
Site Address: Northney Farm, St Peters Road, Hayling Island
Proposal: Change of use of agricultural building to a dwellinghouse (class C3)
and for associated operational development subject to prior approval.
Application No: APP/18/01090 Expiry Date: 14/12/2018
Applicant: Mr J Pike
Agent: Miss C Bartlett Case Officer: David Eaves
 Batcheller Monkhouse
Ward: Hayling East

Recommendation: Wrong Application type for recommendation code

1 Site Description

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 long standing dwellings and in more recent times a large traditional barn on the corner of St Peters Road and Northney Lane was converted to residential use following a Planning Permission.

The farm has also diversified with the opening of a tea room to the south of the main farm complex. An extension to the tea room has also recently been granted but not yet implemented.

The proposal itself relates to the conversion of a low cattle byre building and a stable building with a first floor hay loft. The buildings historic nature is recognised by their inclusion on the Councils list of Buildings of Local Interest due to their age, appearance, detailing and their association with traditional farming methods.

To the north of the buildings are residential properties fronting Northney Lane.

2 Planning History

APP/11/01388 - Variation to Condition No. 12 of Planning Permission 09/74191/000 to allow opening 10am - 5pm throughout the year and up to 3 evenings a week to 11.00pm., PERM,19/03/2012

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

APP/16/00678 - Coastal pathway improvements along Northney Road (west of Langstone Hotel) and section of wall by tidal outlet flap., WD,29/11/2016

APP/17/00983 - Change of use from agricultural building to 1No. dwellinghouse subject to prior approval., PAY,17/10/2017

Prior Approval Required and Refused on the 17th October 2017 for the following reasons:

1 The proposed development would introduce a residential use adjacent to a working farm, including livestock buildings, barns and tanks. The access to the building is also through a working farmyard. This would result in an unacceptable living environment for future residents by reason of noise, smell, fumes and activity all in close proximity to the building and its curtilage. The proposal is therefore considered to represent an impractical and undesirable change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and would conflict with policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

2 The proposed development would result in alterations to traditional farm buildings which are considered to represent a heritage asset. The alterations proposed and in particular the number and positioning of new windows including rooflights are considered to be harmful to the character and appearance of the buildings. Furthermore, the application does not include details of the structural condition of the buildings and the extent of likely repairs/rebuilding that would be required to convert the buildings. It is therefore not at this stage possible to conclude that the works could be carried out without substantial re-building works which would further detract from the character and heritage of the buildings. Taken together the proposal is considered to be harmful to the character of the buildings by reason of the design and external appearance proposed. The development therefore conflicts with policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

APP/17/01071 - Single storey rear extension to Tea Rooms., PERM,26/02/2018

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 was refused on the 2nd May 2018 for the following reason:

1. The proposed development would introduce a residential use adjacent to a working farm, including livestock buildings, barns and tanks. The residential use would also be likely to be impacted by farm vehicle and equipment movement and operation. This would result in an unacceptable living environment for future residents by reason of noise, smell, fumes, and activity all in close proximity to the building and its curtilage. The proposal is therefore considered to represent an impractical and undesirable change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and would conflict with policies CS16 and DM10 of the Havant Borough Local Plan and the National Planning Policy Framework.

3 Proposal

Change of use of agricultural building to a dwellinghouse (class C3) and for associated operational development subject to prior approval.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer, Development Control

The buildings in question are locally listed. This is due to their age, appearance, detailing and their association with traditional farming methods.

The National Planning Policy Framework (NPPF) was published in March 2012 and sets down the policies that the Council must take into account when determining planning applications along with the National Planning Policy Guidance (NPPG).

Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 64 (Section 7 Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Assessment

Traditional agriculture/stable buildings are a significant part of our heritage and one of the objectives for allowing conversions is to enable these buildings to be retained for future generations. It is therefore essential that the characteristics of the buildings survive to be identifiable in the future.

The design of a conversion must commence with the existing building and not with a preconceived notion regarding the size or type of accommodation required, or the most profitable scheme. Applicants may have to accept that the building imposes constraints that will require compromise to retain its character.

The opportunities and limitations presented by the buildings will determine the form of accommodation possible and an approach exploiting these features will be the only way to reach an acceptable design solution that conforms to the planning policy. In essence the finished building and its surroundings should complement its original use.

The buildings are a key element of the character of this site, providing a significant feature within the original arrangement of agricultural buildings.

The works proposed include a variety of amendments to the originally refused scheme APP/17/00983. Whilst as part of the scheme many external alterations are proposed these are now in keeping with the agricultural character of the buildings. New openings have been limited and existing openings have been well utilised. Existing openings are a fundamental element of the buildings character and allow the original form and function to be understood. I am therefore encouraged to see this has been implemented.

In broad terms I consider the intended changes to the layout and use of the building can be accommodated. Changing from storage to ancillary residential use inevitably involves a degree of compromise in order to suitably upgrade for habitable accommodation.

The scheme has therefore been appropriately designed as it allows for the historic agricultural character of the building to be substantially maintained and would allow for a future use of these buildings.

Engineering/Drainage

No comments received

Environmental Health (Environmental Control Officer)

I have briefly reviewed the supporting statement and plans, and note the statement at 4.4 c), and example decision included at Appendix B.

I also note that Mark Moss has made substantive comment and recommendation on amenity and 'nuisance' pollution (odour, noise, light, effluvia etc.), so there is no need for me to cover those areas in these comments.

In terms of the relevance of the proposals to Contamination, (physical/ chemical) Pollution, and Air Quality, the particulars of the development are not materially different to those put forward under APP/18/00321, or APP/17/00983. As a result, comments provided previously would broadly apply.

Agricultural buildings of any & all descriptions, but particularly ones of this vintage (if only due to the length of time over which they have been used) are considered potentially contaminated, and experience of redevelopment of farm yards and yard complexes has typically identified concentrations of contaminants which would be considered unacceptable for a residential land use. Lead would be a particular risk at a complex that has been in use for this period of time, and unfortunately this contaminant would not be readily apparent in soils (e.g. by visual or olfactory means).

For the reasons stated previously, I have no objection to the principle of development, subject to the application of suitable conditions to ensure that the upon completion, the site is suitable for the proposed use. Suggested wording below:

Contamination (Standard - omitting EDS) [1]

Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- . appropriately considered remedial objectives,
- . an appraisal of remedial & / or risk mitigation options, having due regard to sustainability, and;
- . clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, to include consideration of contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (& / or activities) that could pose a risk to future site occupiers.

Verification (Standard) [2]

Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy [2011] and DM17 of the Havant Borough Local Plan (Allocations) [2014], Contamination may be present at the site as a result of both previous & current land uses (& / or activities) that could pose a risk to future site occupiers.

Environmental Health

I have perused the additional documentation provided by the applicant.

I have no objection in principle to the conversion of the existing structures to a dwelling unit as depicted on the drawings provided. I am still not convinced that under the existing circumstances that this would be in the best interests of any future residents of said dwelling, if permitted; especially those who have had no previous experience of living on a working farm, more so one farming livestock.

My previous comments remain as stated and I reiterate as follows:

- a. that one of the tractor access / exit points for feed, hay, bedding removal etc from the cow shed, is onto the proposed 'closed off' area, thus leaving this area to remain a part of the working farmyard.
- b. with the very close proximity of the proposed building conversion to Class C3 dwelling, to the existing farmyard and cow shed, I have reservations with regard to the potential nuisance aspect that could affect future residents of said dwelling. These nuisances would include animal and machinery noise, odour from animal faeces and urine, and the potential to be affected from time to time by insects such as flies.

However if the Planning Authority sees fit to permit this development, I would recommend that the condition as suggested within the Supporting statement on page 10 Item 4.4 [b] paragraph 2, that limits occupation to those employed, or previously employed in agriculture, and / or their widow/ widower and resident dependents, be imposed. I would suggest it be further conditioned *ad infinitum* to exclude any potential tenant who has never lived on a working farm dealing in livestock.

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application.

Natural England Government Team

No Objection Subject to Securing Mitigation

Appropriate Assessment

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Please note in future cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

SPA Functional Land

The proposals have the potential to affect SPA functional land, which forms part of a network of terrestrial sites located outside of the Solent SPAs boundaries used by SPA species (including qualifying features and assemblage species) as alternative areas for roosting and foraging. These sites support the functionality of the designated sites and are therefore protected in this context.

The site affected H59B is classed as a Secondary Support Area and supports high numbers of brent geese. As a result, Natural England advise that best practice measures are adopted during construction to limit noise and visual disturbance to the adjacent sensitive habitat. We advise the following condition is secured with any planning permission:

- No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Landscape advice

The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 172 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 172 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Protected Species

Natural England has produced [standing advice](#) to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

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: 13

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
We do not object to the development of the barn into a dwelling, although we note that planning permission was refused on two previous occasions on the grounds that its location is unsuitable for residential development and we do not see how this has changed.	The proposal is now for occupation by a farm worker
However we do object to the proposal to extend the garden of the new property immediately to the rear of our garden. We do not think this is necessary as the plans for the proposed development demonstrate that the barn has adequate land to the south to provide a garden for the new property, which would be considerably less intrusive for the adjoining properties. We object to the proposal on the following grounds:	The garden area to the rear would provide a better environment for occupants. Subject to appropriate boundary treatment being secured it is considered that the use of the garden would not result in an unacceptable relationship between dwellings.

1. Fire safety - throughout the 30 years we have owned this property, this narrow strip of land between the rear gardens of 9-12 Northney Lane and the large hay barn in Northney Farm has always been designated as a fire break to reduce the risk of a fire in the hay barn spreading to neighbouring properties. If the land is allowed to be developed, what steps will be taken to prevent the risk of fire spreading from the hay barn to neighbouring properties? In the winter months, the barn is full of large hay/straw bales and we therefore see this as a critical concern for the health and safety of local residents.	The area is shown as a garden and it is considered that there is unlikely to be a change in fire risk
2. Loss of privacy - the garden of the new property will adjoin our boundary and overlook our rear garden, resulting in a significant loss of privacy for us, with potential for noise nuisance. We have lived in our home for over 30 years and have never been overlooked and value the privacy its location gives us. We do not want to lose our privacy. We would therefore hope that the developer is not allowed to extend the garden into the area to the rear of our property, but if he is given permission, we would like this to be subject to a minimum of 2 metre high boundary fence being erected and maintained by the developer.	A condition in relation to boundary treatment is recommended
3. General environment - the landowners have failed to maintain the land to the rear of 9-12 Northney Lane and over the years have allowed it to become very overgrown with large trees and undergrowth. This has reduced light to the neighbouring properties and encouraged rats, which have been seen in our gardens on a number of occasions. As part of the development proposals, we would ask that the landowner is required to clear and tidy this land and then keep it tidy in perpetuity. This will also help maintain it as a fire break.	Comments noted, however the use of the building for residential purposes and the rear garden would if granted prior approval be likely to reduce these concerns.

7 Planning Considerations

- 7.1 This application is a prior notification under Schedule 2 Part 3 Class Q of the GPDO 2015 (as amended).

Q. Development consisting of—

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or**
(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The GPDO sets a series of tests under Q.1 stating that 'Development is not permitted by class Q ' unless a number of tests are met. The applicant has confirmed that the development would meet tests (a) - (m).

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—**
(i) on 20th March 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date,
when it was last in use, or
(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The agent has confirmed that (i) is met

- (b) in the case of—**
(i) a larger dwellinghouse, within an established agricultural unit—
(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or
(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

- (c) in the case of—**
(i) a smaller dwellinghouse, within an established agricultural unit—
(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or
(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

The agent has confirmed that the proposal is for a larger dwelling and that no previous development under part Q has been carried out and that building would not exceed 465sqm.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the

Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3

(dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The agent has confirmed the dwelling would fall within the 465sqm limit and no other development under part Q has taken place.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The agent has confirmed that the site is not occupied under an agricultural tenancy.

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

The agent has confirmed that the site has not been occupied under an agricultural tenancy.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which

is 10 years before the date development under Class Q begins;

The agent has confirmed no development under Part 6 Class A (a) or B (a) has taken place since 20th March 2013.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The agent has confirmed that the development would not increase external dimensions.

(i) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations

allowed by paragraph Q.1(i)(i);

The agent provides details of the proposed works and NPPF guidance this is considered to demonstrate that these requirements will be met.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land.

(k) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

The agent has confirmed that these do not apply to this site.

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

The agent has confirmed that these do not apply to this site.

7.2 A number of conditions then need to be met:

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class

C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

7.4 (a) transport and highways impacts of the development

The site is accessed via an existing access which also serves the farm and the existing barn conversion. There are also other access points into the farm complex. The agent has stated that access to the remainder of the farm buildings is via a separate access to the south so there would be no opportunities for conflict with farm vehicles. Parking is proposed to the west of the building within an existing parking area.

It is difficult to condition or monitor farm traffic access to the front of the proposed converted building and it is not considered that planning conditions could reasonably be imposed for example in relation to traffic routing and it would not be practical to monitor such conditions. The adjacent hay barn is sited closest to the front of the building to be converted and it is noted that the proposed plan shows existing doors to remain closed. This would be helpful in helping to separate farm traffic from the front of the building and could be conditioned to restrict access to the building from the west.

It was noted at the officers previous site visit that access is taken by tractors through the existing cattle building to the south of the conversion with tractors exiting that building opposite the proposed conversion.

The practical operation of farming requirements is considered to continue to raise concerns in relation to the proposed residential use and is considered further in relation to (e) considered further below, however, as the proposed occupants of the building are now proposed to be farm workers the practical management of the site to avoid conflicts between uses would be down to the management of the farm complex.

Strictly in terms of the transport and highways impacts of the development however the access to the highway is considered acceptable and car parking to meet the Councils car parking standards for a 4 bed dwelling could be provided within the existing parking area to the west of the barn to be converted.

7.5 (b) noise impacts of the development

The proposed development is located adjacent to the residential curtilage of properties fronting Northney Lane. In general terms it is considered that a residential use is likely to be less noisy than the potential agricultural uses that could take place within the building (for example at the time of the case officers previous visit the byre was housing calf's).

7.6 (c) contamination risks on the site.

Given the sites use as a working farm the Councils Environmental Control Officer has identified potential concerns in relation to the development. It is considered that prior approval is required for the proposed development in relation to the potential contamination risks to the occupiers of the buildings to be converted and their proposed curtilage. In granting Prior Approval conditions have been imposed to ensure that the land is either confirmed to be suitable for use in C3 class, or will be made suitable through a scheme of appropriate remediation or risk mitigation.

7.7 (d) flooding risks on the site.

The site lies within Flood Zone 1 an area of low flood risk. The Councils Engineer raised no objection to the proposed development in relation to the previous application APP/17/00983 and conditions in relation to foul and surface water drainage are proposed.

7.8 (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

Planning Practice Guidance on this matter states:

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

The proposed conversion is to buildings situated within an active working farm complex. Some measures have been suggested with regard to access routes, there remains clear potential for agricultural vehicles and equipment to use the area to the north of the cattle barn where access is required through the building. As mentioned above it is considered difficult to impose conditions in relation to access routes and gates that potentially negatively impact the farming requirements of the operation and are not readily monitorable by the Local Planning Authority. A condition in relation to access to the hay barn is however recommended.

The building would be sited in very close proximity to farming activity including the keeping of livestock (cattle) within 13m-22m from the converted building. It was understood at a previous site visit that the calves currently housed in a lower section of the main cattle building are likely to be re-located, however, if this is to a new building it may be that this would require its own consent. In any case, the main cattle building would remain and this is partly open and facing the proposed building conversion. A condition in relation to the boundary treatment of the residential property is recommended in order to provide a 'protected area' separate to any farming activities around the building.

The converted building would also be sited adjacent to a large barn used for arable storage and a tall tank (which is understood to currently not be in use but could be used in the future).

The converted building would be fronting onto this active farm area and would include an external curtilage partly fronting onto the farmyard. It is considered that the farming activity, including a level of farm vehicle movements, livestock and farm storage would lead to an unrestricted residential use within the buildings being undesirable and impractical. The farming activity would dominate the residential property leading to noise, smell, fume and disturbance from farming activity. This could result in harmful impacts both to the residents of the building and to the working operations of the farm this would particularly be the case if occupation was not restricted to a farm worker and their family as different expectations in relation to the level of residential amenity are likely to occur..

The applicant has now confirmed in the application submission that they would accept a condition restricting the occupation of the dwelling to persons working, or last working in the locality in agriculture or a widow or widower of such a person and to any resident dependents. They would comply as the applicant is a full time employee of Northney Farm. It is noted that this approach has been applied elsewhere in relation to class Q development.

Whilst there remain some concerns in relation to the living environment within the building it is considered on balance that the occupation by a farm worker and family would be familiar with the workings of the farm and that the management of the farm would need to take account of the occupation as the use is linked. It is also noted that farm workers are often housed in traditional farm complexes and indeed the farmhouse at Northney Farm backs onto the working farmyard. It is considered necessary to ensure that suitable boundary treatments are secured to the boundaries of the site to provide a 'protected space' around the building.

7.8 (f) the design or external appearance of the building.

The buildings are considered to represent a non designated heritage asset due to their age, appearance, detailing and their association with traditional farming methods. The proposed works to the buildings have been considered by the Councils Conservation Officer who has raised no objection to the proposed conversion.

The proposal is accompanied by a structural report and from the evidence available it is considered that the buildings could be successfully converted without substantial re-building.

7.9 Other matters

Whilst not relevant to the determination of a prior approval application, given the proximity of the development to the Solent SPA an Appropriate Assessment has been undertaken in respect of the impact of the development. The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development.

The planning application was then subject to an Appropriate Assessment under Regulation 63. This assessment included a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy and the applicant has indicated a willingness to enter into a legal agreement to secure the mitigation package. The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into a legal agreement to secure the mitigation package.

8 **Conclusion**

In conclusion, the proposed development is considered to require Prior Approval. In assessing the proposals it is considered that subject to conditions including occupancy restriction and other conditions Prior Approval can be granted.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **DETERMINE THAT PRIOR APPROVAL IS REQUIRED AND GIVEN** for application APP/18/01090 subject to the following conditions:

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

Supporting Statement October 2018
Proposed Details Ground, First, Roof and Site Plans Drawing Number 17-1181 - PL 03 Rev C
Proposed Details Elevations & Sections Drawing Number 17-1181 - PL 04 Rev C

Reason: - To ensure provision of a satisfactory development.

- 2 Prior to the commencement of development hereby approved (other than any site clearance partial demolition and consequential works for the purpose of ensuring structural stability), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1) Site investigation appropriate to both the previous & approved use of the site, to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.

2) The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;

- appropriately considered remedial objectives,
- an appraisal of remedial & / or risk mitigation options, having due regard to sustainability, and;
- clearly defined proposals for mitigation of the identified risks.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, to include consideration of contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (& / or activities) that could pose a risk to future site occupiers.

- 3 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition 2 shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met. Where longer-term monitoring of pollutant linkages is identified as being necessary, the report shall clearly set out plans for monitoring, provision for maintenance, relevant triggers and contingency actions (a "long-term monitoring and maintenance plan").

The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework. Contamination may be present at the site as a result of both previous & current land uses (& / or activities) that could pose a risk to future site occupiers.

- 4 No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Reason: In order to prevent disturbance to protected species having due regard to Havant Borough Local Plan (Core Strategy) 2011 policies CS11 and DM10, Wildlife and Countryside Act and the National Planning Policy Framework.

- 5 The occupation of the dwelling hereby permitted shall be limited to persons working or last working in the locality in agriculture or a widow or widower of such person and to any resident dependants.

Reason: The proximity of the dwellings to existing agricultural buildings including those housing livestock would create residential amenity concerns for future occupants unless occupancy is controlled by condition having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the same, and details of any other proposed ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

Reason: To safeguard the amenities of the locality and ensure that all such drainage provision is constructed to an appropriate standard and quality and having due regard to policies and proposals CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.

Reason: To safeguard the amenities of the locality, future residents and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

9 The dwelling hereby permitted shall not be occupied unless and until the following has been submitted to and approved in writing by the Local Planning Authority:

- In relation to the existing Hay Barn located to the east of the proposed residential property details of measures to show how the barn doors shown on Drawing No. 17-1181 - PL 03 Rev C and annotated to 'remain closed' will be secured and remain closed (except in an emergency).

The door shall thereafter remain closed and be secured in accordance with the approved details (excepting in an emergency) unless otherwise agreed in writing by the Local Planning authority.

Reason: In the interests of the residential amenities of the residents of the dwelling having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

10 The rooflights hereby approved shall be conservation type fitted flush with the existing roof slopes.

Reason: To accord with the terms of the application and to ensure that the character and appearance of the building is respected having due regard to policies CS11 and CS16 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.