

Report of the meeting of the Development Control Post-Committee Site
Inspection Panel held on 03-FEB-2015

REF NO: P/105/14/PL

LOCATION: Sefter Farm
Pagham
West Sussex

PROPOSAL: Demolition of agricultural store & extension to agricultural building

Present:- Councillors Haymes (Chairman), Mrs Hall, Mrs Stainton, Bower, McDougal and Evans.

Ray Radmall of Pagham Parish Council was present at the site visit but not at the vote.

Apologies for absence: Mrs Pendleton.

The Inspection Panel assessed the planning merits of the site in detail, and

RECOMMEND

that the officer recommendation to refuse is not accepted.

REPORT UPDATE

Application No: P/105/14/PL

Reason for the Update / Changes

Reason for Update/Changes:

The applicant has submitted a letter which encloses a Heritage impact Assessment undertaken by a Mr Fred Aldsworth MIHBC. The letter was received on 26 January and it has not been possible to get the document reviewed by the Councils Historic Buildings Adviser.

The Heritage Impact Assessment concludes that the section of farmyard wall does not form part of the historic curtilage of the listed farmhouse, nor makes any significant contribution to the setting of the listed building. The report proposes that the parts of the wall to be removed are used to repair the remaining sections.

Officers Comment:

There are no proposed changes to the recommendation or to the listed conditions.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

P/105/14/PL

Recommendation Report for Planning Permission

REF NO: P/105/14/PL

LOCATION: Sefter Farm
Pagham
West Sussex

PROPOSAL: Demolition of agricultural store & extension to agricultural building

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The extension is square shaped and will sit on the end of the L shaped extension recently approved under Ref P/99/14/PL extending this part of the building southwards by around 32m. The extension will part replace an existing agricultural store and will also result in the loss of a 20m section of historic wall. The height and materials will match with the existing. New trees are proposed to the east of the building alongside a relocated fence.

SITE AREA

960 square metres.

RESIDENTIAL DEVELOPMENT DENSITY	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Mix of mature hedging (Particularly along Pagham Road), earth banks, flint walls and timber fencing.
SITE CHARACTERISTICS	Part of an existing long established agricultural (vegetables) processing, packing & distribution site. Aside from the existing agricultural store, the site of the extension is currently part grassed and part hard surfaced yard.
CHARACTER OF LOCALITY	The Barfoots of Botley site is located within the rural area and is surrounded by farmland on all sides.

RELEVANT SITE HISTORY

P/119/07/	Extension to agricultural building	ApproveConditionally 13-12-2007
P/29/11/	Renewal of unimplemented planning permission P/32/08/ for replacement and extension of existing agricultural buildings	ApproveConditionally 24-05-2011
P/30/11/	Extension to agricultural building - amendment to previously approved P/119/07/	ApproveConditionally 01-06-2011
P/5/12/	Extension to agricultural building (approved under P/134/08).	ApproveConditionally 12-03-2012
P/19/12/	Raise roof on part of agricultural building.	ApproveConditionally 19-04-2012
P/29/12/	Extension to agricultural building	ApproveConditionally 10-08-2012
P/75/14/PL	Extension to agricultural building and demolition of agricultural store. This application affects the setting of a Listed Building.	Withdrawn 02-09-2014
P/76/14/PL	Extension to agricultural building. This application affects the setting of a Listed Building.	Withdrawn 02-09-2014

P/99/14/PL

Extension to agricultural building

ApproveConditionally

08-12-2014

Application P/29/11 allowed for an extension on the same site as the current application but with a different shape and size. This permission was never implemented and has since expired. It should be noted that application P/75/14/PL previously sought to 'renew' P/29/11 but was withdrawn due to the lack of consideration as to the impact on the setting of the adjacent listed buildings.

REPRESENTATIONS

Representations received:

Pagham Parish Council

Pagham Parish Council - No objection.

Cllr Dawn Hall has requested that if the recommendation is to refuse that this application be brought before the Development Control Committee.

Comments on Representations received:

Comments noted.

CONSULTATIONS

WSSC Strategic Planning

Conservation Officer

Listed Building Officer

Economic Regeneration

Consultations responses received:

WSSC Highways - "The applicant states that the site should not result in any additional traffic being generated as a result of the development proposal. Based on the information provided including assessment and scrutiny of the submitted plans, the Highway Authority is satisfied that the proposal is unlikely to generate additional traffic and the Highway Authority raises no objection to the proposal."

Historic Buildings Adviser - Initial comments were:

"No objection subject to amendment. This scheme seeks to extend on application P/99/14/L by proposing a further larger addition to the south. The width of the proposed building is such that it results in a higher ridge level, but also appears to produce a structure of considerable bulk and massing. Seen in context with the listed building, it is likely to represent a level of harm to its appreciation and thus its setting.

A more direct impact is the loss of a section of wall and encroachment into the historic farm yard which is evident on historic mapping. This wall is of interest as a farm boundary, as well as being made up of various materials including, flint, brick and what appears to be Bognor rock. Other areas of the wall have already been replaced by brick sections meaning that any surviving sections may be considered to be of greater value.

The issue of setting is slightly complicated by existing commercial buildings to the west, one of which would be demolished, however seen purely as impact, there has to be an acceptance here that a level of harm to the listed building and its setting would be created by the scheme and as such conflicts with paras 131 and 132 of the Framework.

It should be noted that the value of setting is not reliant on public amenity or access, nor is screening by plants or trees recognized in historic environment terms, as an appropriate means of mitigation. Any impacts should be designed out wherever possible. Similarly, the loss of the historic wall is not ideal given its relationship to the heritage asset and contribution to the site more generally. The re-use of the materials elsewhere does little to mitigate this, though if this were to happen, repairs to the existing boundary would be perhaps more satisfactory than forming a stone boundary that did not formerly exist and might be misconstrued. The preservation of setting is sought under para 137 of the Framework.

Given these concerns, we would suggest a compromise in which the proposed building was reduced to approximately half its size to reduce massing in the setting, but also avoid the loss of the wall and courtyard. A smaller building, or component of the extension could be maintained where the current building is located and would be approximately the same size. This would provide about 75% of the proposed floor area, though obviously less cubic volume. If this is not feasible then justification for the proposal should be considered in potentially broader terms in accordance with para 134 of the Framework."

The applicant then submitted amended plans to show a change to the treatment of the existing bank to the east of the building (bank and fence rather than a retaining wall) and to confirm that material from the demolished wall will be used to repair other retained sections of the wall. However, the Councils Historic Buildings Adviser then made the following additional comments:

"Whilst we acknowledge that the material from the historic wall will be re-used, this rarely mitigates harm to the extent that would be required here. As the historic mapping shows, the new building will still encroach heavily into the old farm yard and the scale of it is likely to be significant within the setting of the listed building. To say this does not represent an element of harm (at whatever level) would be negligent on our part and would not meet the requirements of paras 129, 132 and 137 of the Framework. We did have a very useful meeting on site with the MD Mr Julian Marks and he did explain the reasons for the extension so we are aware of the justification. This however would have to be considered in the broader planning balance in terms of potential public benefit etc (para 134 of the Framework)."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside Built-up Area Boundary;
Grade II Listed Buildings (Sefter Farmhouse and Sefter Granary);
Class C Road;
Special Control of Adverts; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV6](#)
[GEN3](#)
[GEN7](#)
[GEN9](#)
[GEN12](#)

Agricultural Buildings
Protection of the Countryside
The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
C SP1 Countryside

Publication Version of the Local
Plan (October 2014):

D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)
D SP1 Design
ECC SP2 Energy and Climate Change
Mitigation
EMP DM1 Employment land:
Development Management
ENV DM2 Pagham Harbour
HER DM1 Listed Buildings
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage
Systems

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it

being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; and Yapton. A planned referendum for the Pagham Neighbourhood Plan has been postponed.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the setting of the nearby listed buildings and result in a loss of historic fabric.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site lies outside the built up area boundary where development is not acceptable unless necessary for the operational needs of agriculture or the diversification of the rural economy. The proposal is for an extension to an agricultural building and is part of an existing agricultural operation. The principle of such development is acceptable in rural areas in accordance with GEN3 and paragraph 28 of the NPPF.

This additional facility is required to enable the operation to adapt to market changes and allow greater separation of products to ensure optimum freshness prior to distribution. The proposal is therefore considered to comply with national policy.

POLICY DEV6 AGRICULTURAL BUILDINGS

This policy states that agricultural buildings will be permitted provided that their size and design minimise the visual impact on the landscape and that buildings are grouped together and are not isolated. While the extension has been designed to be in keeping with the host building, the size of the addition will have significant impact upon the Listed Building.

IMPACT ON THE SETTING OF THE ADJACENT LISTED BUILDINGS

The application has been assessed by the Council's Historic Buildings Adviser who has raised objection to the design and siting of the proposed extension which is considered to not only encroach within an old farm yard but also result in the loss of a section of historic wall. These

aspects are both considered to adversely impact on the setting of the nearby Grade II listed buildings.

It is noted that paragraph 134 of the NPPF states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".

It is not considered that sufficient justification has been provided to demonstrate that such a public benefit exists from the extension of the agricultural building to outweigh the harm to the setting of the Listed Building. Furthermore, the applicant has not provided any clear justification as to why it is essential to site the extension in this location on the eastern side of the site, why it cannot be located elsewhere and why it cannot be an alternative shape which avoids the loss of the historic wall and minimises encroachment into the old farm yard.

IMPACT ON PAGHAM HARBOUR

Part (b) of policy ENV DM2 of the Emerging Local Plan concerns development within 5km of the harbour. However, it is not considered that this proposal will have a specific impact on Pagham Harbour and it is therefore not considered that there will be any need to either undertake access management measures or to contribute either physically or financially to new green spaces for recreation.

HIGHWAY ISSUES

The proposal is not considered to significantly alter traffic movements and WSCC Highways have not raised any objections nor requested any conditions.

SUMMARY

It is considered that the harm arising from the proposal in respect of the setting of the nearby listed buildings is such that permission must be refused for the following reason. The application has not demonstrated how this harm is outweighed by public benefits or whether the extension could be redesigned to minimise the harm to the setting.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

REFUSE

- 1 The proposed extension will result in a significant incursion into the old farm yard and together with the loss of part of the historic wall is considered to result in damage to the setting of the nearby Grade II Listed Buildings which is in conflict with paragraphs 29, 132 and 137 of the National Planning Policy Framework and Policy HER DM1 of the Arun Local Plan (2011 - 2031) Publication Version (October 2014).
- 2 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.