
Site Address:	Stoke Fruit Farm, 77 Havant Road, Hayling Island, PO11 OPT		
Proposal:	Application to determine whether prior approval is required for 1No. agricultural barn to store crops and vegetables and associated machinery.		
Application Type:	Agricultural Prior Approval		
Application No:	APP/22/00461	Expiry Date:	28/06/2022
Applicant:	Mrs A Petley	Case Officer:	Tina Pickup
Agent:			
Ward:	Hayling West		

Recommendation:

1 Site Description

- 1.1 Stoke Fruit Farm is located on the west side of the Havant Road, just south of the bend in the road. The site is set behind the frontage dwellings and comprises a car park for customers using the farm shop which is housed in a barn set against the northern boundary of the site. To the south of the shop is the two storey dwelling associated with the farm, number 77. There is then another small barn south of the shop and west of the dwelling with vehicular access between serving a large barn set behind.
- 1.2 This rear large barn was granted prior approval as a potato store under APP/12/00455 and measures 18.5m x 18.5m x 7.2m high and is constructed of dark green metal cladding. It is used for storage of vegetables and has a large pile of pallets stored outside against its western end. There is also a large area of hardcore hard standing to the north and west of this barn, with a bund of earth that screens this current farmyard from the wider fields beyond. There is also a row of high evergreen trees on the northern boundary screening the existing farm yard from the residential property number 91 to the north.
- 1.3 The wider field beyond the bund is flat land and has crops growing. The northern field edge to the west of the evergreen trees is more open with a ditch.
- 1.4 The site is identified as a Primary Support Area by the Solent Wader and Brent Goose Strategy (site H52A); it lies outside any flood zone.

2 Planning History

02/53011/003 - Erection of 15m high telecommunications tower supporting 3no. antennae, 2no. microwave dishes (total height 17m), plus associated equipment cabinets located at ground level within a fenced compound for Hutchison 3g., PERM,09/09/2002

01/53011/001 - Application to determine whether prior approval is required for the installation of a 15m high monopole telecommunications tower on a concrete base accommodating 3 cross polar antennae and 2 microwave dishes and equipment cabin air conditioning unit and meter cabinet at ground level within a compound enclosed by a 2.3m high fence., PARP,23/07/2001

02/53011/002 - Erection of 15m high monopole telecommunications tower supporting 3 no. antenna and 2 no. 0.6m microwave dishes (total height 17m), plus 10 equipment cabinets and fencing at ground floor level for Orange plc., PERM,09/09/2002

APP/12/00455 - Application to determine whether prior approval for an agricultural barn., Prior Approval Not Required 21/05/2012
APP/16/00800 - Construction of new poultry unit., UNK,
APP/16/00950 - Application to determine whether prior approval is required for the siting and appearance of a 17m high "Swann's Column A" monopole supporting 6no. antennas on the existing foundation, and associated ancillary development., PAYA,31/10/2016
APP/19/00083 - Proposed new vehicular access for use by tractors and goods vehicles., PERM,06/08/2020
APP/20/00384 - Application to determine whether prior approval is required for new barn for potato business., REFUSED 15/06/2020
APP/20/00922 - Application to determine whether prior approval is required for construction of concrete hard standing., Withdrawn as Prior Approval not needed 10/11/2020

3 Proposal

- 3.1 Application to determine whether prior approval is required for 1No. agricultural barn to store crops and vegetables and associated machinery.
- 3.2 During the course of determining this application amended plans have been received re-siting the barn. The amended proposal is for a barn measuring 66m long x 15m wide with height to eaves of 6m and to ridge of 8m. It would be constructed of juniper green box profile elevations with roof of fibre cement sheets. An access door measuring 6m x 6m would be within the east elevation. The amended siting would be 4m from the northern boundary and 20m from the west elevation of the existing barn. It would be used as a vegetable/potato store as well as for the storage of tractors and machinery.
- 3.3 It has also been confirmed that the foundations would be via a series of padstones supporting the vertical frame, with a concrete floor laid inside the barn once it is constructed.

4 Policy Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

County Ecologist

Thank you for consulting me on this application.

The application is accompanied by a Construction Environment Management Plan (CEMP). Given the nature of the proposal, and the very minimal impact in terms of overall habitat loss within SWBGS Site H52a, I am able to conclude that this proposal is not likely to result in impacts to the overall SWBGS network. This is a substantial construction operation and there is clearly potential for construction activities to result in further impacts to SPA supporting habitat due to intense noise and visual disturbance. The submitted CEMP provides details of measures to be

carried out to avoid/minimise that disturbance.

If you are minded to grant permission, can I suggest that all ecological mitigation, compensation and enhancement features are secured by condition.

Development activities shall be in accordance with the ecological avoidance and mitigation measures detailed within the Construction Environment Management Plan (CEMP) unless otherwise agreed in writing by the Local Planning Authority. Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS 11 of the Havant Borough Core Strategy March 2011.

Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect SPA functionally linked land.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured by the LPA:

- Construction Environmental Management Plan
- Sensitive lighting design to minimise light spill into the SWBGS site

The proposals are located on an area identified as 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. Please see the [Solent Wader and Brent Goose Strategy](#) (SWBGS) for more information.

The site affected H52A is classed as a Primary Support Area and supports high numbers of Curlew.

The proposed barn will lead to a direct loss of 9ha of this site, there are potential impacts from the partial loss of the site and for indirect impacts caused through noise and visual disturbance.

Natural England therefore considers that the proposed works could result in a likely significant effect or a “relevant effect” (in line with Regulation 77 of The Conservation of Habitats and Species Regulations 2017), (the Habitat Regulations)). In coming to this view Natural England must exclude the consideration of measures that are specifically designated to avoid or reduce harmful effects on a European Site.

It is advised that the impacts are properly assessed and any identified impacts are addressed in line with the [SWBGS Guidance on Mitigation and Offsetting Requirements](#). However we acknowledge that the proposed barn has been relocated closer to the existing agricultural buildings and hard standing which will reduce impacts.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). 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.

Provided that the Council, as competent authority, is satisfied that the mitigation measures outlined in the appropriate assessment can be appropriately secured, then Natural England raises no further concerns.

Please see below for our advice on mitigation measures.

Noise Disturbance:

In order to mitigate adverse impacts through noise and make the development acceptable, we would recommend that the following mitigation is secured with any permission:

Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird over wintering period (i.e. October to March inclusive). The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site).

Visual Disturbance:

The qualifying features are also sensitive to visual disturbance. The proposal will need to ensure that any potential visual disturbance is adequately mitigated through sensitive lighting design.

We have no comment to make on other prior approval matters included in the consultation.

We recommend that should your authority give its prior approval to the proposed permitted development, the following paragraph is included on the decision notice as advisory notes to the applicant;

Protected Species

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here

<https://www.gov.uk/guidance/wildlife-licences>

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: 9

Number of site notices: 1 - Displayed by applicant accordance with Schedule 2, Part 6, Class A, Condition A.2 (2) (iv) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

7 Planning Considerations

- 7.1 Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) sets out that any permitted development is subject to the provisions of Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regs). In turn the Habitats Regs sets out at Reg 75:

"75. It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—

*(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
(b) is not directly connected with or necessary to the management of the site,
must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."*

- 7.2 Since this application site would result in the direct loss of Primary Support Habitat for Solent Waders and Brent Geese, then Regulation 77 requires a Habitats Assessment to be undertaken and the LPA to consult with Natural England and take into account any representations made by Natural England; the LPA can only approve a development after having ascertained that the proposal will not adversely affect the integrity of the site.

- 7.3 Therefore the relevant considerations in the determination of this application are:

- (i) Criteria of Schedule 2, Part 6, Class A of the GPDO
- (ii) Prior Approval for Siting, Design & External Appearance
- (ii) Habitats Regulations Assessment

- (i) Criteria of Schedule 2, Part 6, Class A of the GPDO

- 7.4 The proposed building is permitted under the General Permitted Development Order 2015, Schedule 2, Part 6, Class A - the carrying out on agricultural land comprised in an agricultural unit, of 5 hectares or more, of development consisting of (a) works for the erection, extension or alteration of a building; or (b) any excavation or engineering operations; which are reasonably necessary for the purposes of agriculture within that unit.

The GPDO sets a number of requirements and criteria for development to be permitted, and these are considered in relation to the current scheme below:

Development is not permitted by Class A if:

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

The applicant has indicated that the parcel of land where the development is to be located is 1 hectare or more.

(b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;

(Class Q relates to agricultural buildings to dwelling houses; Part S relates to - agricultural buildings to state-funded school or registered nursery.)

There are no such changes of use within this agricultural unit.

(c) it would consist of, or include, the erection, extension or alteration of a dwelling; - N/A

(d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

The building is designed for agricultural purposes.

(e) the ground area which would be covered by:

- (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or*
- (ii) any building erected or extended or altered by virtue of Class A, would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;*

D.1(2)(a) states:

an area "calculated as described in paragraph D.1(2)(a)" comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding 2 years and any part of which would be within 90 metres of the proposed development;

The proposed building measures 66m x 15m giving a floorspace of 990 sqm. There have been no other agricultural buildings constructed on this unit within the last two years.

(f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

It is noted that Thorney Island is relatively close to this part of Hayling Island, on which there is an aerodrome. However the distance to the runway and surrounding area is over 3km and it is considered that this requirement is therefore be met.

(g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

The proposed barn is 8m high and does not therefore exceed 12m.

(h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

No part of the development would be within 25m of a trunk or classified road

(i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

The building is for the storage of vegetables and machinery; and would not accommodate livestock or storage of slurry or sewage.

(j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

The proposal does not relate to fish farming.

(k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system;

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

N/A

(ii) is or would be within 400 metres of the curtilage of a protected building

N/A

- 7.5 The proposed barn meets all the criteria of Part 6, Class A to be considered permitted development, subject to Prior Approval within 28 days for the Siting, Design & External Appearance of the building, which will be considered next:

(ii) Prior Approval for Siting, Design & External Appearance

- 7.6 The application was made on 31st May 2022 and within the 28 day period the LPA determined that PRIOR APPROVAL WAS REQUIRED for the siting, design and external appearance of the building. This was due to the fact that the proposed siting of the building is on a designated Primary site for waders and brent geese as defined by the Solent Waders and Brent Geese Strategy, 2020, and would be in proximity to residential properties. Notice of this was given on 22nd June 2022, with a further 28 days for the determination as to whether such prior approval is to be granted. That 28 days expired on 26th July and has subsequently been extended and agreed in writing by the applicant until 22nd August 2020.

- 7.7 As originally proposed the barn would have been 18m from the northern boundary and 30m from the existing barn and as such would have been poorly related to the existing farmyard and would have involved additional hard standing to service/access it. It would have encroached into the open field and resulted in more direct loss of habitat. Amended plans have been received re-siting the barn to within 4m of the northern boundary and 20m from the existing barn. As such the existing hardcore yard area will also serve the new building and the existing bund can largely remain. The reduction in associated hard surfaced area with tighter relationship to the existing yard and buildings and northern field boundary reduces the encroachment into the wider field.

7.8 By re-siting 10m further to the east it also increases the proportion of the building that would be naturally screened by the existing evergreen trees on the northern boundary. Number 91 Havant Road is a residential dwelling set about 45m from the northern field boundary. It currently has an open outlook beyond these trees to the south-west, over the fields. The proposed barn will extend beyond the high evergreen trees and therefore be partially seen from number 91. This will change their outlook in this southerly direction. However the separation distance of at least 45m, and presence of other smaller boundary trees/shrubs along this boundary, will help to blend the building into the landscape. Number 91 has a fully open aspect to the west, so the overall proportion of their outlook that would be affected would be minimal. Also the building is an agricultural barn of design and appearance that is typically found in the rural landscape. The visual harm to this neighbour's amenity from the building's siting would, on balance, be minimal. It is noted that no letters of objection have been received.

7.9 The proposed materials would be juniper green box profile elevations with roof of fibre cement sheets. This is similar to the existing barn on the site and is considered to be acceptable for the rural siting and setting. Therefore, subject to ascertaining that the proposal would not affect the integrity of the designated Habitats site through a Habitats Regulations Assessment (see below), then the amended siting, design and external appearance is considered more appropriate and acceptable, such that Prior Approval could be granted.

(ii) Habitats Regulations Assessment

7.10 The field in which the proposed barn would be sited is about 9ha in size and designated Primary Support Area by the Solent Wader and Brent Goose Strategy (site H52A). The SWBGS supporting 2007, 2008 & 2016-17 survey data indicates that the site supports large numbers of curlew, as well as oyster catchers and brent geese, largely sighted near the centre of the field. The proposed barn, at 990 sqm would therefore result in a direct loss of about 1% of this field as supporting habitat land.

7.11 This has been discussed with the County Ecologist and it is considered that the building's precise location would be distanced from the previous, central, sightings of the birds; and at just 1% loss of field, represents a minimal habitat loss. The majority of site H52A would be retained and remain suitable habitat for over wintering birds as part of the wider network. In addition it is noted that access to the barn would be via the east elevation only and the existing farmyard area, which is partly screened by a bund. Hence comings and goings to the barn would utilise the existing activity yard area and not introduce new activity deeper into the field. The barn itself will act as a solid screen at the northern edge of the field.

7.12 A detailed Construction Environmental Management Plan has been received which states that construction would not take place between 1st October and 31st March. It also indicates that any noise/vibration from the construction process would not exceed 69db and all storage of construction materials and equipment would be within the current yard area. The steel frame of the barn would be brought to site and installed on padstones, making the construction process relatively quick with minimal disturbance. Once the barn is clad the floor would have a concrete base laid, but by then construction works would be internal, not causing any further noise or visual disturbance to the wider field.

- 7.13 The Council conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 75 - 77 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening found that there was likely to be a significant effect on the integrity of the Solent European sites as a result of the development, from both the loss of habitat and potential for noise and disturbance at construction stage.
- 7.14 The application was then subject to Appropriate Assessment under Regulation 75-77. The amended siting of the barn, together with mitigation proposed in the form of the CEMP with no construction over the winter months, was such that the LPA, in consultation with the County Ecologist, were able to conclude that the significant effects would be adequately mitigated and removed. The HRA was subject to consultation with Natural England as the appropriate nature conservation body, who have confirmed they have no objection subject to the appropriate mitigation being secured.
- 7.15 Natural England did however also raise the issue of lighting and requested sensitive lighting to minimise light spill into the SWBGS site. The applicant has since submitted some lighting details which confirms there will be no lighting on the south, north or west elevations, facing to the field. There will be one light on the east elevation, facing into the yard, which is already lit. There will be no roof lights in the building (it needs to be dark for the correct storage of potatoes) and hence light spill or pollution will be minimal.
- 7.16 On this basis, with appropriate conditions to secure the mitigation provided in the CEMP and lighting details provided, then it is considered that the proposed barn, in its amended siting, would not affect the integrity and function of the designated Habitats site, the SWBGS site H52A, and can be supported.

8 Conclusion

- 8.1 The proposed barn is considered to meet the relevant criteria of Schedule 2, Part 6, Class A of the GPDO to be considered Permitted Development. Prior Approval for its Siting, Design & External Appearance was required, and following receipt of amended plans found to be acceptable. A HRA and AA was also undertaken that has established that the likely significant effect on the integrity and function of the site can be adequately mitigated. Accordingly Prior Approval can now be given for this development.

9 RECOMMENDATION:

That the Head of Planning be authorised to grant prior approval for application APP/22/00461 subject to the following conditions

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

Application Form - on Council's website dated 1 June 2022

Amended Site Plan - on Council's website dated 4 July 2022

Construction Environmental Management Plan, including Lighting Details - on

Council's website dated 15 August 2022
Habitats Regulations Assessment and Appropriate Assessment - on Council's website dated 15 August 2022

Reason: To ensure provision of a satisfactory development.

- 2 Construction of the hereby approved barn shall take place in full accordance with the ecological avoidance and mitigation measures detailed within the Construction Environmental Management Plan and Lighting Plan, on the Council's website dated 15 August 2022 with no construction taking place between 1st October and 31st March in any year, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity and functionality of the designated Solent Wader and Brent Goose Strategy, Primary Support Area site H52A, in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and with Policy CS11 of the Havant Borough Core Strategy March 2011.