

Application Number: 17/10036 Full Planning Permission

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

Development: Agricultural storage barn

Applicant: Mr Harrod-Evans

Target Date: 20/03/2017

Extension Date: 14/04/2017

1 REASON FOR COMMITTEE CONSIDERATION

Deferred by Committee in April 2017; Contrary Parish Council view and objection from Local Ward Councillor

2 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Constraints

Plan Area

Aerodrome Safeguarding Zone

Plan Policy Designations

Green Belt

Countryside

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

Core Strategy

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

3 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

4 RELEVANT SITE HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/11774 Animal shelter	17/02/2016	Refused	Appeal Decided	Appeal Dismissed
13/11422 Field shelter	06/01/2014	Granted Subject to Conditions	Decided	

5 COUNCILLOR COMMENTS

Councillor Richard Frampton objects to the application for the following reasons; There is already a building here without permission which was lost on appeal and this additional barn would compound the loss of amenities to both residential properties, by way of visual intrusion.

I would not object to the building being placed along the hedge line to the North West of the current proposed location as it would not be visually intrusive and would blend in more with the surroundings.

I suspect , as with the previous stable application, it will be built here anyway and lead to enforcement action.

6 PARISH / TOWN COUNCIL COMMENTS

Bransgore Parish Council: Refusal. The siting of an additional building as proposed would add to the loss of visual amenity of the nearby properties. The building could be sited where the effect on the character of the area would be less obtrusive.

7 CONSULTEE COMMENTS

- 7.1 Southern Gas Networks (previously National Grid Transco): no objection
- 7.2 Land Drainage: recommend approval

8 REPRESENTATIONS RECEIVED

Total Number of Representations Received: 3

Comment(s): In Favour: 0 Against: 3

Raising objection on the following grounds;

- Refer to the similarities between the previously refused building, that now proposed and works which have taken place on site without planning consent
- Question the clarity of the development being applied for in the description of development proposed and whether this would in fact be seeking retrospective consent or consent to modify the current building.
- A building closer to the house would offer a better solution for any security problems

- The use of any conditions to restrict the use of the building for livestock could prove ineffective given the applicant and Councils actions in respect of unauthorised development on this site to date
- Residential amenity, the barn would attract vermin which would be close to Little Hinton.
- Visual impact, would be seen from rear of Little Hinton
- There are alternative sites which would avoid any visual and amenity intrusion to third parties
- Any drainage provision should be contained within the applicant's land

Comments in full are available on website.

9 CRIME & DISORDER IMPLICATIONS

None Relevant

10 LOCAL FINANCE CONSIDERATIONS

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

11 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 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 further information was sought from the applicants to clarify matters raised during the application's consideration.

12 ASSESSMENT

- 12.1 Members deferred consideration of this application in order for information on the future location for the structure currently sitting on the application site and to ascertain whether additional landscaping could be introduced to further limit any impacts from the proposed building on the adjacent property. A meeting was held with the applicants and, as a result, the following additional information has been submitted.
- 12.2 In terms of the structure already on the site the applicant/agent advise that it will be moved when the proposed barn is erected. They stress that the proposed barn will not house animals, this being the only reason the previous building was resisted at appeal. The structure that will be used to house sick or vulnerable animals for short periods will be moved so it will be located away from the boundary with the neighbour into a location that respects certain locational and physical requirements. It will initially go to the area on the western boundary currently occupied by chickens and bees but will also be located (it is, to a degree, mobile) in the eastern half of the field as required.

- 12.3 It is intended to restock the hedge behind the proposed building with traditional trees and bushes. The planting of this hedge and its future retention can be secured by an appropriate condition.
- 12.4 The previous report to Committee is set out below. Members are asked to note that an additional condition regarding landscaping has been added.
- 12.5 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.
- 12.6 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 hay / straw and machinery / equipment associated with this agricultural business.
- 12.7 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.
- 12.8 The application seeks consent for the erection of a new barn that would be used for agricultural storage, of stock feed, bedding and equipment. It would be located on an existing concrete slab laid in 2016 which is in part occupied by a timber shelter. For the purposes of this application the applicants have confirmed that the proposal is for a completely new agricultural building and the application is being treated as such. The application also includes the retention of the slab, this being indicated on the submitted drawings.
- 12.9 In respect of the existing timber shelter this is subject to separate investigation by the Council whereby it has to be determined whether, as a result of its size, permanency and attachment, this constitutes an unauthorised building. The applicants who claim that the shelter is a mobile unit and not a building, advising in further supporting information the intention is to move this to other locations around the field.

As the proposed new shelter would be sited on the base currently occupied by the unauthorised building the Council will consider the expediency of any actions in relation to this building following further consultations with the owner.

- 12.10 Pertinent to this case is the planning history for this site. A previous application (reference 15/11774) for an animal shelter in this location of the same size and external materials as the building now proposed was refused and subsequently dismissed on appeal in 2016. This appeal was dismissed on the grounds of the developments potential impacts on the living conditions of neighbouring occupiers. The Inspector considered that the storage of hay and other items would unlikely generate a great deal of disturbance. However, they considered that the potential noise generation from distressed animals within the building, as a consequence of its proposed use for livestock requiring isolation, would

result in material harm to the living conditions of occupiers at a neighbouring property Little Hinton. As part of this decision it is also noted the Inspector considered the development being for the purposes of agriculture, to be appropriate within the green belt and that the effect on the character and appearance of the area would be acceptable.

- 12.11 The proposed development would again be for the purposes of agriculture and although having some differences in nature and design of openings on the north and east elevation, would be of the same siting, size and external materials as the building formerly proposed. As such the context of the development in its relationship to the surrounding landscape would remain unchanged and with reference to the appeal decision, it is again considered the development would be acceptable in its effect on the character and appearance of the area and represent appropriate development within the green belt. It is however noted that the application drawings have not specified the final external finished colour for the cladding materials but this can be appropriately addressed by condition.
- 12.12 The building would be close to the boundary with a neighbouring residential property 'Little Hinton' to the south of the site, however intervening screening is provided by existing hedgerow trees, albeit rather sparse and more significantly by a timber panel fencing in the neighbouring garden area. Considering the scale of the building, relative separation, and orientation it is not considered that this development would lead to any harmful impacts as a result of visual intrusion or loss of light. 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.
- 12.13 Given the nature of the building's intended use this would not result in a level of activity generation that would result in harm through disturbance to neighbouring occupiers, as was recognised in the previous appeal decision. However, the potential future use of the building for livestock accommodation would have the potential to result in harmful impacts. This matter can be addressed by condition which would ensure that the building is not used at any time for the accommodation of livestock. The secured nature of the building and separation from neighbouring properties does not give rise to any significant concerns over potential vermin infestations.
- 12.14 The application proposes to discharge surface water from the new building into an existing more recently installed drainage system. The plans submitted detail that this directs water to the west of the site through the applicants land and Council's Land Drainage Team consider this to be acceptable.
- 12.15 In response to other matters raised by representation it is recognised that the building could be placed elsewhere on the applicants land. However as with any submitted application, the development falls to be considered on the basis of the proposals put forward. In respect of any future failure to comply with conditions attached to any lawfully implemented consent these would be investigated by the Council at that time and the appropriate action taken.

- 12.16 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.

13. 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; 1; 2.

Reason: To ensure satisfactory provision of the development.
3. Before development commences, samples or exact details of the facing and roofing materials in their final finished colour 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. The building hereby permitted shall only be used for agricultural storage purposes and shall at no time be used by or for the accommodation of any animals.

Reason: In the interests of ensuring that activity generation from the building does not result in harm to the living conditions of neighbours in accordance with policy CS2 of the Core Strategy for the New Forest District outside the National Park.

5. Before development commences a scheme of planting of the new hedge behind the building hereby approved shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
- a) the existing trees and shrubs which have been agreed to be retained;
 - b) a specification for new planting (species, size, spacing and location);
 - c) areas for hard surfacing and the materials to be used;
 - d) other means of enclosure;
 - e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District 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 further information was sought from the applicants to clarify matters raised during the application's consideration.

Further Information:

Householder Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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Planning Development Control Committee

June 2017

Item No: 3c

R/O Paddock Close
Dark Lane
Bransgore
17/10036
SZ2195

Scale 1:3000

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

