

Recommendation: **GRANT PERMISSION**

The application site relates to 2 paddocks located on the corner of the east side of the Havant Road, and south of Mill Rythe Lane which are currently used by the Hayling Island Donkey Sanctuary. This is a small not for profits organisation who provide life long care for retired, unwanted and abused donkeys. It is understood that donkeys have been kept (ie grazed) at the site for about 12 years, but the scale and extent of the organisation has grown in this time using first one paddock then extending into the second.

The site is screened on 3 of its boundaries (eastern, southern and western) with mature trees and hedging but is open to its northern boundary where it abuts Mill Rythe Lane - although a small grassed bund has been formed parallel to the highway. There is a single dropped kerb and vehicular access point serving a small hardcore parking area. Old photographs of the site show 2 original small field shelters within the northern end of the site and a muck heap in the north eastern corner of the site with post and wire fencing.

Currently it is evident that considerable work has taken place on the site to renew and upgrade the facilities. The perimeter and paddock subdivision fences are now largely post and rail; there are 4 shelters in a more defined northern yard area including areas of hardcore; and there are two old containers sited adjacent the eastern boundary to the south of the muck heap. The shelters are all dark stained timber clad.

2 Planning History

09/73876/000 - Erection of 7No. B1/B2 business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking., WD,08/09/2009

10/73876/001 - Erection of 7No. B1/B2 marine related business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking (revised application)., REF,13/04/2010

APP/12/00301 - Change of use to open boat storage with associated containers and works including fencing., WD,31/05/2012

APP/13/00055 - Change of use to open boat and jet-ski storage with associated containers and works including fencing. (Revised application.), WD,18/10/2013

APP/13/01153 - County Matters Application for change of use to civil engineering depot with office, materials recycling facility and extension of site into adjacent paddock for use for plant operator training., WD,17/12/2013

APP/14/00204 - County Matters Application for change of use to civil engineering depot with office, and associated materials recycling facility., WD,24/03/2014

APP/15/00881 - Variation of Condition No/s 2 and 6 of Planning Permission

APP/14/00455 (Change of use to mixed B1, B2 and B8 from existing Sui Generis use as scrapyards/metal recycling yard) relating to use of a crane and use of the exterior yard; and discharge of conditions 7a and 7b., PERM,23/10/2015

APP/18/00277 - Change of use application for use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence fronting Mill Rythe Lane. (Retrospective application)., PERM,14/09/2018

3 Proposal

Retrospective change of use from animal grazing land to donkey sanctuary; proposed sub-division to smaller paddocks, with paddock 1 providing overflow parking; provision of visitor centre cabin and toilet facilities; replacement and additional animal shelters and storage containers; extension of hard surfacing and enlargement of parking area.

Some aspects of the proposal are retrospective - those that are proposed include:

1. the replacement of an existing older shelter with a Visitor Centre which would measure 5.9m x 4m with roof overhang/canopy extending a further 1.85m. It would have a shallow pitched roof with eaves height of 2.03m and ridge of 2.63m and have an external appearance of dark stained timber to match the existing shelters;

2. the erection of 2 additional field shelters on the eastern and western side boundaries, approximately mid-way down the paddocks;

3. the laying of concrete hardstandings around the northern yard shelters and an extension of the hardcore style paths linking and surrounding the paddocks.

During the determination of this application amended plans have been submitted that clarify certain aspects eg the difference and extent between the types of hard surfacing; the fact that the additional stores are in fact integral to the new shelters; a landscaped planting bund to screen the muck heap; the re-siting of one of the proposed shelters to the site boundaries; and the submission of a management plan that details the management of visitors on open days etc. It has also been confirmed that the maximum number of donkeys that the site could accommodate is 30, with 18 being present at the current time.

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)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS16	(High Quality Design)
DM10	(Pollution)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

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

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Chichester Harbour Conservancy

The Conservancy's Committee considered and resolved:

"That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises no objection to the proposed development, subject to the following safeguarding conditions/pollution controls being imposed:-

- . Temporary permission for no more than a five year period for the use and all related structures/additional hardstandings; these to be removed from the land, should the permission not be renewed;
- . Negotiate better placement of containers and their screening;
- . Negotiate better placement of waste/muck heap and its screening;
- . Details of any external lighting, including shades and lux levels shall be submitted to, and approved by, the Local Planning Authority prior to their installation;
- . Details of any new planting and existing hedges to southern and eastern boundaries to be maintained; and,
- . That the surface of Paddock 1 be retained as grass, with no additional hardstanding created."

Officer comment:

For consideration of these matters see section 7

County Ecologist

The application is not accompanied by any ecological information and I have therefore carried out my own, non-exhaustive desk-based assessment using online sources, the application documents and recent GIS mapping. This is predominantly a retrospective application and therefore any impacts have mostly occurred. The character of the site will not change in a fundamental way and will remain as grazing land with associated small-scale infrastructure.

I would not therefore expect there to be any ecological impacts associated with the site itself.

I note that Natural England have recommended that further details are provided in relation to the number, location and treatment of muck heaps. This is due to the potential for run-off effluent to enter the local hydrological network and ultimately enter the nearby Solent Maritime SAC, Chichester & Langstone Harbours SPA/Ramsar and Chichester Harbour SSSI. I would strongly suggest that the applicant provides this information otherwise it may be necessary to object to the proposal on ecological grounds

Southern Water

Exact position of sewers must be determined on site before layout finalised; no development or tree planting within 3m of public sewer; no new soakaways within 5m; all existing infrastructure should be protected during construction works. Advised to contact SW

No details of means of disposal of foul drainage from site; formal application required for a connection to the foul sewer; request Informative added.

SUDS not adoptable therefore long term maintenance arrangements and management and maintenance plan for lifetime of the development required. Design of drainage should ensure no land drainage or ground water enters public sewer network.

Officer comment:

Building Inspector advised that proposed shelters that are within the 3m easement are exempt structures under Building Regs and because they can be moved/are temporary then they do not constitute development that would prevent access to the sewer.

Engineering/Drainage

Confirmation that no spring well or borehole within 50m of the muck heap.

Environment Agency

None received

Environmental Health Manager

Contamination:

I have reviewed the application, and note the comments of Natural England, the County Ecologist, and the Harbour Conservancy with respect to pollution. These comments are supported, and I have nothing specific to add.

I also note that Southern Water refer to proposals for SUDS - I have not identified a specific reference in the design statement, or on the revised layout. The land use adjacent to the subject site is likely to be affected to some degree by contaminants. Infiltration drainage could in principle influence the mobilisation (fate and transport) of contaminants in soil. However, given that the land is primarily greenfield (where percolation of rainfall will freely occur), that the amount of hard standing is relatively small against the area of green space to be retained, and given the width of the vegetated buffer between the subject site and the adjacent land use - I would consider it unlikely that infiltration drainage at the site could adversely influence contaminants in soils of adjacent land. For this reason, I would not propose any restrictive conditions on the use of particular SUDS features.

Pollution

No adverse comments

Forestry Commission

None received

Highways Engineer

Mill Rythe Lane is not public highway. Therefore the red line should include the part of Mill Rythe Lane that gives access to this site. If the road is not in the applicants ownership, notice should be served upon anyone who has a legal right in the land.

Officer comment:

Looking back at other applications in Mill Rythe Lane, the red lines similarly do not extend to Havant Road and Highways advice/comment has been inconsistent on this issue. Given the number of users of Mill Rythe Lane it is considered unreasonable to request notice is served for this application.

Natural England Government TeamOriginal response:

As submitted, the application could have potential significant effects on Chichester and Langstone Harbour SPA/Ramsar, Chichester Harbour SSSI and the Solent Maritime SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

Natural England welcomes the information stating that the muck heaps are over 10m from any watercourse and that the heap is bunded to prevent run-off. However, we require the following further information:

- Confirmation that the heaps are:
 - not liable to being waterlogged or flooded
 - at least 50 metres from a spring well or borehole
- Details of whether a waterproof material used underneath and to cover the manure
- Details of preventative measures to ensure no over-spill from bunded area

Without this information, Natural England may need to object to the proposal.

Natural England also advises that a record is kept of the location of the sites used for muck heaps and the dates of use. The field heaps should be moved every 12 months and a two year gap should be left before returning to the same site.

For further information about the storage of organic matter please read the governments [guidance notes](#).

Further Advice:**Landscape advice**

The proposed development is for a site within 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.

On amended details:

Thank you for confirming that there are no spring wells or boreholes within 50m of the site.

Natural England have no objection to the single permanent muck heap. In line with best practice, Natural England would recommend the following:

1. A polythene sheet is used to cover the muck heap to prevent nutrient leaching into the surrounding soil.
2. A waste management plan is put in place for the sanctuary addressing the following points:
 - The amount of manure to be produced annually by the donkeys, hence how big the manure heap will be and the area it will cover.
 - How frequently the manure will be collected. If the applicant is proposing to spread the manure over their land, they should also have a soil testing regime in place.

The above advice is recommended in line with best practice. Natural England would only need to be consulted again if the proposal changes

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: 3

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

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 Chichester Harbour AONB and the character and appearance of the area
- (iii) Muck heap & drainage
- (iv) Highways and Parking

(i) Principle of development

7.2 The application site is situated beyond any urban area where, under policy AL2, on Hayling Island, the land is non-urban. In such a rural location then a donkey sanctuary which requires grazing land and shelters is considered to be, in principle, an appropriate rural use. The NPPF at para 83 supports sustainable rural tourism which respects the character of the countryside and para 118 encourages multiple benefits of land including improving public access to the countryside. It is the detailed consideration of the impact of the management of the proposed use and structures, including visitor centre that needs consideration as below.

(ii) Impact on Chichester Harbour AONB and the character and appearance of the area

7.3 Under para 172 of the NPPF great weight should be given to conserving and enhancing landscape and scenic beauty within the AONB. The continued use of the site for the grazing of donkeys in connection with the sanctuary is considered an appropriate rural use that would continue to conserve the open nature of the paddocks. The site is bounded on 3 sides by mature hedging so there are no views into the site and as such in landscape visual terms there would be little harm. Chichester Harbour Conservancy have been consulted and raises no objection in principle, but has requested the following points/conditions, which are addressed as follows:

. Temporary permission for no more than a five year period for the use and all related structures/additional hardstandings; these to be removed from the land, should the permission not be renewed - given that parts of the site have been used for the donkeys for 12 years already, it is not considered necessary to time limit what is essentially an appropriate rural use. It is however accepted that the sanctuary is successfully run by its current managers, the applicants, Mr & Mrs Hunt, and the details of their management is set out in the submitted Management Plan. It is therefore considered appropriate to instead make the use conditional to this Management Plan document.

. Negotiate better placement of containers and their screening;- the applicants have confirmed their willingness to clad the sides of the 2 existing metal containers with dark stained wood to match the other shelters on the site, and re-paint the doors in a dark colour so that they blend and are not so visually prominent. It has also been confirmed that the "additional stores/containers" shown on the original plans were infact integral elements of the enlarged shelters and as such not a proliferation of new structures and are considered visually appropriate as dark stained timber shelters. The amended plans have shown these stores as part of the shelters.

. Negotiate better placement of waste/muck heap and its screening - functionally the muck heap is in a practical position adjacent the highway for easy emptying/collection and has been in its current position for a number of years. Its re-siting is therefore not an option. The applicants have agreed to plant a mix of hedging plants along the northern boundary to act as a screen from the highway which can be conditioned.

. Details of any external lighting, including shades and lux levels shall be submitted to, and approved by, the Local Planning Authority prior to their installation - the site does not have any mains power and currently head torches and portable work lights are used - any future lighting, however unlikely, can be conditioned.

. Details of any new planting and existing hedges to southern and eastern boundaries to be maintained - new hedging to northern boundary to screen muck heap agreed and other boundary trees and hedges can be conditioned for retention.

. That the surface of Paddock 1 be retained as grass, with no additional hardstanding created - it has been confirmed that paddock 1 would not be hardsurfaced and would remain grass and only used for overflow parking if ground conditions allowed.

7.4 In terms of the proposed additional hardsurfacing the amended plans clarify that it is only the areas adjacent the shelters and link paths in the northern yard area that would be concreted to enable daily sweeping out of the stables. Donkeys do not like getting wet feet and suffer from foot ailments and naturally prefer hardsurfaces - the proposed hardcore paths are for the donkeys to get exercise and as paths to the paddocks. The visual impact of these additional permeable hardcore paths is limited as grass can grow through and retain an appropriate soft appearance. The proposed visitor centre would be a chalet style log cabin of a modest size and scale and when dark stained to match the existing shelters would be visually appropriate to the site and its context.

7.5 The amended plans also re-site the proposed additional field shelters from the centre of the site to the sites boundaries. This will ensure they are more appropriately screened set against the backdrop of the existing boundary hedging and are not visually isolated and prominent in the centre of the site. Overall the details of the amended plans are considered to have a limited impact on the visual character of the AONB and countryside location and can be supported in landscape terms.

(iii) Muck heap & drainage

7.6 Natural England originally understood there to be field muck heaps and required these to be rotated to avoid infiltration into the water course. However discussion with the applicants have confirmed that field muck heaps are not used and the paddocks are poo picked twice daily with droppings taken to the permanent muck heap in the north east corner of the site. This muck heap is dressed on a regular basis regularising its shape within a 3m x 5m footprint. It is removed from the site as required, which is usually about 4 times a year. Whilst the heap does not currently

have a polythene sheet cover as recommended by Natural England (to prevent nutrient leaching into the surrounding soil) the submitted Management Plan does indicate that during periods of inclement weather it can be covered with a waterproof sheet. The enforcement of this would be difficult and it is noted that Natural England only "recommend" the cover and since the muck heap has been in operation for a number of years it is considered unreasonable to now condition this. Furthermore HBC Environmental Health officer has noted that it would be unlikely that infiltration drainage at the site could adversely influence contaminants in soils of adjacent land.

(iv) Highways and Parking

- 7.7 The donkeys are looked after on a daily basis by a team of volunteers who come and go from the site to feed, water and muck out. During the week this is approximately 6 trips per day and at weekends about 12 trips. Currently these volunteers generally park on Mill Rythe Lane. The plans do however show the area adjacent the muck heap slightly enlarged to improve the on site parking with about 5 spaces provided which can be used in the future by volunteers.
- 7.8 It is the growing community support and interest in the donkeys that has led to the need to develop the visitor facilities. Previously few site visits were made by the public as the donkeys were generally taken out to public events, school fetes, nativities etc using the applicants horse box. However the sanctuary now offers the opportunity to sponsor a donkey as a way of raising funds and this has led to an increased demand to visit the donkeys. The applicants have undertaken Open Days and these are detailed within the Management Plan as being held only at weekends between about 11am and 3.30pm. To facilitate parking for visitors on Open Days the applicants first negotiate the use of the car parks of the adjacent industrial units in Mill Rythe Lane that are underused at weekends and offered as support to the sanctuary. Marshalls guide visitors with temporary signage between these car parks and the entrance. No complaints have been received about any past Open Days operated on this basis.
- 7.9 Other public visitors to the site are made with appointments only. Deliveries to the site (hay, feed etc) and professional visitors (vets, farriers etc) are also all made with appointments with sanctuary representatives meeting. On this basis it is considered that the potential impacts of both regular visitors and the surge of visitors on Open Days to the site, is adequately and safely managed by the current applicants. Since this is set out in their Management Plan then it is considered necessary to condition this document.

8 Conclusion

It is considered that the expansion of the donkey sanctuary with a visitor centre would provide a small scale tourist facility for Hayling Island and is an appropriate rural use. The current management of the sanctuary is undertaken with due care to the surroundings and with consideration of the highway impacts of Open Days. With appropriate conditions and additional screening to the muck heap, then the proposal is considered to comply with the aims of the NPPF and relevant policies of the Local Plan. Since the proposal is part retrospective, the implementation condition is not necessary.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00440

(A) subject to the following conditions

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

Site Management Plan dated December 2018
Design and Access Statement dated June 2018
1:1250 Site Location Plan
Proposed Site Layout Drawing Number HIDS_2018_002 Rev F

Reason: - To ensure provision of a satisfactory development.

- 2 The site shall have a maximum of 30 donkeys at any one time.

Reason: To avoid an over-intensive use of the site and adverse impact on the health and wellbeing of the donkeys and increased highway impacts, having due regard to policies CS11, CS16, and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The two existing metal storage containers on the site shall be clad in timber and dark stained, with their front doors painted a dark colour to match, by 30th June 2019. Thereafter they shall be maintained as such.

Reason: To adequately screen and improve the appearance of the storage containers having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The new hedge screen shown on the hereby approved plan to screen the muck heap shall be planted with a mix of Hawthorn *Crataegus monogyna*, Blackthorn *Prunus spinosa*, Field Maple *Acer Campestre*, Holly *Ilex aquifolium*, Hazel *Corylus avellana* in two staggered rows at 500mm centres, by 30th June 2019. All plants shall be 1m high minimum in 5L pots or bare root. Any shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To provide screening to the muck heap to ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16, DM8 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The existing trees and hedgerows along the eastern, southern and western boundaries of the site shall be retained at all times.

Reason: To ensure the maintenance of screening to the site and to protect the appearance and character of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.

- 6 Prior to the installation of any permanent external lighting on the site, the details of such external lighting shall first be submitted to and agreed in writing by the Local Planning Authority. The details shall include siting, height and design of mounts and lamps with illumination levels details. There shall be no permanent external lighting on the site other than as thereby approved.

Reason: To safeguard the amenities of the locality and landscape having due regard to policies CS11, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.