
Site Address:	Stoke Farm, Northwood Lane, Hayling Island, PO11 0LR		
Proposal:	Change of use to a mixed use of agricultural and logging/timber business. (Retrospective).		
Application No:	APP/18/00669	Expiry Date:	21/09/2018
Applicant:	Mr North		
Agent:	Mr Croft	Case Officer:	Tina Pickup
	Willis & Co. (Town Planning)		
	Ltd		
Ward:	Hayling West		

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The red lined application site relates to the main farm yard of Stoke Farm which is an agricultural holding located on Northwood Lane. Northwood Lane is a rural lane and the application site lies on the southern side of the road which at this point is characterised by linear residential development. It lies beyond the defined urban area of Stoke and within the non-urban area of Hayling Island under policy AL2 of the Allocations Plan. The farm is currently a working farm and the yard has a number of buildings, including a traditional timber framed barn and modern agricultural buildings.
- 1.2 The farm house that the applicant resides in is a converted barn located to the north of the yard adjacent Northwood Lane. The original farmhouse, Stoke Farm, is located to the west of the yard and is currently occupied by the applicant's mother, but is outside the application site and the farm holding of the applicant. The working yard is located to the rear of the frontage dwelling ie to the south, and vehicular access to the farm yard is taken to the east, adjacent the residential property Molandi. The eastern boundary of the site comprises a high evergreen hedge. Once within the yard the buildings are arranged in a rectilinear format.
- 1.3 The site is close to the junction with Castlemans Lane such that the residential properties in this lane back onto the application site. There is a Black Polar tree that is protected by a Tree Preservation Order located close to the south eastern corner of the farm yard.

2 Planning History

APP/18/00317 - Application to determine whether prior approval is required for new agriculture barn for storage of hay and straw., Permitted 23/04/2018

APP/14/00794 - Remove epicormic growth from main stem and large scaffold limbs to eastern, north eastern and south eastern aspects of 1No. Black Poplar (T1), the tree subject to TPO 1893. Consent 29/9/14

APP/13/00750

Conversion and extension of existing disused barn and cart shed into new 3 bedroom house, with new vehicle and pedestrian access from Northwood Lane. Permitted 15/10/13

APP/13/00427

Construction of additional bay to east of existing barn. Permitted 15/7/13.

APP/12/00024

Rebuilding of agricultural barn adjacent to southern boundary of farmyard (part retrospective). Reduce branch of 1No. Black Polar tree to south west by 4m and remove 2 small branches subject to TPO 1893.

Refused: Impact on neighbour - **Appeal Dismissed** 3.1.13

09/56626/006

Renewal of temporary Planning Permission 03/56626/002 for the siting of a mobile home to be used as an agricultural worker's dwelling. Permitted July 2010.

07/56626/005

New farm barn to replace derelict building. (Revised application). Permitted January 2008.

07/56626/004

Application to determine whether prior approval is required with respect to the siting, design and external appearance of a new barn to replace derelict buildings. Prior Approval Required and Refused October 2007.

06/56626/003

Renewal of temporary permission 03/56626/002 for the siting of a mobile home to be used as an agricultural worker's dwelling. Temporary Planning Permission July 2006. Expired 31st October 2009.

03/56626/002

Renewal of temporary permission 00/56626/001 for the siting of a mobile home to be used as an agricultural worker's dwelling. Temporary Planning Permission December 2003. Expired on 31 October 2006.

00/56626/001

Siting of mobile home to be used for an agricultural worker's dwelling. Temporary Planning Permission August 2000. Expired 31st August 2003.

3 Proposal

Change of use to a mixed use of agricultural and logging/timber business. (Retrospective).

During the course of determining this application a more detailed plan was requested and submitted that more precisely identified the siting of the various activities associated with the logging use. This plan shows that the raw timber would be delivered to the site and unloaded, stacked and stored within the open main farm yard, shown red on the plan. The processing of the raw wood, which involves the use of a chain saw to cut up the logs into more manageable sizes and then fed through a firewood processor that is powered by the tractor, would take place in the areas marked yellow. The processor shoots the chopped wood into open sided barns for storage, in the areas shown green.

The submitted details indicate that approximately 25 loads of timber are made per annum and these are delivered between 09.00 and 17.00 Monday to Friday with an occasional delivery up to 19.00. The lorry delivering the timber cannot turn in the yard

and reverses out of the site.

The applicant then processes the raw wood by relocating it in the tractor bucket to a processing area where a chain saw is first used followed by the firewood processor which is powered by the tractor. It is stated that the applicant only processes the wood between the hours of 8.30 and 17.00 Monday to Friday and between 9.00 and 13.00 on Saturdays with no processing on Sundays. Once chopped it is stored in the barns and the applicant delivers the wood in a flatbed style lorry direct to customers. It is stated that customers do not visit the site but order over the phone or online.

It is stated that the farming activities take priority and the logging operations are undertaken around the farm chores according to weather and time of year.

It is also stated that the firewood business began approximately 7 years ago.

4 Policy Considerations

National Planning Policy Framework 2018

Havant Borough Local Plan (Core Strategy) March 2011

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)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Also of limited relevance emerging policy
Draft Havant Borough Local Plan 2036

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager

Original comments:

Whilst I have no objection in principle to the operation of this type of business at these premises, I do have concerns related to the operation of this business in such relative close proximity to neighbouring residential receptors. I have seen and heard the operation of the firewood processing plant, run in conjunction with a tractor, and believe there is potential for noise pollution to the aforementioned receptors, not only from the process but also from deliveries to and from the site.

The Local Planning Authority may also wish to consider conditioning hours of operation for this business relating to both processing and delivery of stock to and from this site.

As there has been no noise survey / assessment done at this time, I am unable to establish whether NOAEL (No Observable Adverse Effect Level) or even LOAEL (Lowest Observable Adverse Effect Level) in terms of BS4142:2014, will be achieved during the firewood processing operations, or whether acoustic mitigation measures are required to ensure NOAEL. It should be noted that when operational, the time

period can range from a short period of time to a number of hours of continuous operation. There is also the potential to increase the output of firewood from this site, which could also lead to longer operating periods and alternative machinery being employed.

Therefore, if the Committee were of a mind to approve this application, I would ask that the following condition be applied to any consent granted:

Condition 1:

A scheme shall be agreed in writing with the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the firewood processing plant, in conjunction with any proposed mitigation measures that might be specified by a noise consultant. The agreed measures shall be put in place, prior to this condition being discharged.

Reason: To protect the amenities of occupiers of adjoining properties

In the absence of a noise survey/assessment Revised comments:

My previous memo dated 23 August 2018, in relation to this application, has reference, and the concerns there-in remain valid.

As per our recent discussions it would appear that the noise related to this non-agricultural business goes beyond just the use of a firewood splitter machine driven via the tractor, to saw logs into determined sizes and then rammed through a splitter, to be further carried away and piled by an attached conveyor. Consideration must also be given to the related noise of deliveries of logs for further processing, stacking of these logs prior to processing, use of a hand held chain saw to cut larger logs (those unable to go through the machine in presented size) into more manageable sizes, and the use of tractor and bucket to position split logs into the storage barns and onto delivery vehicles.

I would advise that an acoustic assessment needs to be provided for all of the above associated processes i.e from the time the delivery vehicle with logs enters the site, to when the finished product leaves the site, with any proposed mitigation measures that may be required.

Should it be clear that an assessment of this nature is not to be provided, I would object to the approval of this application.

I would also advise that the suggested times of operation for this particular activity be restricted to the times as agreed by the applicant.

Also any increase in the current operational output in the future, should require a further planning application and could also be conditioned in this respect.

Highways Engineer

The Highway Authority has no objection to the proposal, subject to planning conditions limiting its method of use to that stated in the submitted planning statement.

Natural England Government Team

None received

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 19

1 Letter of Objection has been received

18 Letters of Support have been received from residents within Northwood Lane and Castlemans Lane.

Comment	Officer Comment
<u>The objection letter notes:</u> - understand need to diversify but due to the noise and vibrations of the processing which permeates through our house even with the windows closed, we couldn't agree to his proposal if it was to be located so close to not just the boundary of our property, but our actual house. - fully support this venture in principle, but not when proposed within the few meters of our house. We feel another location would maintain the integrity of the farm and allow for any future scaling without the noise and vibrations which are already spoiling the enjoyment of our home.	noted - see section 7 below alternative location would need to be subject to future alternative application
<u>The support letters note:</u> fully support this farming diversification will enable the farm to continue, and the family will be able to make their living from what has been a family run farm for as long as I can remember; will help to keep the farm viable for the future if this is not given then the farm will be at risk; he works hard and needs the logging business to sustain the farm would help with the ongoing difficulty of keeping the small traditional farm from disappearing from community , his wood Company not only helps the farm to be around for the long term it is also providing the local community young & old with a great service & has been for many years	noted noted noted noted

The operations do not impact on our lives and are done during 'acceptable' working hours. They do not start early or continue late; work has no impact on the surrounding environment.	noted
local businesses like this an asset to the Lane and the Island	noted
would recommend that the council approve this application	

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 on character of area
- (iii) Impact upon residential amenity from noise and disturbance of use
- (iv) Highway considerations

(i) Principle of development

7.2 The application site is located beyond any defined built up area and therefore within the non-urban area. Policies AL2 and CS17 require development in such non-urban areas to be consistent with policies for the countryside as set out in national policy. The emerging Draft Havant Borough Local Plan 2036 currently has limited weight in decision making but does indicate the direction of travel. It is noted that the settlement policy boundary of Stoke continues to exclude the application site which therefore remains outside any defined settlement boundary. In such locations emerging policy E10 indicates that planning permission would not usually be permitted unless, amongst other criteria, it specifically and demonstrably requires a rural location.

7.3 The NPPF 2018 sets out a presumption in favour of sustainable development and with regard to the proposed development in a more rural location it is necessary to balance the three overarching objectives of economic, social and environmental roles. The NPPF 2018 supports the principle of diversification of agricultural and other land-based rural businesses (para 83) but it also notes that "it will be important to ensure that development is sensitive to its surroundings" (para 84). It is acknowledged that there are clear economic gains to the existing agricultural enterprise from the logging business which brings in added financial support. There are also some social benefits in that the log company supplies firewood to the local community. However, the environmental impacts from noise and disturbance resulting from the processing of the logs must be weighed up against the benefits. These environmental impacts are considered in more detail below.

(ii) Impact on character of area

7.4 Whilst in policy terms the site is located beyond any settlement policy boundary it is nevertheless located amongst linear residential development such that it is surrounded

by and has a tight relationship with residential dwellings. The character of the surrounding area is therefore primarily residential in nature, with open countryside to the north of Northwood Lane. The farm yard itself is located in a backland position such that it is not visible from the highway. In this instance the equipment used is a chain saw and firewood processor that is powered by a tractor. Visually the logs and equipment are as expected on a working farm and are not considered to be visually inappropriate the farm yard site.

- 7.5 However, the proposed logging business is essentially a B2 industrial process, which are not generally compatible within residential areas. The proposal is retrospective and involves a B2 industrial operation ie a logging business, taking place in addition to the agriculture use creating a mixed use site. The implications of this for the amenity of residential properties adjoining the site is discussed below.

(iii) Impact upon residential amenity from noise and disturbance of use

- 7.6 It is noted that eighteen letters of support have been received from residents living nearby, who support the applicant. One objection has been received from the closest property which is sited immediately adjacent the vehicular access to the farm yard and separated by a high evergreen hedge. It is also acknowledged that the site is an active agricultural farm holding with all the associated noises and smells of a farm. The applicant can lawfully run his tractor in connection with genuine agricultural functions, which includes rolling barley in a barn immediately adjacent the residential property Molandi. These lawful farming activities are unrestricted and can take place at any time. They provide the background noises and activities for the site.
- 7.7 The logging business is already in operation and constitutes a B2 industrial activity. Logs are delivered to the site in a large lorry and at its current scale it is estimated 25 deliveries a year ie approximately one a fortnight. However the business is seasonal and weather dependent with periods of intensive activity and other times with little or no activity. It is alleged that within the week of end of October/beginning of November 2018, two lorry deliveries were made of raw wood such was the scale of processing ready for the autumn/winter demand for firewood.
- 7.8 The logs are stored in the open within the farm yard and moved in the tractor bucket and first cut up into more manageable sizes with a chain saw. The noise from the use of the chain saw is over and above the normal farm activities. The smaller logs are then fed through the firewood processor and this operation involves the continuous running of the tractor to power the processor. The logs are fed through the chopper/splitter which then thud down onto a conveyor arm as smaller pieces. This conveyor then shoots them up and out for storage in a dry barn for storage. Therefore this operation has to take place immediately outside the storage barn so that the logs end up in the dry. Whilst the tractor noise is effectively a genuine farm noise, its continuous running in a stationary position to operate the processor amounts to an industrial process. The thudding of the wood through the processor can be heard as well as the tractor engine with the total noise being significant.
- 7.9 Whilst occasional and short spells of the chain saw and processing may be bearable to neighbouring residents, it is the scale of the business that it is of concern. When the logging business is undertaken for several hours a day the continuous running of the chain saw and processor results in a noise and vibration that is considered incessant and intrusive to quiet residential amenity. Whilst a permission could condition the hours of operation ie the business could be conditioned to only operate between 8.30 to 17:00 every day, nevertheless there would be no enforceable condition that could

limit the use to just an hour or two a day. Effectively the business could become permanent and full time - the Local Planning Authority would have no control over the intensity of the use within the specified hours. The applicant has acknowledged that on average he spends approximately a day and a half a week on the logging business, but due to the peaks in demand and seasonal nature of the business this can be undertaken as several continuous days and then none for a few weeks. There would be no control over the future expansion of the business.

- 7.10 Related to this is the fact that the applicant alleges that he has been operating the business for the past 7 years. However it is understood that the scale of development and machinery involved has changed over this time. The LPA's first investigations into the activities being undertaken at the site was instigated in March 2018.
- 7.11 During the course of determining this application, a noise assessment has been requested to measure the noise generated and consider any potential mitigation measures. This has not been provided despite several requests. In the absence of a noise assessment alternative options were discussed in an attempt to find an acceptable solution. For instance it was suggested the operation were re-sited to the rear (south) of the existing barn where the applicant has permission to erect an extension to this barn (APP/18/00317 refers). For various practical reasons the LPA was advised this was not possible. In the absence of a noise assessment and any viable and effective mitigation measures, it is considered that the noise generated from the industrial processing of the logs in such close proximity to residential properties is harmful to their quiet residential amenity.
- 7.12 Informal noise readings taken by a neighbour have indicated that background levels when no activities are taking place are between 48 to 50 decibels. However when the logging business is in operation it is alleged that the noise levels increase to 80 decibels. These readings are not verified and cannot be relied upon, but they do provide an indication of the impact of the noise resulting from the logging processing. An additional 30 decibels for several hours a day is considered to have a harmful impact on neighbouring amenity. Policy DM10 of the Core Strategy relates to pollution and indicates that development that causes pollution through noise and vibration will only be permitted where the health and safety of nearby residents is not put at risk. Policy CS16 also requires development to not cause unacceptable harm to amenity from noise. Therefore the logging business is considered to be contrary to both of these policies.
- 7.13 The affected neighbour alleges that when in operation, even with doors and windows closed, the noise impacts their lifestyle and results in a need to increase the volume of the television, affects conversations and concentration etc and causes distress. The NPPG in relation to noise indicates that when noise starts to affect behaviour then an adverse effect is likely to occur and the planning process should be used to avoid this effect occurring.
- 7.14 The site has been visited with the Environmental Health Officer when the equipment was run for demonstration purposes. There is no doubt that the noise generated is significant and due to its continuous static nature is different and more intrusive than genuine farming activities. Whilst the tractor is used for many of the agricultural activities it is generally run for shorter spells and in motion which is an accepted background farm noise. It is considered that the use of the chain saw and continuous running of the tractor to power the firewood processor with the associated thudding of the cut logs onto the conveyor is over and above the accepted farm noises. In the absence of a noise assessment and professionally suggested mitigation measures,

then from the information available to date, it is considered that the logging business is causing a significant observed adverse effect on neighbouring amenity.

- 7.15 Consequently the harm and adverse effect on health and quality of life to neighbours from the noise and vibration is considered to be so significant that when balancing the sustainable objectives of the NPPF the environmental harm outweighs any economic or social benefits. Therefore the application is also considered contrary to the NPPF and is recommended for refusal.

(iv) Highway considerations

- 7.16 The raw wood is delivered to the site in a large lorry that cannot turn within the farm yard and hence reverses out into the lane. However it is considered that this would be similar to agricultural supplies in connection with the farm. There have been no third party comments made about any inconvenience or safety concerns resulting from deliveries to the site, and no objection has been raised by the Development Engineer. On the basis of 25 deliveries of raw wood a year the impact to highway safety or amenity is considered minimal and acceptable.

8 Conclusion

- 8.1 The site is a lawful agricultural holding and it is accepted that there are certain levels of noise and disturbance associated with the agricultural operations. The site is located within linear residential development such that the farm activities are not taking place in a remote rural location but in close proximity to residential dwellings. The logging business is an industrial B2 use and it is considered that the noise and vibrations associated with the processing of the wood into firewood represent an unacceptable increase in noise levels over and above the farm noises. The noise exposure is considered harmful to the health and quality of life to the close neighbours which materially affects their amenity. The LPA would be unable to control the scale of the development and future intensification and without a noise assessment putting forward viable and effective mitigation measures it is considered the proposal is contrary to the NPPF and policies CS16 and DM10. Accordingly the application is recommended for refusal.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00669 for the following reasons:

- 1 The noise, vibration and disturbance resulting from the processing of logs on the site (including delivery of raw wood, stacking, use of hand held chain saw, firewood processor and conveyor powered by the tractor and use of tractor and bucket to move split logs onto delivery vehicle) is considered to have an adverse effect on the health and quality of life of the close neighbours which materially affects their residential amenity and results in significant environmental harm contrary to the sustainable aims of the National Planning Policy Framework 2018. The development is therefore considered contrary to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.