

Our ref: SC/North

13th December 2018

Havant Borough Council
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Dear Sir or Madam,

Town and Country Planning Act 1990

Change of Use to a Mixed Use of Agricultural and Logging/Timber Business (Retrospective) at Stoke Farm, Northwood Lane, Hayling Island PO11 0PZ

1. We are instructed by Mr. G North to prepare and submit a retrospective planning application for a change of use to a logging/timber yard (B2 and B8 use), alongside the existing agricultural use at the above site.
2. Please find enclosed in support of the planning application;
 - The completed planning application forms and certificates
 - Planning Statement (this letter)
 - The location plan, number SC/North/01 Rev 1 with the application site outlined in red
 - Proposed Site Layout Plan, number SC/North/02 Rev 1
 - Noise Assessment

Introduction

3. Stoke Farm, Northwood Lane, Hayling Island, is a large agricultural holding located within the central part of Hayling Island. To the west and east of the site lie residential dwellings, to the north and south lie agricultural fields, which form part of the wider Stoke Farm.

4. The applicant's family have been farming on Hayling Island for 400 years and have been at Stoke Farm since the 1880's. The firewood business begun approximately 7 years ago to help diversify and support the farm. Without it the farm would no longer be financially viable. The farm has not reduced as a result of the firewood business and the diversification of the business has resulted in further investment in the agricultural enterprise. The farm and firewood enterprise are operated by the applicant and as such both take place intermittently and in conjunction with each other, as and when it is appropriate/required to carry out certain tasks. The applicant does not employ anyone else on the farm and therefore these use will not take place at the same time.

5. The applicant uses a tractor to run a firewood processor which they have recently purchased. This processor is significantly quieter than the one previously used and it is understood that the noise levels produced are less than

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the running of the tractor itself. In addition the applicant also has a log splitter which fits on the tractor to split the larger timber.

6. The application is accompanied by a block plan which identifies which parts of the site are utilised as part of the firewood business. The area of the existing yard highlighted is used for storing the wood prior to processing. The wood is placed in different areas of the yard depending on the time of year and farming activities. The wood was previously processed from the stack where it is sited; however, the applicant now moves the wood and firewood processor next to the barn in the yellow hatched area on the Block Plan, in an effort to reduce the potential noise impact to neighbouring properties.

7. The barns are used for storing the wood to dry. The barns are then used to house some of the cattle over the winter months when the cattle come in from the fields. Only half of the larger of the two barns is used when it is empty of cattle. Neither of the existing barns have been changed or modified to establish the firewood business. The firewood business fits around the running of the farm and utilises parts of the farm when they are not in use.

8. Firewood is delivered on lorry by Felledwood Timber Ltd. The processing of the wood is generally done between the hours of 9:00 and 17.00 hours Monday to Friday and sometimes if needed on a Saturday between 9.00 and 13.00 hours. However this does not take place week in week out and on occasion there can be periods of several weeks without any processing taking place. This is due to the applicant having to focus on other farm activities related to the main agricultural business. Furthermore, the processing does not take place every day as the farming activities take priority especially when silaging, haymaking and harvesting barley, which are determined by the weather.

9. Customers do not visit the site, orders are made by telephone or online and deliveries by arrangement are then made direct to the customer. These deliveries are between 9.00 and 17.00 (Monday to Friday). Deliveries on Saturday take place between 9.00 to 13.00. No processing or deliveries of firewood are done on a Sunday. The deliveries are made with applicant's personal vehicle.

10. The applicant delivers to numerous properties in the surrounding area and also to other businesses, like local pubs, the coast guard cafe and the drift bar (who have a weekly delivery for their wood fired pizza oven).

Planning History

11. The following planning applications are considered to be of relevance to this planning application:

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- APP/18/00317 - Application to determine whether prior approval is required for new agriculture barn for storage of hay and straw - Prior approval is required and approved (23rd April 2018)
- APP/13/00427 - Construction of additional bay to east of existing barn – Approved (15th July 2015)
- 07/56626/005 - New farm barn to replace derelict building – Approved (4th January 2008)

12. It should be noted that the Council enforcement team visited the site on the 23rd April 2018. Whilst on site the Council's Officer noted that in addition to the existing use (agriculture) the applicant was receiving deliveries of timber for cutting and processing on site, into logs, for distribution and onward sale to customers. It was determined that this required formal planning permission and in the absence of a current valid application a breach of planning control exists. The applicant was, as a result, invited to submit a retrospective planning application for the change of use to a mixed agricultural and timber logging business.

13. An application was submitted to the Council (reference APP/18/00669) and was subsequently refused on the 15th November 2018 for the following reasons:

"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."

14. This is a resubmission of this application and seeks to address these concerns. The revised application is supported by a Noise Assessment and has also sought to relocate various elements of the business in order to further limit the potential noise impact.

Relevant Planning Policy Guidance National Planning Policy Framework

15. The National Planning Policy Framework (NPPF) published March 2012. The NPPF encourages local planning authorities to support sustainable development. The following paragraphs from the NPPF are considered to be particularly relevant to the determination of this planning application.

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16. Paragraph 14 of the NPPF states at *"the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. It suggests that planning permission should be granted unless any adverse impacts would be so significant as to outweigh the benefits of the development. This paragraph requires a presumption in favour of sustainable development.

17. Paragraph 17 of the NPPF states in places that development should:

- ***"...contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;***
- ***encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;***
- ***promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)..."***

18. The development would make use of an existing buildings rather than the erection of a new building on the site or elsewhere in the vicinity. The development would therefore conserve the natural environment.

19. The site is not designated as a site of ecological or environmental significance and therefore is of lesser environmental value.

20. The development seeks to promote mixed use development, and encourage multiple benefits from the use of land in a rural area. The proposed use of the existing buildings would complement the other uses on the site and would result in less impact than it would were it to be located in a more urban setting, due to noise and disturbance etc.

21. Paragraph 28 of the NPPF relates to the supporting of a prosperous local economy and sets out that planning policy should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Paragraph 28 goes on to set out that to promote a strong rural economy, local and neighbourhood plans should:

- ***"support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;***
- ***promote the development and diversification of agricultural and other land-based rural businesses;"***

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22. Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Development Plan for Havant Borough comprises: Local Plan (Core Strategy) adopted March 2011; and, Local Plan (Allocations) adopted July 2014.

23. Saved policies from the Havant Borough District-wide Local Plan have been superseded or replaced by policies as each Development Plan document is adopted. On adoption of the Local Plan (Allocations) on 23 July 2014, these policies were fully superseded. Appendix 2 of the Adopted Havant Borough Local Plan (Allocations) July 2014 provides further details of how policies have been superseded/deleted.

24. The Council is currently in the process of preparing the Havant Borough Local Plan 2036. The first step in the development of this document was the adoption of the Local Plan Housing Statement in December 2016. The next step was the publication of the Draft Havant Borough Local Plan 2036 which went out to public consultation between 8 January and 16 February 2018. This document is in the early stage of production and is therefore should be given limited weight in the determination of this application.

25. In respect to the Local Development Plan it is considered that this proposal falls to be determined in the light of policies CS11, CS16, CS17 and DM8 of the Havant Borough Local Plan (Core Strategy) March 2011, as set out below;

"Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. Ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.

2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.

3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map): (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International]. (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National]. (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].

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4. Protects and where appropriate enhances the borough's statutory and nonstatutory 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.

5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.

6. Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests.

7. Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh.

8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.

9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.

10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.

11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research."

"Policy CS16 High Quality Design

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:

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;

b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;

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;

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking."

[Redacted for Clarity]

"Policy CS17 Concentration and Distribution of Development within the Urban Areas

Development will be permitted that makes the most effective use of land in the borough...

Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy."

[Redacted for Clarity]

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"DM8 Conservation, Protection and Enhancement of Existing Natural Features

Development will only be permitted where it protects and enhances local habitats and landscape distinctiveness and which addresses all of the relevant criteria as set out below:

- 1. Protects natural features of nature conservation and/or amenity importance on the site, for example trees, woodlands, hedgerows, soils, streams, stream corridors, springs, ditches or ponds from damage, destruction and a deterioration in quality.***
- 2. Sympathetically incorporates existing features into the overall design of the scheme including measures taken to ensure their continued survival.***
- 3. Provides new landscape works that integrate successfully with the local environment and existing natural features, using local materials and plant species and making provision for future maintenance of new landscape works associated with new developments.***
- 4. Ensures sequences of greenspaces are maintained and protects the attractiveness and visual amenity of all green open spaces that contribute to the identity of the borough."***

26. In addition to the policies set out above it is considered that policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) July 2014 are also of relevance to this application, as set out below;

"Policy AL1 Presumption in Favour of Sustainable Development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this local plan will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise, taking into account whether:

- 1. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or***
- 2. Specific policies in the NPPF indicate that development should be restricted."***

"Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.

The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.

Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

- 1. Relates to small scale householder development.***
- 2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.***

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3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.

Land outside the defined urban area on Hayling Island is 'non-urban' rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.

Principle of development

27. The site is located outside a defined urban boundary, as such policies in the Local Plans and NPPF seek to restrain development, unless it is considered justified for the needs or agriculture; support the sustainable growth and expansion of all types of business and enterprise in rural areas; and/or, promotes the development and diversification of agricultural and other land-based rural businesses.

28. Stoke Farm operates a established agricultural enterprise. The development proposed seeks to diversify the business and is considered to be of a type for which a countryside location is appropriate/essential.

29. It is considered that there is an overriding need for the development in support of the existing rural business and the proposal is therefore considered to comply with the relevant policies in the Local Plan and the NPPF.

Impact on the character and appearance of the area

30. The business is located with existing farm complex and will make use of existing buildings. In terms of siting, the activities associated with the proposed use will be read in the context of the existing farm and residential cottages from long to medium public vantage points. Overall, it is likely that the proposed use will not be easily discernible from the existing agricultural enterprise. It is therefore considered that the proposed development would not have a significant adverse impact on the character and appearance of the area.

Impact upon residential amenity

31. The areas utilised for the firewood business are located within the existing farm complex and therefore need to be considered in the context of the overall business. The application is accompanied by a Noise Assessment which considers the potential impact of the development, the findings of which are summarised below.

32. To process firewood, the farm tractor is connected to a piece of farm equipment called Hakki Pilke 38 Pro, but which will be referred to as "The Firewood Processor" via a power take off, which is a spinning shaft located to the rear of the tractor. The power to the unit enables 3m length logs to be placed into a conveyor belt on the left-hand side of the machine and fed through to a saw blade and splitter.

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33. In being fed through the relatively enclosed unit, a single chainsaw arm moves to cut the log into smaller longitudinal sections. The sawn log section then drops a short distance to a smaller area below, where it is forced through a blade which splits the log into 4 pieces. The firewood size logs then travel up and along the conveyor belt and drop onto the floor where the logs are manually stored. Individual firewood pieces are then manually bagged to produce the finished product or are kept loose and loaded into the delivery tipper truck.

34. Deliveries of 3m length logs (raw materials) are made approximately once a fortnight to site. However, the applicant would be happy to limit this to 20 deliveries a year in order to further limit any potential impact. Deliveries are made of the finished product via the client's Ford Transit Tipper vehicle.

35. The hours of use for the firewood processing business are between 09:00 to 17:00 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. Deliveries of logs to be processed into firewood also occur within the same working hours and similarly, the delivery of processed firewood to customers also occurs within business hours.

36. An unattended sound survey was carried out from 9th November 2018 to 15th November 2018 capturing a weekend to ensure any variability in the soundscape was understood. A Type 1 sound level meter was used which was placed as close as possible to the nearest residential property attached to the telegraph pole to measure both background and ambient sound levels.

37. Nearfield attended measurements were also made of the tractor running both at idle and increased engine speeds to rotate the crankshaft and additionally, the operation of the firewood processor. Measurements were made at 3m away from the mobile plant and additionally, at the telegraph pole to indicate the nearest accessible boundary location where measurements could practically be recorded.

38. It was also proposed to measure the logs being delivered, as this occurs relatively infrequently and was specifically referenced within the Environmental Health Officers comments, however, the delivery was delayed on the day in question. The initial visit had deliberately targeted the log delivery as no further deliveries were proposed until after Christmas 2018.

39. The delivery of logs whilst late, did occur during day one of the unattended monitoring being set up and operational. Accordingly, the client was requested to make a note of the start and finish of the delivery process, in order that the dataset can be examined and the impact of the log delivery assessed, albeit only occurring an average of once a fortnight.

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40. Attended measurements were also made at the revisit to collect the survey equipment of the company van leaving the site, in order to be able to determine the associated sound exposure level (SEL) created by the vehicle pass.

41. The assessment demonstrates that in the current location, the processing of firewood is 1.1 dB(A) below measured background sound levels (at the residential receptor's property. As stated above, the results of any assessment must be considered in line with the relevant context. The firewood processor is not a continual or daily process, and the site remains an active farm premises with numerous noisy activities.

42. Where it proposed to remove unseasoned or green logs from the log pile which diminish the 3.3m high pile, consideration should be given to carrying out the firewood processing at the North of the site, where the farm buildings create greater barrier effects.

43. In their consultee response, the Environmental Health Officer suggests that conditions may be suggested to the local planning authority with a view to providing a scheme to allow the site use to be regularised and the application approved. The following conditions have been considered in line with the six planning tests outlined in the 2018 NPPF as relevant and appropriate for the site:

- 1. The activities carried out at Stoke Farm in line with the Hayling Island Log Company business shall only be carried out between the hours of 09:00 to 17:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturdays. No firewood processing activities shall be carried out on either Sundays, bank or public holidays.**
- 2. Deliveries to or from the site, in connection with the firewood business shall only be received or made during the hours listed in condition 1 above.**
- 3. The Hakki Pilke 38 Pro, chainsaw and tractor shall be subject to a regular maintenance and servicing regime to ensure that the plant remains in optimal working conditions and contains all of the relevant manufacturers fittings and fixtures.**
- 4. All mobile plant, including the chainsaw, the Hakki Pilke 38 Pro and the tractor, shall not be left idling and will be switched off when not in operation.**
- 5. The plant listed in condition 4 shall only be operated by trained operatives**

44. A full assessment of the proposed development can be found in the accompanying noise report, which concludes that subject to conditions and mitigation that the development would be acceptable in terms of amenity.

Impact on highways

45. The highway policies of the local plan seek to ensure that development does not create any adverse impact upon highway safety in terms of access, parking and highway movements.

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46. The timber is delivered on a lorry by Felledwood Timber Ltd. the wood has been processed it is delivered by the applicant in his own personal vehicle, which he also uses in connection with the agricultural business. It is considered that the increase in traffic movements is not significant when considered in the context of the deliveries and other movements related to the farm.

47. The development by virtue of its scale and location is not considered to have a significant adverse impact on the safety or free flow of the highway network.

Impact on Ecology

48. The application does not propose the erection, extension or demolition of any buildings, merely a change of use; it is therefore considered that the development would not have a significant adverse impact on the ecology of the immediate and surrounding area.

Conclusions

49. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

50. The development proposed seeks the diversification and expansion of an existing rural business and is considered to be of a type for which a countryside location is appropriate/essential. Accordingly, it is considered to comply with the relevant policies in the Local Plan and the NPPF.

51. Furthermore, the proposal would not have a significant adverse impact on the character and appearance of the area, neighbour amenity, highway safety or protected species.

52. I trust this is clear. Please do not hesitate to contact me should you require any further information or clarification.

Yours faithfully,

Samuel E. Croft MRTPI