is retrospective and is being assessed on its planning merits.*

*The impacts on the setting of the Listed Building are considered in part 7 of this report. The silage clamp is understood to be used to produce silage to feed cattle during winter and is supporting an existing agricultural use.*

**Concerns over Process and Consideration by HBC**

Council alerted whilst the structure was being erected. No action was taken to arrest the development. Council appears to have allowed the development to proceed unhindered. The applicant states the development was completed on 20 September. Concerns raised about the application validation and date of written notification to client.

The applicant has declared a close relationship to a member of the Council, understood to be the applicant's son and the portfolio holder for Planning.

My client submitted an objection to the retrospective application on 9 January 2020. The case officer did not visit the site until the week of 16 December 2020.

Concerns raised over:
- processing compliance in relation to validation and publicity.
- lack of Heritage Statement.
- lack of existing and proposed plans and quality of plans submitted.

***Officer Comment:*** *Concerns in relation to the Enforcement process and application dates and notifications are noted, however, the application needs to be and is being considered on its planning merits. The application followed investigation by the Enforcement Team.*

*A declaration in relation to the applicants relationship to Councillor was made on the planning application form.*

*Full consideration has been given to third party objections as set out in this report.*

*Concerns noted in relation to Heritage Statement, however, a full consideration of the proposal has been undertaken to enable an informed decision on the application to be made. A full assessment of the impact of the setting of the Listed Building has been carried out including a detailed report by the Council's Heritage Team Leader.*

*The application is retrospective and can be assessed on site in terms of its impact. Whilst it is acknowledged that the plans are not of the best quality they include dimensions and given the retrospective nature of the proposal are considered acceptable.*

**Comments (neutral):**

The North East Hayling Residents Association committee has reviewed this application and would like to make some comments.

1. In the Village Design Statement it is recognised that, 'Northney Farm is of paramount importance to the character of the area, and .....sustainment of farming is a design consideration.'

2. We appreciate this is a farm structure, within a group of farm buildings, it will have to comply with health and safety rules. It will also need to be of sufficient capacity to feed the cows, bearing in mind the effects of climate change. However, as it can be seen from part of the adjoining property, we suggest the structure i.e. columns and rails, are painted green to blend in with the back ground. Once trees and bushes have grown up, it will blend it with the other buildings.

3. We have read and noted the expert report by Jack Warshaw submitted in connection with the application, but are not qualified to comment on this document.

***Officer Comment:*** *The rails are understood to be a safety requirement for the farm.*

*If planning permission is granted a condition to ensure painting is recommended.*

The new structure is visible from the side of our rear garden. Until the new one was erected last year we were not even aware of anything there and it certainly is not the nicest looking agricultural structure. Although the effect on our aspect is minimal we certainly would not like something that tall and obtrusive as close as it is to our neighbouring property. We love rural Northney and like being close to a working farm with the last dairy cows on the island but the new structure does detract somewhat from the properties close at hand which with new builds or maintenance try to keep the undoubted character of the place. No doubt the new facility is really required by the busy farm and we note that there is now proposed planting and hedging as well as the railings being painted a more subtle colour. Hedges and trees take time to grow and die back in the winter and suffer in storms so perhaps timber cladding to the concrete panels would be a really good idea to make the side elevation resemble a boundary fence with a hedge in front of it.

***Officer Comment:*** *The impact on the residential amenities of the nearest property North Farmhouse are assessed in part 7 of this report.*

*Planting is now proposed together with painting the metalwork green. Cladding to the northern side of the silage clamp has been recommended to the applicant but has not been agreed. There are further comments on this aspect in part 7 of this report. If permission is agreed consideration could be given to the imposition of a cladding condition.*

**Support**

I am in full support of this, I am amazed that the residents association have not fully support it knowing that the impact of losing the working farm would have on area, just shows what type of people live around the farm! Far as I am concerned planning comes down to one thing - who or what does it have the most impact on? One resident? or the whole area?

***Officer Comment:*** *The application has been assessed in relation to the relevant planning considerations outlined in part 7 of this report.*

I fully support this application this is vital to the running of the farm to feed the cows during the winter months. I know this is a Retrospective application but if this was put to the council under the farm's permitted development rights the residents would not have been made aware of it. Under the farm's permitted rights as its over 5 hectares under Class A its Rights are for erecting, extending or altering a building, and for excavations and engineering operations, buildings or works must not exceed 12 metres in height and must not exceed 1000 square metres.

I find the need for this to be passed far out the ways the augment for rejecting it, I also thought that properties do not have a right to a view and it is not over bearing on the house itself as it's at the end of a very big garden so does not take away the amenity value of the neighbours!

***Officer Comment:*** *The development is considered to require planning permission.*

## 7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Impact upon the character and appearance of the area
(iii) Impact upon residential amenity
(iv) Impact on the setting of Heritage Assets
(v) Drainage and water resources
(vi) Impact on protected sites
(vii) Impact on trees

(i) Principle of development

7.2 The application site is situated within the non-urban area where further development is considered acceptable under policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 (HBLP2011) if it is consistent with policies for the countryside set out in national policy. Policy AL2 of the Havant Borough Local Plan (Allocations) 2014 (HBLP2014) again restricts development to that needing a non-urban location. In this case the proposal is for an agricultural silage clamp which would support the agricultural activity at Northney Farm. It is understood that silage is used for feeding cattle in winter. Agricultural buildings and structures are supported in the countryside or non-urban areas under the National Planning Policy Framework. Paragraph 83 (Supporting a prosperous rural economy) states:

*Planning Policies and decisions should enable* (amongst other matters):

*b) the development and diversification of agricultural and other land-based rural businesses;*

7.3 It is noted that the silage clamp has replaced a previous smaller silage clamp at the site and it is considered that the development for agricultural purposes at an established farm can be supported in principle under local and national policies and guidance and subject to the detailed considerations below and in particular the impact on the setting of North Farm House, a Listed Building.

(ii) Impact upon the character and appearance of the area

7.4 As this is a retrospective planning application the silage clamp is already in place and can be viewed in the context of its surroundings. The structure is located to the north-east side of the main farm complex and its associated buildings and structures. The farm itself has evolved over the years expanding from a historic core of traditional farm buildings with the introduction of larger more modern buildings better suited to current farming requirements and practices.

7.5 The silage clamp itself is sited to the north of modern agricultural buildings with the building located adjacent to the silage clamp being taller than the clamp and its railings. This structure has pale green walls and a light grey roof. To the south west is another substantial agricultural building. To the west of the silage clamp is a hard surfaced 'yard' area with further substantial modern agricultural barns further west. These features result in little or no view of the silage clamp from the south or west from beyond the farm complex.

7.6 The silage clamp is seen more readily from the east as its site adjoins an open field which then leads to a distant line of trees and hedges with the coastal unfarmed environs to Chichester Harbour beyond. The foreshore is approximately 480m from the clamp. The site is also approximately 66m from the edge of the Chichester Harbour Area of Outstanding Natural Beauty. The silage clamp would be in line with the building to the south when viewed from the east, and seen against a backdrop of taller farm buildings, however it is considered that given the sensitive open character of the landscape leading to the AONB and Chichester Harbour it would be appropriate to secure additional native landscaping to the east and part north of the structure. This has been agreed by the applicant and a plan showing proposed mixed native hedging of hawthorn, blackthorn, holly and beech together with four ash trees has been provided. A planning condition is therefore recommended to secure this planting in the next planting season. With this additional planting it is considered that the impact of the structure on the wider landscape and the Area of Outstanding Natural Beauty would be limited and acceptable.

7.7 To the north of the silage clamp the site partly borders an open field with dwellings in Spinnaker Grange approximately 120m from the structure. There is some existing hedging to part of this boundary but the eastern part of the northern boundary is more open and additional native hedging will be provided in that area and conditioned as above.

7.8 The remaining section of the northern boundary to the structure is adjacent to the boundary with North Farm House a Grade 2 Listed Building. This boundary is marked by existing hedge and shrub planting with large mature trees within the curtilage of North Farm House. The impacts in terms of residential amenity and the setting of the Listed Building are considered separately below, however, the structure is not considered to result in a wider landscape impact to this part of the northern boundary.

7.9 Overall, it is considered that subject to conditions to ensure that the metal work structure to the clamp including wall 'braces' and the rails are painted green rather than the existing more prominent red (as agreed by the applicant) and the provision of additional landscaping as detailed above the impacts of the development on the wider landscape including the AONB would be limited and acceptable.

(iii) <u>Impact upon residential amenity</u>

7.10 The silage clamp has already been erected and as such its impact on residential amenity can be assessed. The structure is sited in a position which results in an impact on a single residential property, North Farm House. The silage clamp lies to the south-east of this property and the structure overlaps with a section of the southern boundary of North Farm House. North Farm House itself is an attractive Listed Building set in extensive grounds which include mature trees.

7.11 The structure itself has concrete block walls with a height of approximately 3m. This is set within a metal frame which also extends above the height of the walls but is open and forms a retaining structure and safety rail above the walls. The closest part of the existing dwelling is set approximately 31m from the closest part of the clamp. It should be noted that the silage clamp also only extends for a small part of the southern side of the curtilage of North Farm House. The mature trees within the garden of North Farm House together with lower vegetation along the boundary together with the distance from the house itself are considered to considerably soften the appearance of the structure. It is not considered that the structure would have an overbearing or overly dominant appearance when viewed from North Farm House.

7.12 It is accepted that from certain parts of the garden the structure would be more imposing. The incorporation of the red painted metal frame would increase the visual impact of the silage clamp. It is considered appropriate for the metal work to be painted a more recessive colour and a green paint finish has been agreed with the applicant. It should be noted that the structure would also be viewed with a backdrop of the existing taller modern agricultural building to the south of the clamp. The concrete walls of the structure could be softened by the introduction of wood cladding to the northern elevation of the structure facing North Farm House. It is considered that the introduction of the cladding would result in a more natural appearance similar to a tall fence or more traditional agricultural building. This has been recommended to the applicant however the need for the cladding has been questioned and resisted. On balance the cladding which is also supported by the Council's Conservation Officer is considered to improve the look of the structure from North Farm House and would improve the utilitarian appearance of the structure whilst maintaining its suitability as a silage clamp supporting the agricultural operations of the farm. Further representations are expected to be received in relation to this matter form the applicant and these will be considered. At this stage however, a condition is recommended both in relation to the painting of the metal frame and timber cladding to the northern side of the structure.

7.13 The silage clamp replaces a previous smaller structure used for the same purposes. Concerns have been raised in relation to smell from the silage being stored, vermin and leachate (considered further in (v) below). The Council’s Environmental Health Officer has raised no objections to the proposals. As a working mixed farm including dairy production it is considered that the farming activities will inevitably result in some impacts in terms of smell and noise from activity which at times will result in impacts on the residential amenities of nearby residents. Any additional impacts from the operation of the larger silage clamp are not considered sufficient to result in an unacceptable impact on nearby neighbouring properties.

7.14 With the opportunity to impose appropriate conditions to secure an improvement to the existing appearance of the silage clamp, it is not considered that a recommendation for refusal based on the impact on residential amenity could be substantiated in this case.

(iv) <u>Impact on the setting of Heritage Assets</u>

7.15 In relation to the impact on heritage assets there are considered to be two assets to consider and a detailed assessment has been provided on behalf of the owner of North Farm House and by the Council's Heritage Team Leader. The two assets are the locally listed barn at Northney Farm and North Farm House and these are considered below.

*Locally Listed Barn at Northney Farm*

7.16 The Councils Heritage Team Leader has commented that, *In regards of the locally listed barn there will be no impact from the proposals. The barn is set within a complex of other modern large barns which screen the development from any view. As such there would no harm to its setting.*

*North Farm House*

7.17 North Farm House is a Grade 2 Listed Building with the following listing description:

*SU 70 SW HAVANT NORTHNEY LANE Hayling Island 26.5.76 7/7 North Farmhouse II*

*House. C17 with C18 and C20 additions. Timber-framed building, clad later in brickwork, and with a tiled roof. South elevation of 2 storeys, 3 windows. Red brick walling in Flemish bond, eaves fascia, 1st floor band, cambered ground floor openings. C20 casements, French door, and large windows in a flat-roofed forward extension at the west side. The north elevation has 3 large C20 hipped roofed dormers, resting on the catslide roof, and there is a gabled staircase projection, with Flemish Garden Wall bond. Timber-framing exposed within. Modernised, with minor additions, in traditional style.*

7.18 The Legislative and Policy Background sets the basis for the consideration of any application which may impact a heritage asset, in this case a Grade 2 listed building and its setting. In this regard the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) Section 16 requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant Listed Building Consent. Whilst this is not an application for Listed Building Consent it does introduce the concept of preserving the setting of a Listed Building.

7.19 Section 66 of the 1990 Act considers *General duty as respects listed buildings in exercise of planning functions* and requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.20 The National Planning Policy Framework (NPPF) sets out policies that Councils must take into account when determining planning applications. Of particular relevance in relation to the impact of development affecting Heritage Assets that should be considered in making planning decisions are the following paragraphs (see also the Conservation Officers consultation response in part 5 above providing further details):

Paragraph 184

*These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*

Paragraph 190

*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.*

Paragraph 192

*In determining applications, local planning authorities should take account of:*

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

Paragraph 193

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 194

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and 11* listed buildings, grade I and 11* registered parks and gardens, and World Heritage Sites, should be wholly exceptional*

7.21 The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

*'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest'* and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

7.22 Havant Borough Local Plan (Core Strategy) 2011 policy CS11 relates to Protecting and Enhancing the Special Environment and Heritage of Havant Borough and states that *Planning Permission will be granted for development that* amongst other matters:

*4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.*

7.23 Havant Borough Local Plan (Allocations) 2014 policy DM20 relates to Historic Assets and states amongst other matters that:

*Planning permission will be granted for development that conserves and enhances the historic assets of Havant Borough.*

7.24 It is clear from National and Local planning policy that any proposal that has the potential to affect a heritage asset must be considered against the requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case it is the setting of the Grade 2 Listed Building North Farm House which needs to be considered.

7.25 It is noted that paragraph 189 of the NPPF and Policy DM20 of the Allocations Plan require statements to identify impacts on heritage assets to be submitted with applications that affect those assets. In this case a statement has not been submitted with the application. Notwithstanding this the application which is for retrospective planning permission (the development having been carried out) has been considered in detail with regard to the effect on the Heritage Asset including by the Council's Heritage Team Leader. In addition, an assessment has been provided on behalf of the occupier of North Farm House and this has been considered by the Heritage Team Leader. It is considered that a full assessment of the effects on the setting of North Farm House has been carried out and the conclusions are set out below.

*North Farm House*

7.26 The Councils Heritage Team Leader has carefully assessed the impact of the development on North Farm House as set out below and in Part 5 of this report above:

7.27 *The proposed silage clamp is located to the south east of North Farm House and is constructed with concrete walls (approximately 3 metres in height) and a steel frame with a safety rail/steel uprights which reach 4.9m. This replaced an existing timber clad enclosure of approximately 2m. It is located next to a large metal clad agricultural barn and is separated from the garden of North Farm House by mature hedging/shrubs.*

7.28 *Views of development from the house itself would be relatively distant and screened from view by mature vegetation. Any glimpse views of the silage clamp would be seen in the context and with the background of the large modern agricultural barn. It should also be noted that the steel frame allows for views through the structure above the height of the concrete walling. The red colour of the steel frame does currently make it stand out more and as such I would recommend that it is painted green to blend in with the vegetation. A softening of the concrete walling with timber cladding would have also been beneficial to try and blend the development into its surroundings.*

7.29 *From within the gardens themselves the development would come more into view the closer one gets to the boundary. However, again any views of the structure are intermittent with the mature screening available. It is also clear this is set to a backdrop of a longstanding working farm with large modern barns visually notable. In turn the existing farm does not allow for southern long-distance views from North farm House into open countryside which might have made the existing view more significant. Furthermore, I do not consider that this development cause any harm to the spacious nature of the gardens as this is substantially maintained by the development.*

7.30 In conclusion the proposed silage clamp is considered to be sufficiently distant from North Farm House and the locally listed barn not to materially impact it. Furthermore, the development would not impact on the spacious feel of the surrounding gardens. As such the Conservation Team Leader concludes that:

*As such even considering the importance of the neighbouring assets and the high sensitivity of the location, in my view is not such as to make the proposal unacceptable. Given the limited scale of the development and the backdrop of buildings against which it would be viewed 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.*

(v) Drainage and water resources

7.31 Concern has been raised in relation to the potential pollution to ground water from the development resulting from leachate from the stored maize silage. It has been noted that there is an existing well in North Farm House and a pond to the north of North Farm House.

7.32 The site is drained to a soakaway located to the south of the silage clamp. Consultation has taken place with the Environment Agency who have confirmed that they have no objection to the proposal as submitted. There are separate requirements under The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. These regulations are a separate matter to planning permission and an Informative would be added to any planning permission reminding the applicant of these requirements.

(vi) Impact on protected sites

7.33 The site is located within an existing farm complex located approximately 276m from the closest part of the protected Chichester Harbour Environments (SSSI, SPA, RAMSAR). It is not considered that this replacement silage clamp would be likely to impact the protected sites.

(vii) Impact on trees

7.34 The site has been visited by the Councils Arboriculturalist who raises no objection to the silage clamp which has already been erected in relation to the impact on trees.

## 8 Conclusion

8.1 In conclusion, the principle of the development for an agricultural silage clamp is considered acceptable and would support the operation of this long established farm replacing a previous smaller silage clamp at the site.

8.2 The structure is considered to have a limited and acceptable impact on the character and appearance of the area and the setting of the AONB beyond subject to landscaping and painting of the metal frame in a green finish.

8.3 The impact on residential amenity has been assessed and it is considered that the structure would have an acceptable impact on the residential amenities of North Farm House subject to painting the metal work and the potential timber cladding to the northern side of the clamp.

8.4 The impact of the development on heritage assets and in particular the impact on the setting of North Farm House has been carefully assessed. It has been concluded that there would be no material harm to the architectural and historic interest of North Farm House and its setting.

8.5 In relation to the impact on the water environment, the Environment Agency raise no objections to the planning application. Whilst other regulations apply to the development there are considered to be no planning reasons to refuse the application on the basis of water quality impacts. Finally, in relation to the impact on trees the Councils Arboriculturalist raises no objections to the proposed development.

8.6 It is therefore concluded that planning permission can be recommended in this case subject to the conditions below.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/01048 subject to the following conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (received 25th November 2019)
Block Plan (received 25th November 2019)
Floor and Elevation Plan
Proposed hedging and tree planting at Northney Farm Plan (received 27th February 2020)
Letter from M. Pike (received 27th February 2020)

**Reason:** - To ensure provision of a satisfactory development.

2 The landscaping works shown in principle on the 'Proposed hedging and tree planting at Northney Farm' plan hereby approved shall be carried out in the first planting season following the grant of planning permission. The hedge planting shall take the form of a double staggered line of mixed native hawthorn (40%), blackthorn (30%), holly (20%) and beech (10%) with planting at a density of 5 plants per metre. In addition, four ash trees shall be planted to the east of the silage clamp and the existing hedge shown on the same plan shall be retained.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become

seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

3 Within 2 months of the date of this planning permission the metal frame and railings of the silage clamp shall be painted in BS4800 12D43 Greengage unless otherwise agreed in writing by the Local Planning Authority. The metal frame and railings shall thereafter be retained in the approved colour.
**Reason:** In the interests of the character and visual amenities of the area having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

4 Notwithstanding the plans and details hereby approved, within 3 months of the date of this permission (or such other date as the Local Planning Authority may agree) the north facing wall of the silage clamp shall be clad in timber, the details of which shall have been first submitted to and approved in writing by the Local Planning Authority. The approved cladding shall thereafter be retained and maintained in accordance with the approved details.
**Reason:** In the interests of the character and appearance of the area and the setting of North Farm House a Grade 2 Listed Building having due regard to policies CS11, CS12 and CS16 of Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

**Appendices:**

(A) Location Plan
(B) Site Location Plan
(C) Block Plan
(D) Block Plan with Proposed Landscaping and Soakaway
(E) Floor Plans and Elevations
(F) Photograph

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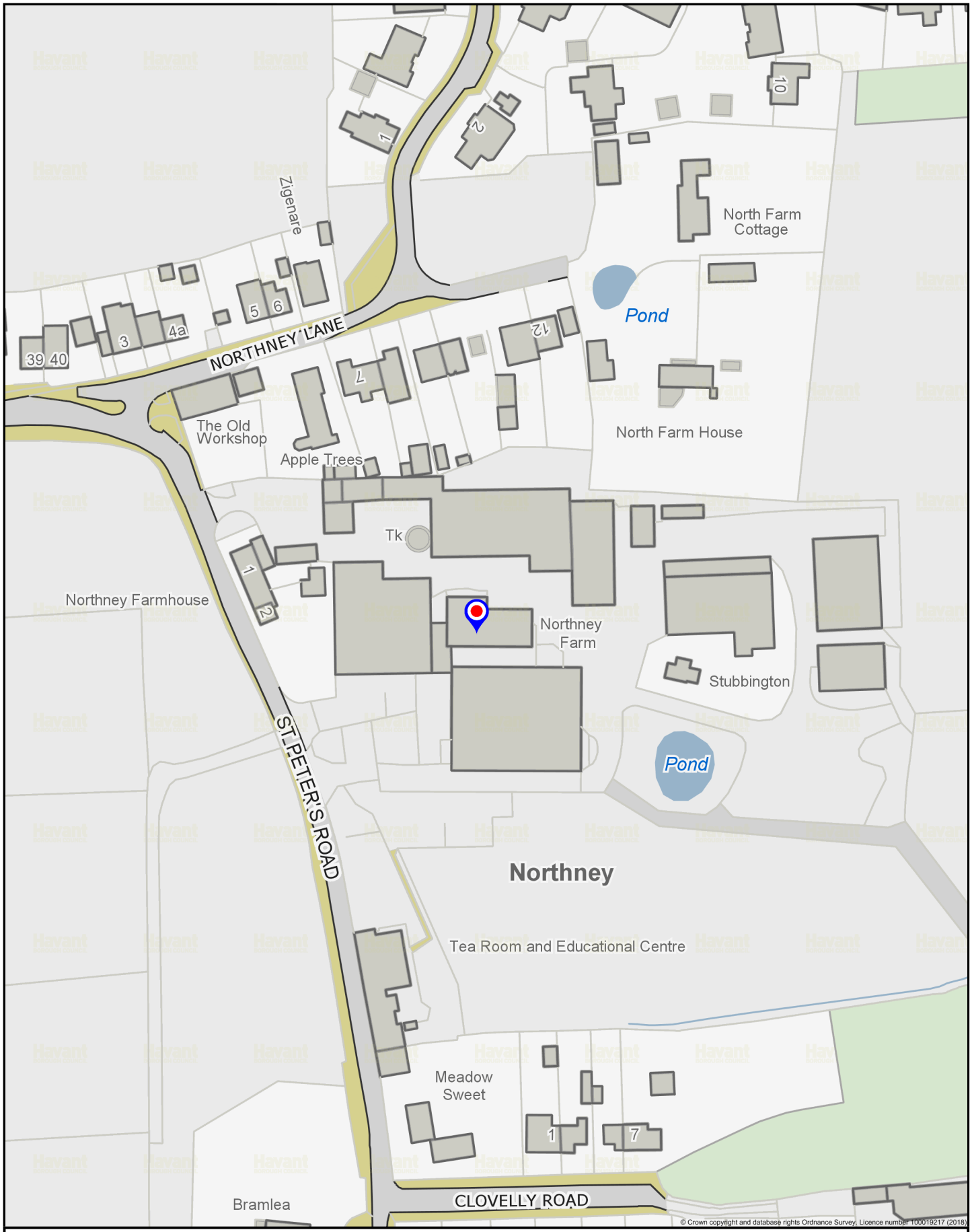
# Location Plan

**Appendix A**




**Northney Farm, St Peters Road, Hayling Island, PO11 0RX**

Havant BOROUGH COUNCIL

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## Site Location Plan

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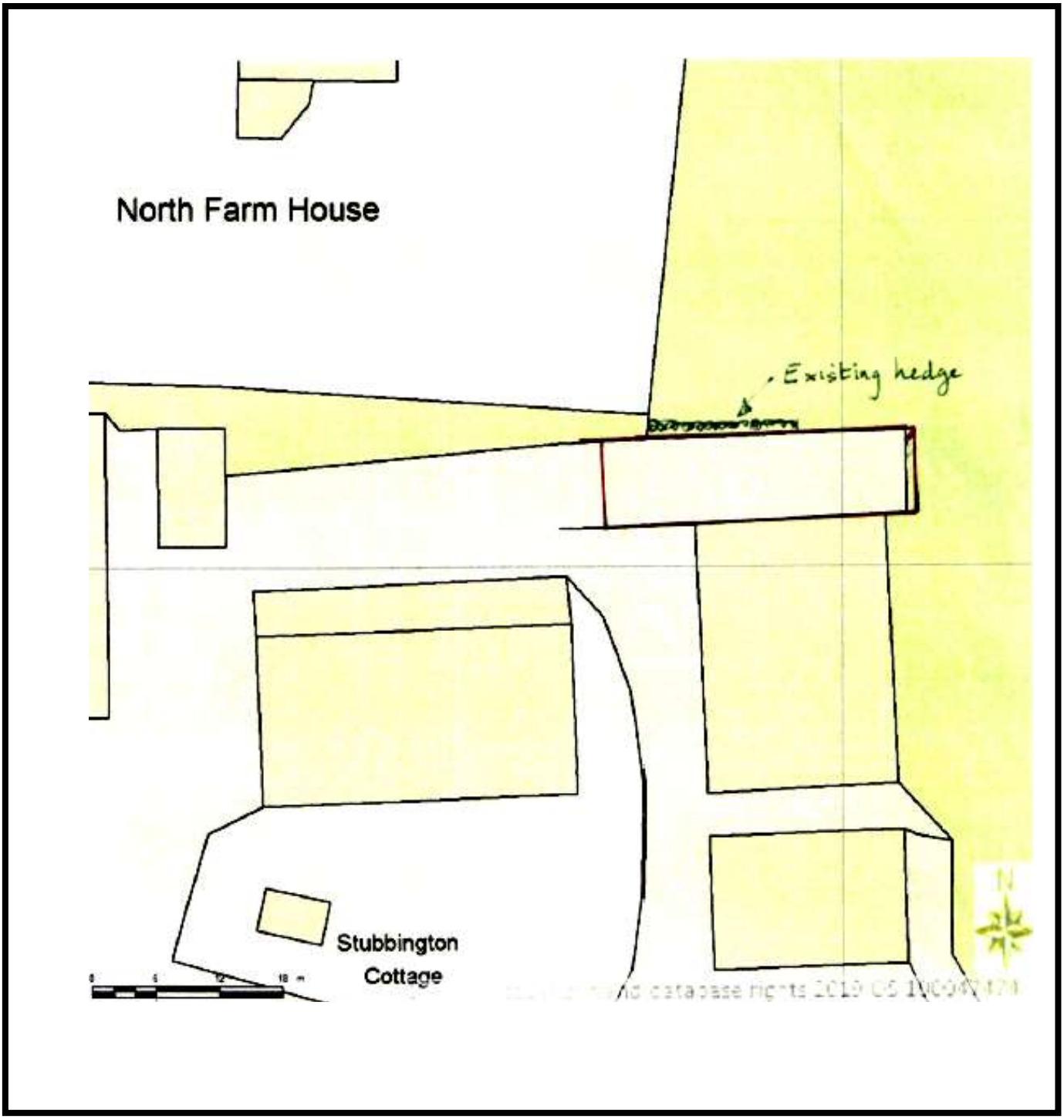
**APPENDIX C**

**Block Plan**



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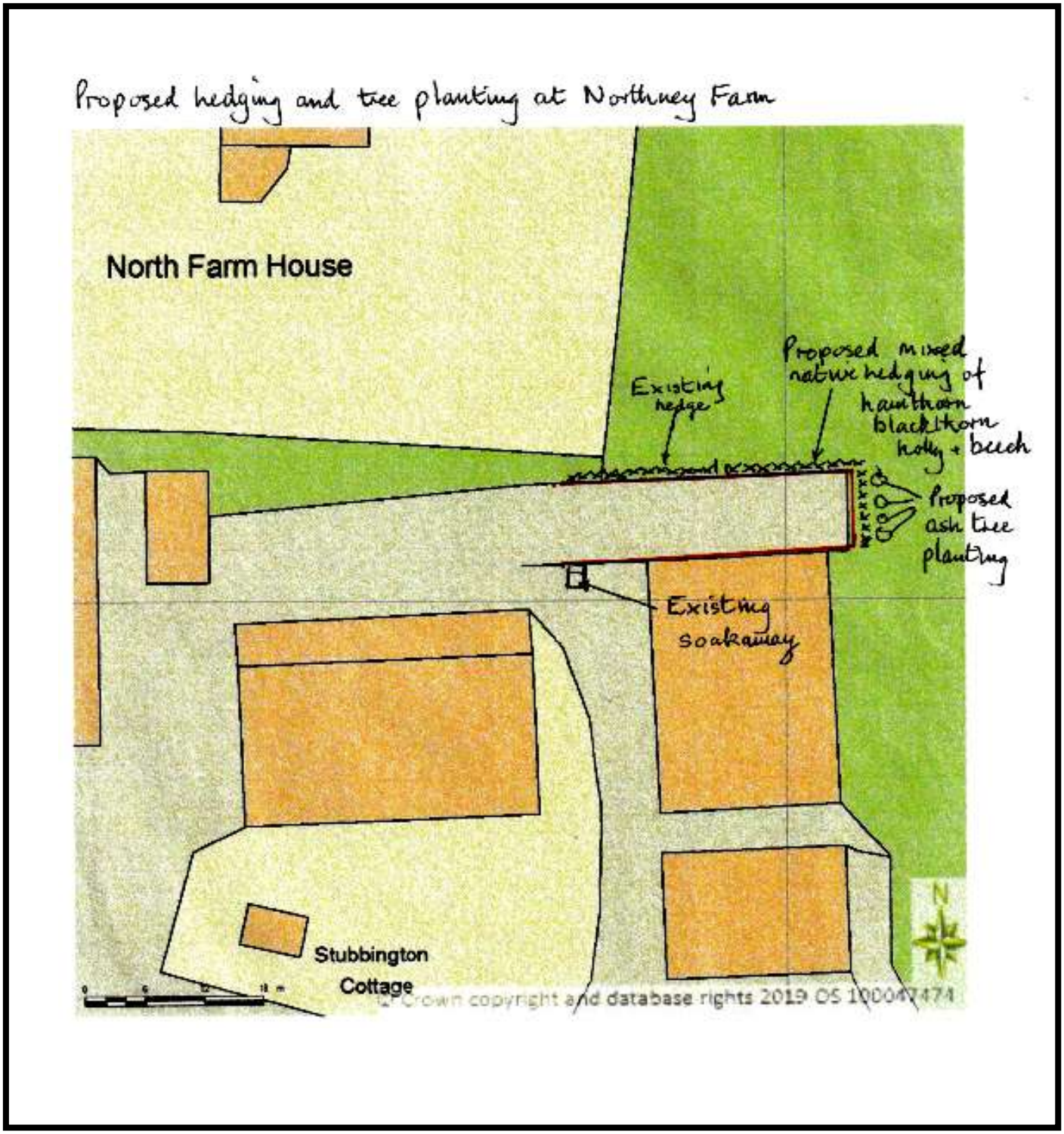
**APPENDIX D**

**Block Plan with Proposed Landscaping and Soakaway**



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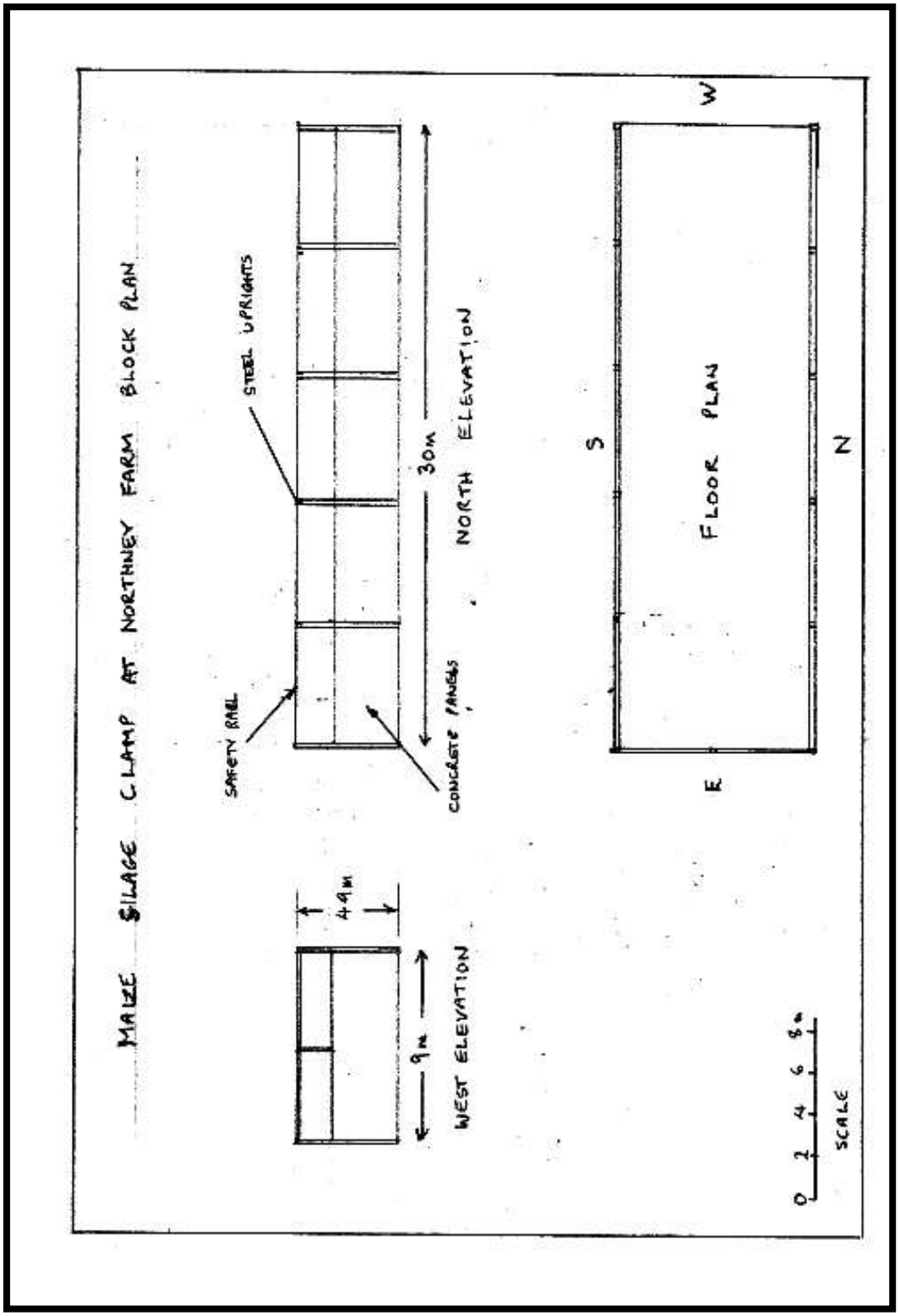
**APPENDIX E**

**Floor Plans & Elevations**



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**APPENDIX F**

**Photograph**

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# APPENDIX C

# Additional Planning Information

**HAVANT BOROUGH COUNCIL**
**DEVELOPMENT MANAGEMENT COMMITTEE**
**16 July 2020**

I am now able to enclose, for consideration by the Development Management Committee on 16 July 2020 , the following additonal planning information that was unavailable when the agenda was printed.

| Agenda No | Item | |
|---|---|---|
| **4(1)** | **APP/19/01048 - Northney Farm, St Peters Road, Hayling Island**<br>Proposal: Retrospective application for agricultural maize silage clamp and 3 metre high walls with safety rail.<br><br>Additional Information | **1 - 6** |

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**DEPUTATION TO COMMITTEE MEMBERS - APP/19/01408 - JP&P HIGNEY**

## Introduction

We, taxpayers and future generations will be the victims of a gross planning failure if due process in this case is swept aside. All we ask is that it's done properly. Unauthorised development is, and must always be at the perpetrators risk. The authority's responsibility is to see that due process gets done. In this case it means not allowing anyone to abuse or ignore planning law, policy and process. The chronicle of events up to now point to persons acting in your name knowingly standing by while an unauthorised structure was built in front of their eyes. Our calls to consider this retrospective application on what should be a level playing field is met with ignorance of law and government policy.

We alerted HBC planning last August at the start of the build when it could have been easily stopped. Only when it was finished was an application started.
Planning enforcement even excused themselves on account of workload issues, when it would have taken minutes to issue a stop notice. That should be unacceptable in public service.

## Statement

If the Development Management Committee carefully considers our representations, from last August to now, it must consider this application as if no building has taken place. It means considering whether it should have been enlarged at all, or if necessary built where it would not harm the setting of this Listed building which has been our care for many years.
The greatly enlarged silage clamp has badly affected the setting of our Listed Building, not only visually but also by extended periods of operating including Summer months with added noise and pollution. These too are components of setting as advised by Historic England's published guidance. Your Council recognises the impact and has published the required Notice. It is perverse to do that and avoid the steps that Government directs should be taken to make a sound judgement. They are simple to understand: is there harm to the setting? If so is there a public benefit that outweighs the harm? If there is no public benefit, the application should be refused.
In registering the application the Council flies in the face of law and government policy. This mistake should be put right. It should not be put up for determination until the proper process has been followed and enforced. Otherwise without the required Heritage Statement, rigorous application of Local Plan and Government policies it will be open to challenge as invalid.
The law requires you, the Council to **give "special attention"** to preserving the settings of listed buildings. Government policy and published guidance for handling planning applications affecting listed buildings directs how this is done; to apply the National Planning Policy Framework and National Planning Policy Guidance. Historic England has published detailed guidance on how these policies should be implemented.
Where local councils fail to discharge Government policy and allow their officers to abuse their powers the Secretary of State has powers to intervene, for example under The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.
The recommendation to approve is wrong. The officer assessment of setting has not followed guidance and is not competent given there was no visit to the affected Listed Building. The required applicant statement is missing. Any determination would be a public shame and be subject to overturning.

We assert that the application be held until the relevant regulations have been complied with. You should seek further advice on this matter or until such times we have received a response from Alan Mak MP and/or The Secretary of State.

In the event you decide to proceed with a decision you should refuse the application.

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**Item 4 (1)**

Northney Farm, St Peters Road, Hayling Island
Updated 15th July 2020

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**Updates**

**Site View Working Party held on 8th July 2020**

**Information requested:**

A. More recent photographs showing the site in summer foliage:

   Given the current restrictions in relation to the carrying out of site visits due to Covid 19, photographs have been requested from the adjoining resident who has indicated that these will be provided.

   Updated photographs will be included in the Development Management Committee presentation if received.

B. The results of an investigation into the suitability of using Ash trees to screen the proposal:

   This matter has been raised with the applicant and the Councils Arboricultural Officer. The applicant advises that:

   *Ash were chosen as there is an existing line along the back of the adjacent barn (which haven't been affected by Ash die-back at the moment) and they are also fast growing, we could use Alders instead.*

   The Councils Arboricultural Officer who has advised that:

   *I would still suggest that Ash is not planted as there is significant concern regarding the sustainability of this species, Oak would be a good choice in terms of its species, however if the trees are being planted to aid screening then Alder would be faster growing and acceptable in this instance*.

   It is therefore recommended that if planning permission is agreed condition 2 is amended as set out in 9. below.

C. The result of an investigation into the most suitable size for proposed planting

   The Councils Arboricultural Officer has advised that:

   *Smaller sized plants / trees do often establish better than large plants, however we need to strike a balance between size and visual impact. I would suggest that a minimum height of 1m be conditioned for the hedging and that nursery standards or extra heavy standards are supplied and planted for the individual trees.*

   It is therefore recommended that if planning permission is agreed condition 2 is amended as set out in 9. below.

D. Clarification on the limits on the capacity of the silage clamp and the height of the silage within the metal frame:

The applicant has advised that:

*The maize within the clamp won't go above the 3m concrete sides of the clamp and, as you know it is covered with green polythene and tyres. The previous pit was 8.5m wide by 35m long and 2m high but often, because we were short of space, it would be mounded in the middle making it probably 2.4m at the centre. We did not have a guard rail around it, which we have to have now to comply with Health and Safety regulations. The capacity of the new clamp is slightly larger than the old clamp but often with the old one we had to extend beyond the front.*

Based on these figures the current clamp would have a capacity of 810 cubic metres and the previous clamp 595 cubic metres plus the mounding and extension of storage beyond the front (increasing the original capacity further).

**Updates to the Officers Report:**

**7. Planning Considerations**

Paragraph 7.6 has been amended to read:

7.6 The silage clamp is seen more readily from the east as its site adjoins an open field which then leads to a distant line of trees and hedges with the coastal unfarmed environs to Chichester Harbour beyond. The foreshore is approximately 480m from the clamp. The site is also approximately 66m from the edge of the Chichester Harbour Area of Outstanding Natural Beauty. The silage clamp would be in line with the building to the south when viewed from the east, and seen against a backdrop of taller farm buildings, however it is considered that given the sensitive open character of the landscape leading to the AONB and Chichester Harbour it would be appropriate to secure additional native landscaping to the east and part north of the structure. This has been agreed by the applicant and a plan showing proposed mixed native hedging of hawthorn, blackthorn, holly and beech together with four ash trees has been provided. Given concerns in relation to Ash die-back four Alder trees are now recommended instead of the four Ash trees. A planning condition is therefore recommended to secure this planting in the next planting season. With this additional planting it is considered that the impact of the structure on the wider landscape and the Area of Outstanding Natural Beauty would be limited and acceptable.

Paragraph 7.12 has been amended to read

7.12 It is accepted that from certain parts of the garden the structure would be more imposing. The incorporation of the red painted metal frame would increase the visual impact of the silage clamp. It is considered appropriate for the metal work to be painted a more recessive colour and a green paint finish has been agreed with the applicant. It should be noted that the structure would also be viewed with a backdrop of the existing taller modern agricultural building to the south of the clamp. The concrete walls of the structure could be softened by the introduction of wood cladding to the northern elevation of the structure facing North Farm House. It is considered that the introduction of the cladding would result in a more natural appearance similar to a tall fence or more traditional agricultural building. This has been recommended to the applicant however the need for the cladding has been questioned and resisted. The applicant has provided the following comments:

*We feel that making the cladding a condition of planning permission is completely unacceptable.*

Photographs provided of the relationship of the cladding to the existing hedge and concerns have been raised by the applicant in relation to the impact on the existing screening in providing the cladding.:

*As stated in my previous email, to clad the north wall is not acceptable and won't provide any benefit in terms of screening once the hedge grows. A hedge is a natural screen which provides additional benefits to wildlife and carbon dioxide absorption.*

On balance the cladding which is also supported by the Council's Conservation Officer is considered to improve the look of the structure from North Farm House and would improve the utilitarian appearance of the structure whilst maintaining its suitability as a silage clamp supporting the agricultural operations of the farm. Committee members are invited to give further consideration to this matter at the Development Management Committee Meeting. At this stage however, a condition is recommended both in relation to the painting of the metal frame and timber cladding to the northern side of the structure.

Paragraph 7.33 has been amended to read:

7.33 The site is located within an existing farm complex located approximately 276m from the closest part of the protected Chichester Harbour Environments (SSSI, SPA, RAMSAR). An HRA screening has taken place for the development this concludes that the proposal would not lead to a likely significant effect on European site integrity. It is not considered that this replacement silage clamp would be likely to impact the protected sites.

**9. Recommendation:**

The Conditions have been amended as follows:

2 The landscaping works shown in principle on the 'Proposed hedging and tree planting at Northney Farm' plan hereby approved shall be carried out in the first planting season following the grant of planning permission. The hedge planting shall take the form of a double staggered line of mixed native hawthorn (40%), blackthorn (30%), holly (20%) and beech (10%) with planting at a density of 5 plants per metre and with a minimum plant height of 1 metre. In addition, four Alder trees shall be planted to the east of the silage clamp (in lieu of the Ash trees) the trees shall be planted as nursery standards or extra heavy standards and the existing hedge shown on the same plan shall be retained.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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# APPENDIX D

**HAVANT BOROUGH COUNCIL**

At a meeting of the Development Management Committee held on 16 July 2020

Present

Councillor Satchwell (Chairman)

Councillors Mrs Shimbart (Vice-Chairman), Crellin, Howard, Keast, Lloyd and Lowe

Other Councillors Present:

Councillor(s):

**24 Apologies for Absence**

There were no apologies for absence.

**25 Site Viewing Working Party Minutes**

The minutes of the Site Briefing held on 8th July 2020 were received.

**26 Declarations of Interest**

There were no declarations of interest relating to items on the agenda.

**27 APP/19/01048 - Northney Farm, St Peters Road, Hayling Island**

The site was the subject of a site briefing by the Site Viewing Working Party.

Proposal: Retrospective application for agricultural maize silage clamp and 3-metre-high walls with safety rail.

The Committee considered the written report and recommendation from the Head of Planning to grant permission.

The Committee received the supplementary information, circulated prior to the meeting which:

1) included the minutes of the Site Viewing Working Party held on 8 July 2020;

2) included a copy of the presentation given to the Site Viewing Working Party held on 8 July 2020;

3) included a written deputation received in advance of the Committee;

4) gave responses to the information requested by the Site Viewing Working Party which included:

a. more recent photographs showing the site in summer foliage;

b. the results of an investigation into the suitability of using Ash trees to screen the proposal;

c. the results of an investigation into the most suitable size for proposed planting; and

d. clarification on the limits of the capacity of the silage clamp and the height of the silage within the metal frame;

5) included updates to the officers' report; and

6) included an amended Condition to the officers' recommendation.

All members confirmed that they had read the above supplementary papers prior to the meeting.

The members received a presentation from the officers outlining the report and answering the questions raised by the Site Viewing Working Party and individual members of the Committee since the agenda was published.

In response to issues raised within the deputation, the officers explained that the application was made following consideration by the Council's Enforcement Team, and that the application needed to be decided based on planning merits alone. The Heritage Team Leader also informed the Committee that they had visited the application site twice and had been able to have full view of the silage clamp in relation to the listed building and its surroundings. They believed that the intermittency of the frame did not have a significant enough impact for them to object to the application.

The Chairman stated to the Committee that the photos shown in the presentation were a snapshot of a moment in time, and so were not representative of the full site. They also reaffirmed the retrospective nature of the application, and that they should question, debate, and make a decision on the application as if it was not already erected.

In response to questions raised by the Committee, the officers answered that:

i. agricultural permitted development rules were complex but give increased rights to developers, meaning that the concrete walls of the silage clamp were permitted without the need to seek planning permission up to a height of 3m. It was the railings and metal framework of the development which required permission to be sought;

ii. the applicant had informed officers that the railing was a necessary safety requirement for agricultural use of the silage clamp, and whilst not being requested by the Council, did offer the addition of supporting the walls of the structure;

iii. officers believed that the development would be more acceptable if the presently red railings were painted green, as this would be more in keeping with its surroundings and would therefore create a less harmful visual impact to the area;

iv. the condition concerning cladding could be varied to agree the extent of the cladding necessary according to the sections of the structure which required it, should the Committee be minded to grant planning permission;

v. the process of adding cladding would require some shrubbery along the clamp walls to be removed;

vi. the listed farmhouse was significant in terms of architectural detailing, the mature grounds in which it was based, the holistic appearance of the building and the wider surrounds, but there was no calculation to use to determine whether an application was harmful to the setting of a listed building - this was assessed on a case by case basis on the merits of the proposals;

vii. the investigation by Planning Enforcement as to whether the silage clamp was permitted under agricultural permitted development had taken time, but the Committee would be deciding on whether to grant planning permission within the meeting, and so should focus on planning merits only;

viii. an additional condition could be included should the Committee be minded to grant planning permission to restrict the capacity of the silage clamp to no more than 3 metres high;

ix. the proposed cladding would blend the concrete walls of the silage clamp into the rural setting, whilst the railings painted green would help further disguise the clamp in the natural surroundings, giving the maximum visual softening of a manmade structure;

x. the maximum height of the silage was 3 metres to match the height of the concrete walls of the clamp, but this did not include the height of the tyres placed on top to secure the silage in place.

The Committee discussed the application in detail together with the views raised in the deputation received.

Although a minority of the members considered that the proposed development was acceptable subject to added conditions and would not have an unacceptable impact on the neighbouring property, a majority of the members felt that the proposal by reason of its design and siting would result in a harmful impact on the setting of the listed building and its surroundings.

It was therefore:

RESOLVED that application APP/19/01048 be refused for the following reason:

The development by reason of its height causes less than substantial harm to the setting of the adjacent grade 2 listed building, North Farm House. On the basis of the information available to the Local Planning Authority, it is not considered that this harm is outweighed by the benefits of the scheme. The proposal is therefore contrary to Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the National Planning Policy Framework.

**The meeting commenced at 5.00 pm and concluded at 7.08 pm**

……

**Chairman**

# APPENDIX E

# Aerial Photograph

Havant
BOROUGH COUNCIL

# Aerial birds eye view (with original silage clamp)

## Photographs of Silage Clamp from Farmyard

Havant
BOROUGH COUNCIL

## View from north (from field)

Havant
BOROUGH COUNCIL

## Views from North Farm House – View to Silage Clamp

Havant
BOROUGH COUNCIL

## Back from close to southern boundary of North Farm House towards house

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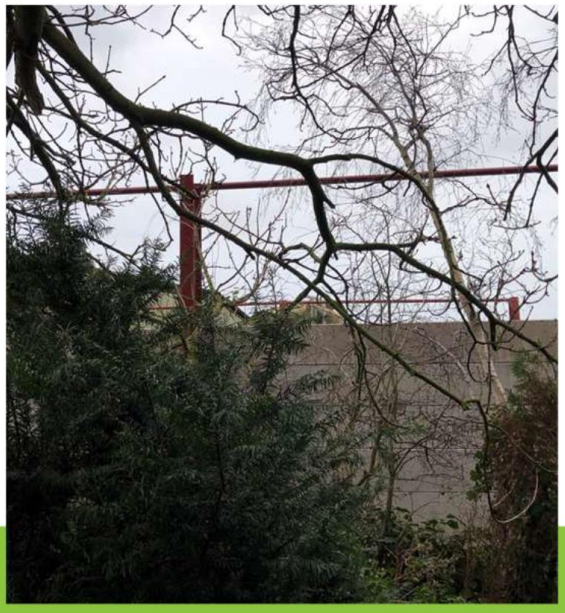
## Views to silage clamp from South-East part of neighbours garden

## Wider view from North Farm House patio to South –East (third party photograph)

## Close view to Silage Clamp from south-east part of garden to North Farm House



## View of silage clamp from garden of North Farm House showing relationship to field

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# Wider view from North Farm House (third party photo)

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# RECOMMENDED CONDITIONS
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# Northney Farm, St Peters Road, Hayling Island

# Local Planning Authority Reference: APP/19/01048

# Planning Inspectorate Reference: APP/X1735/W/20/3260889

1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan (received 25th November 2019)
Block Plan (received 25th November 2019)
Floor and Elevation Plan
Proposed hedging and tree planting at Northney Farm Plan (received 27th February 2020)
Letter from M. Pike (received 27th February 2020)
**Reason**: To ensure provision of a satisfactory development.

2 The landscaping works shown in principle on the 'Proposed hedging and tree planting at Northney Farm' plan hereby approved shall be carried out in the first planting season following the grant of planning permission. The hedge planting shall take the form of a double staggered line of mixed native hawthorn (40%), blackthorn (30%), holly (20%) and beech (10%) with planting at a density of 5 plants per metre and with a minimum plant height of 1 metre. In addition, four Alder trees shall be planted to the east of the silage clamp (in lieu of the Ash trees) the trees shall be planted as nursery standards or extra heavy standards and the existing hedge shown on the same plan shall be retained.
Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS 11, CS 12, CS 16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

3 Within 2 months of the date of this planning permission the metal frame and railings of the silage clamp shall be painted in BS4800 12D43 Greengage unless otherwise agreed in writing by the Local Planning Authority. The metal frame and railings shall thereafter be retained in the approved colour.
**Reason:** In the interests of the character and visual amenities of the area having due regard to policies CS11, CS12 and CS16 of the Havant Borough

Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.

4 Notwithstanding the plans and details hereby approved, within 3 months of the date of this permission (or such other date as the Local Planning Authority may agree) the north facing wall of the silage clamp shall be clad in timber, the details of which shall have been first submitted to and approved in writing by the Local Planning Authority. The approved cladding shall thereafter be retained and maintained in accordance with the approved details.
**Reason:** In the interests of the character and appearance of the area and the setting of North Farm House a Grade 2 Listed Building having due regard to policies CS11, CS12 and CS16 of Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework.