
Site Address:	Northney Farm, St Peters Road, Hayling Island, PO11 0RX		
Proposal:	Change of use from agricultural building to 1No. dwellinghouse subject to prior approval.		
Application No:	APP/17/00983	Expiry Date:	17/10/2017
Applicant:	Mr J Pike		
Agent:	Mr P Hamblin	Case Officer:	David Eaves
	H J Concepts		
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 grant of Planning Permission.

The farm has also diversified with the opening of a tea room to the south of the main farm complex.

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

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

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

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

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

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

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

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

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

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

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

3 Proposal

Change of use from agricultural building to 1No. dwellinghouse 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

The buildings are considered to represent a non-designated heritage asset. This 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 135 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 number of external alterations which will have a significant impact upon the character of the building, which introduces an altogether more residential feel to the structure which contradicts the established character of the building and the site as a whole. This domestic character is particularly emphasised by the addition of a number of modern windows and doors and the loss of original openings.

The historic pattern of windows is a direct product of the function of the building over time. Consequently traditional agricultural buildings are characterised by few external openings. Existing openings are a fundamental element of the buildings character and allow the original form and function to be understood. In a conversion maximum, use should be made of existing openings without changing their size, while limiting the formation of new openings. The current scheme does not achieve this with the south, west and eastern elevations being largely rebuilt with new openings proposed and others bricked up.

Due to their simplicity and visual prominence roof forms of agricultural buildings are often a sensitive part of the character. Therefore any interventions to the roof need to be particularly carefully considered. The scheme has a proliferation of roof lights which are intrusive to its character. A roof such as this which has a number of dormer windows and roof lights punctuating its length undermines its simplicity of form that is fundamental to the design of these buildings. The need for a number of roof lights also suggests the over intensification of accommodation proposed. These features have a

radical effect upon appearance advertising the fact that it has been subject to a conversion.

I also note that no structural assessment has been submitted with the application. It is therefore very difficult to ascertain how much of the original structure will be maintained as part of this conversion. I would therefore recommend that any further applications for these buildings contain a full structural assessment.

A sensitively thought out and design scheme for a single dwelling might be appropriate and would allow for a future use of these buildings. However, in this case and for the reasons above I cannot support the proposals in front of me.

Engineering Services, Havant Council

No observations subject to satisfactory disposal of domestic sewerage

Environmental Health Manager, Community Group

Observations / Comments:

I have reviewed the application details, and note that;

- ☐ The land and buildings in question are agricultural (a potentially contaminating landuse, where contamination is typically associated with the central 'yard' complex, vehicle & equipment storage areas, and with made ground located beneath hardstanding).
- ☐ The buildings may not form part of the active farm, but were present <1867, and would have formed part of the active farm at some point during their history.
- ☐ Some demolition and construction works are associated with the Eastern end of the building, dating to approximately the mid 1960's.
- ☐ Vehicle garaging and storage areas with large openings (more likely to be associated with mechanical equipment storage)
- ☐ The proposed landuse is sensitive, comprising residential accommodation predominantly on ground floor, with private garden areas, and within buildings with elevated pathway risk resulting from their construction type (e.g. solid wall, ground bearing floor slab)

Contaminants typically associated with Farm use are materials linked with livestock parasite & pest control (e.g. Arsenic, Copper), hydrocarbons (lube oils, solid & liquid fuels, combustion residues), construction related contaminants (Lead, Asbestos), and various metallic compounds associated with imported fill (e.g. hardcore - especially where combustion process derived) and local waste disposal.

The proposed development could in principle meet the description of contaminated land as a result of the proposed development. Insufficient information is presently available to dismiss this risk.

For the reasons summarised above, it is considered that prior approval is required for this development, and if granted, should be subject to suitable conditions 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. Suggested wording overleaf:

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 Manager, Community Group

No adverse comment to make

Hampshire Biodiversity Information Centre

Within 50m Protected and Notable Species - Pipistrelle Bat species Roost, Natterer's Bat, Noctule Bat, Soprano Pipistrelle, Long-eared Bat species, Early Meadow-Grass

Highways Engineer, Development Engineer

The Highway Authority has no adverse comment to this application

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: 26

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3 (Including NE Hayling Residents Association)

Comment	Officer Comment
Support application in principle	Noted
Levels changes to residential properties - concern over impacts of rear rooflights on privacy	Addressed in part 7 of the report although it is noted that impacts on neighbours do not form part of the consideration of this prior approval application.
We do not object to the development of the barn into a dwelling but 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 barn has adequate land to the south to provide a garden for the new property, which would be considerably less intrusive for neighbouring properties. We object to the proposal on the following grounds: 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? At this time of year, the	Noted, however impacts on neighbours not a consideration in relation to this type of application. The garden to the south of the building to be converted would be adjacent to working farmyard and provides limited amenity value. The area would remain undeveloped by new buildings. It is not clear how fire risk would be altered.

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. 2. Loss of privacy - the garden of the new property will adjoin our boundary and result in a significant loss of privacy for us, with potential for noise nuisance. We would prefer that the developer is not allowed to extend the garden 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. 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 the neighbouring 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 the long term. This will also help maintain it as a fire break.	Had prior approval been granted a condition in relation to boundary treatment would have been imposed. Use of the land as a garden would potentially address this issue, however, had prior approval been granted it would not be possible to ensure that the garden were managed in a particular way.
We are not against turning the current agricultural buildings in to a dwelling house. However we are concerned with the amount of roof lights as we feel that it will have an impact on our environment in terms of light, appearance/outlook, noise and privacy. We live on the northern boundary, and back on to the single storey building where the proposed hall, lounge and toilet are situated. Light. Currently at night we look out in to dark skies. The proposed development has a considerable number of roof lights which will cause electric light to shine out at night, lighting up the area considerably. The two on the north facing side would particularly impact us, shining columns	As above the impact on neighbours is not a matter for consideration in relation to this type of prior notification application. However, the number of rooflights and the character of the building are considered in part 7. Noted (comment as above)

of light in to our garden and would be very visible from our house. Even obscure, non-opening windows would still lead to light in to us.	
Appearance and outlook. The north facing single storey has two roof lights that look directly in to our garden. There is a ground level height difference of about 2-3 foot on our side, with us being on the higher ground. The position of the two roof lights overlooking our garden means that they are practically eye level. This means that we can look in to the hall and downstairs toilet and talk to anyone in the house. We don't consider this as particularly desirable or neighbourly.	Noted (comment as above)
Noise. We don't wish to hear people going to the toilet from our garden, nor general conversations in the hall/house through open roof lights. From the plans, it appears that there are numerous openings on the south side, so these should be more than adequate.	Noise impacts from the development are considered in part 7
Privacy. The two north facing roof lights on our boundary will not only impact our privacy, but that of any potential resident of the dwelling.	Noted (comment as above)

7 **Planning Considerations**

7.1 This application is a prior notification under Schedule 2 Part 3 Class Q of the GPDO 2015.

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; and
(b) 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).

7.2 A number of conditions then need to be met:

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.

7.3 (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. Access for cars would be across the active farm yard where farm machinery operates and farm livestock are accommodated. This raises issues in relation to (e) considered further below.

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 with the adaptation of the existing large agricultural storage building.

7.4 (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 visit the byre was housing calf's). Had Prior Approval been recommended it is likely that conditions would have been imposed in relation to the rear rooflights and potential impacts on neighbouring residents.

7.5 (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 curtilages. If Prior Approval had been recommended for approval conditions would 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.

7.6 (d) flooding risks on the site.

The site lies within Flood Zone 1 an area of low flood risk. The Councils Engineer has raised no objection to the proposed development and had Prior Approval been permitted conditions in relation to foul and surface water drainage would have been proposed.

7.7 (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 'Permitted development rights for the change of use of agricultural buildings' provides guidance on this matter.

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 and access is taken through the farmyard. The building would be sited in very close proximity to farming activity including the keeping of livestock (cattle) within 8m-22m from the converted building.

The converted building would also be sited adjacent to a large barn used for arable storage and a tall tank (possibly used for silage).

The converted building would be fronting onto this active farm area and would include an external curtilage partly fronting onto the active farmyard. It is considered that the farming activity, including farm vehicle movements, livestock and farm storage would lead to a 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 would result in harmful impacts both to the resident of the building and to the working operations of the farm.

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 concerns in relation to the proposed alterations including to fenestration which are considered harmful to the buildings character and appearance. The number of roof lights detract from the simple agricultural appearance and roof form of the building.

The proposal is not accompanied by a structural report and it is therefore not possible to ascertain the extent of any repairs/rebuilding that would be needed in relation to the development.

8 Conclusion

In conclusion the proposed development is considered to require Prior Approval. In assessing the proposals it is considered that the development should be refused prior approval as the development would be impractical or undesirable as a residential use adjacent to the farm use and activities. The alterations to the building are also considered to be harmful to the farm buildings as a heritage asset

9 RECOMMENDATION:

That the Head of Planning confirms prior approval is required and refused for application APP/17/00983

(A) 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 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. The proposal is considered to be harmful to the design or external appearance of the buildings. The development therefore conflicts with policy CS11 and CS16 of the Havant

Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.