

Application Number: 15/11774 Full Planning Permission

Site: FIELD REAR OF PADDOCK CLOSE, DARK LANE,
HINTON ST MICHAEL, BRANSGORE

Development: Animal shelter

Applicant: Mr D Harrod-Evans

Target Date: 08/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside
Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
7. The countryside
8. Biodiversity and landscape

Policies

New Forest District (outside of the National Park) Core Strategy: Adopted 26 October 2009

CS1: Sustainable development principles
CS2: Design quality
CS10: The spatial strategy
CS21: Rural economy

Local Plan Part 2 Sites and Development Management Development Plan Document

DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

- Section 3: Supporting a prosperous rural economy
- Section 7: Requiring good design
- Section 9: Protecting Green Belt Land
- Section 11: Conserving and enhancing the natural environment

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None relevant

6 RELEVANT PLANNING HISTORY

13/11422 Field shelter. 06/01/2014 Granted subject to conditions

7 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council recommend Refusal: The siting of the proposed animal shelter is considered to be inappropriate due to the close proximity of residential property by reason of noise and smell. More appropriate siting is available which would not impact on the neighbouring properties

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Land Drainage: Recommend condition requiring approval of details of the means of surface water disposal.

Environmental Health Officer - Concerns regarding the potential to house larger animals if pens are not restricted in dimension. Furthermore, important that a suitable location for muck heap is confirmed as remaining in it's present position to minimise odours/insect problems.

10 REPRESENTATIONS RECEIVED

Three representations have been received from the occupiers of Little Hinton, Coachmans Cottage and Walnut Cottage, raising objection to the proposal for the following reasons:

- Concerns regarding the proximity of the animal shelter to residential properties
 - Potential for nuisance from noise, odour, transmission of disease,
 - Detail for the disposal of animal waste from the building
 - Would set a local precedent for the keeping of farm animals close to residential properties
- Drainage
 - How will surface water and dirty water run-off be managed
 - Full details should be provided before determination of the application
 - Reference to previous drainage works undertaken by the applicants
- Visual impact, would be seen from rear windows of Little Hinton
- Future adherence to the approved plans
- Potential light pollution impacts on the local character and amenity
- Future development on the land should require planning permission

11 CRIME & DISORDER IMPLICATIONS

None

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1 The site is located in the countryside within the Green Belt. The site comprises a field which occupies land to the rear of residential properties along Dark Lane and the B3055 Bashley Road. The land is generally flat with existing boundary hedgerows and trees affording a reasonable degree of screening from the road, neighbouring land and wider rural landscape.
- 14.2 The land is currently used as grazing for Alpacas. Along the southern boundary of the field there is an existing shelter (granted under PA 13/11422) with other temporary structures which provide storage for feed and machinery / equipment associated with the grazing livestock.

- 14.3 There are neighbouring residential premises adjacent to the site along Dark Lane. That to the south, Little Hinton, is in closest proximity, with screening from the site afforded by some modest height hedgerow trees and a timber panel fence.
- 14.4 This application proposes the erection of a detached building in a paddock on the south side of the field. This would be used for the storage of goods associated with the livestock and maintenance of the land, incorporating animal pens. The applicant's supporting statement details that the animal pens would be used as temporary accommodation for sick or vulnerable animals, the existing shelter providing grazing shelter for the whole herd and thus being unsuitable for such purposes. The new building would be sited off the field boundary by approximately 3 metres and be of a timber framed construction, sides clad in timber boarding under a low pitched felt roof with access from the north. At the time of the case officers' visit it was noted that excavations for the concrete floor slab serving the proposed building had been undertaken.
- 14.5 The site is within the Green Belt and as such consideration needs to be given to ensure that development is appropriate and does not result in harm to its open qualities. New buildings for the purposes of agriculture are considered appropriate development in the green belt, providing that they preserve its openness and do not conflict with the purposes of its inclusion as green belt land (NPPF (2012) Para 89)
- 14.6 In this case the building would be of a proportionate scale to the land being served and of a design commensurate with its intended use. In the location proposed this would relate well contextually with existing development, and viewed against the backdrop of built development to the south would not be visually isolated or unduly conspicuous. Furthermore, it is noted that the application details additional hedge planting to the rear of the building, which would be beneficial in improving this former hedgerow boundary. As such it is considered that the impacts on visual amenity would be acceptable and the qualities of the Green Belt would not be harmed.
- 14.7 The building would be close to the boundary with a neighbouring residential property 'Little Hinton' to the south of the site with a distance of approximately 18m between the proposed building and neighbouring property. Intervening screening is provided by existing hedgerow trees, albeit rather sparse, however more significantly timber panel fencing in the neighbouring garden area.
- 14.8 Considering the relative separation, scale of the proposed building and orientation it is not considered that this would lead to any harmful impacts as a result of overshadowing. Furthermore given the nature of the development it is also considered that this would not result in any harm to the privacy of neighbouring occupiers.
- 14.9 The proposed temporary accommodation of livestock has potential to result in odour / noise and also issues associated with the disposal of animal waste from the animal pens. However this would be limited as a result of the intended temporary use of the animal pens and their size. Considering the limitations on the use of this accommodation and that at present this land could be used for unrestricted grazing of livestock it is not considered that the increase in activity generation would be of such

degree that would lead to harm to the living conditions of neighbouring occupiers. The Environmental Health Officer has been consulted and raises no objection but advises that waste disposal accumulation from the animal pens (muckheap) should be confirmed as remaining in its present location to minimise any odour/insect problems. The issue of waste disposal can be controlled by way of an appropriate planning condition.

14.10 The application proposes to discharge surface water from the new building into an existing watercourse, however the Council's Land Drainage Team have recommended as a condition requiring details of surface water disposal from the site to be submitted. This is to ensure that this is balanced, such that the water will be released into the water course at a rate not in excess of the previous surface water run-off from the site. Given issues with watercourses in the New Forest flooding out of bank during high rainfall, and comments raised by third parties regarding flooding incidents it is considered appropriate to attach this as a condition. Although it is noted that some excavation works have already commenced on site the building has not yet been constructed and as such a pre-commencement condition would remain appropriate.

14.11 In response to other matters raised by third party representations, given the size of the building and nature of the use this should not require such levels of illumination that would result in harm to amenity. Any grant of planning permission would be on the basis of the details approved and it is the responsibility of the applicant to ensure that works are completed in accordance with such details. This application is being considered on the basis of the information provided and any future development of this area of land would be subject to separate consideration at that time. Previous works undertaken by the applicants alleged to affect neighbouring premises are separate private, civil matters.

14.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

15. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans: Location Plan; 1A; 2.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

4. Before development commences, details of the means of disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with the approved details.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

5. No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority

Reason: To protect the amenities of nearby residents' properties and the character and appearance of the countryside, in accordance with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

6. Before the use of the building hereby approved commences, details of the disposal of the disposal of waste accumulation from the animal pens shall be submitted to and approved by the Local Planning Authority. The method of disposal shall thereafter be only undertaken in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties from the adverse impact of odour and insect nuisance in accordance with Policy CS2 of the Local Plan for the New Forest outside the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. This decision relates to amended plans received by the Local Planning Authority on 18.01.2016

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



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DISTRICT COUNCIL

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**Planning Development
Control Committee
February 2016**

Item No: 3a
Field rear of
Paddock Close Dark Lane
Hinton Bransgore
15/11774

Scale 1:2500

N.B. If printing this plan from
the internet, it will not be to
scale.

