PLANNING APPLICATION REPORT

REF NO: **Y/86/10/**

LOCATION: Maggie's Meadow
Hoe Lane
Flansham Bognor Regis

PROPOSAL: Timber barn for secure storage of light goods vehicle, farm machinery & feed (re-submission following Y/43/09/)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is for a timber clad barn 14m wide x 10m long x 3.9m high (pitched roof). Whilst the dimensions do not significantly differ from previous application Y/43/10(0.5m wider), the proposed siting is to the north east corner of the site as opposed to the south east corner in Y/43/09. The submitted plans also include an existing portable portacabin, a number of pig pens and an open faced wooden shelter. However none of these structures form part of this application.
SITE AREA	1.90 hectares
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Rising to the west and the land is approximately 1m higher than the road.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging along the front boundary, some recently removed as part of Y/43/09 to create a new access with a 5 bar gate to the main entrance to the holding. Post and rail fencing to the side.
SITE CHARACTERISTICS	A former horse paddock now accommodating a number of pens and pigs. An earth bund to the north and south eastern boundary and a rubble pile has been dumped in the meadow alongside an opening in the hedge on the south east corner where the former access into the site was proposed. There is also a portacabin and a caravan on the site. An internal access roadway around the pig pens has been laid out.
CHARACTER OF LOCALITY	Rural farmland and paddocks with some linear and sporadic housing on either side of Hoe Lane.

RELEVANT SITE HISTORY

Y/41/08/	1. Change of use from redundant agricultural to new Touring Caravan & Camping Site . 2. Siting of 1 x transportable timber building as live/work area for use by camp site staff. 3. Erection of ablutions block as permanent structure. (Departure from Development Plan)	Withdrawn 31-07-2008
Y/25/09/	Mobile Live/Work transportable unit for stockman. Steel storage building for secure storage of light goods vehicle/farm machinery/feed.	Refused 07-07-2009 **Appeal: Withdrawn 02 02 2010**
Y/43/09/	Timber barn for secure storage of light goods vehicle/farm machinery/feed.	Refused 20-10-2009 **Appeal: Dismissed 30 09 2010**
Y/20/10/	New dwelling (this application is a departure from the development plan)	Withdrawn 22-04-2010

REPRESENTATIONS

Representations received:

Yapton Parish Council

Objection on the following grounds:
i) The proposal to locate a barn in conjunction with a piggery on the site is unneighbourly. The siting of the building and the noise and smell associated with its operation close to residential property is unacceptable;
ii) The land at this location is subject to flooding and therefore unsuited to keeping livestock;
iii) It has not been demonstrated that there is an overriding and essential agricultural need for a large store in this countryside location;
iv) It is considered that the barn would be 'a blot on the landscape' and out of keeping with and detrimental to the rural character of the locality.
8 letters of objection covering the following points:
-unduly close to residential properties
-excessively large
-the lane is unadopted at this end and unsuitable to take large lorries
-pig slurry will contaminate water run off and subject neighbouring residents with unacceptable smell and a devaluation of their property
-the land is prone to flooding
-the site has been turned from a pleasant rural site to a builder's yard and for other unauthorised uses
-any increase in number of pigs is unsustainable on such a small site,
-storage will be for builder's material and plant
-there is already a portacabin on site for storage use
-agricultural consultant report did not consider necessary the provision of a barn. This barn is bigger than previous barn
-other than not including the previous proposed access into this application nothing has

changed
-land is more appropriately used used for agricultural growing
-a health hazard attracting vermin
-the addition of portacabin on south east boundary very close to neighbouring properties
-site is prominently viewed from footpath

1 letter of support
The building is necessary, appropriately designed and well sited in fitting with the area. The development would benefit from landscaping and the resiting of the protacabin alongside it.
1 letter of comment
It is to be expected that a semi rural environment will include livestock farming and the employment that it generates is to be welcomed. Whilst there is no objection to the siting of the barn additional information regarding the expansion of the pig enterprise is requested so as to assess its impact on residential amenity/health and whether the site can sustain any possible expansion. Land contamination would incur extra cost for a sympathetic residential scheme of the site.

Comments on Representations received:

The proposal significantly differs from the previous proposal in that the barn is proposed to be resited to the north east corner of the field where it will be an acceptable 120m from the nearest residential property and adequately screened from views from the footpath.

Noise, smell and water pollution emanating from this agricultural use is controlled by other, environmental health/environment agency, legislation. The Environment Agency has been consulted and raise no objections to the proposal.

As part of application reference Y/25/09 the Council consulted an agricultural expert who concluded that a barn of approximately the same size as the one proposed in this application was reasonably necessary to store ancillary purchase feeds, dry goods and machinery. This view was shared by the Inspector who considered the appeal into Y/43/09 by stating in his decision letter "The Council consulted an agricultural expert on the previous proposal...Given that only the external appearance of the barn has changed, I see no reason why this previous assessment should not be applied to the barn now proposed... I consider that the size of the barn proposed is necessary for the intended agricultural use of the application site."

The use and number of pigs on the site cannot be controlled by the Council as it is an agricultural use that does not require planning permission. The proposed pig pens and portacabin are not covered by this application and will be investigated by the Council's compliance section as to whether they require planning permission.

Highways have not raised an objection to the use of Hoe Lane for accessing the barn and it is not likely to generate an unacceptable amount of additional vehicle trips.

CONSULTATIONS

WSCC Local Development Divis.
Environment Agency

Consultations responses received:

West Sussex county Council
Highways.No Objections.
Archeology:The area of Hoe Lane is known to be archaeologically sensitive. In the 1930s when a driveway/ entrance was being constructed in Hoe Lane to give access to a property some 180m to the east of the proposed barn a Bronze Age hoard was discovered. Archaeological

evaluation of the Felpham Site 6 proposed housing scheme has confirmed evidence for prehistoric and later settlement in the vicinity.Given that ground excavations have previously and recently taken place within the proposed barn footprint, any additional ground works in this area should cause only a minimum of new
damage to any buried archaeological remains, if present.
Conclusion : No anticipated significant new archaeological implications.

Environment Agency.
No objections.

District Environmental Health Officer.
I would be concerned about the potential for odour nuisance, I note that the Parish Council have also objected on these grounds. As far as I am aware odour is greater with intensive indoor farming techniques (you may wish to ensure that the barn is only used for storage if this is possible), outdoor rearing has other environmental impacts such as erosion. I can see that these concerns are not relevant to the application and assume as the land has permission for agricultural use no planning consent is required for the pig rearing activity, siting of pig pens etc.

Any action we could take would depend upon evidence that odour arising on the land was giving rise to a Statutory (Criminal) Nuisance (not merely impacting upon amenity). The assessment of nuisance must take into account the rural nature of the area and any subsequent action would be subject to a statutory defence that the "best practicable means" were being used to minimise nuisance. The Environment Agency have powers to deal with potential contamination of water courses.

Comments on Consultation responses:

Comments noted. In respect of Environmental Health, the Department acknowledges that the land has permission for agricultural use and planning consent is not required for the pig rearing activity.

POLICY CONTEXT

Designation applicable to site:
Outside built-up area boundary

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPC4	Landscape and Countryside Management
	SEPNRM4	Sustainable Flood Risk Management
Arun District Local Plan:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN2	Built-up Area Boundary
	DEV6	Agricultural Buildings

PLANNING POLICY GUIDANCE

PPG13	Transport
PPS1	Delivering Sustainable Development
PPS25	Development and Flood Risk
PPS7	Sustainable development in rural areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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 considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 is outside the built up area boundary and the proposal therefore needs to be considered against policy GEN3 where there is a presumption against development unless it meets the operational needs of agriculture (GEN3i). When considering application reference Y/25/09 which included a proposal to erect a storage barn of very similar proportions to the one proposed by this application, on the south east corner of the site, the appointed agricultural expert stated that whilst there was insufficient agricultural justification for a mobile home on the site, the proposed building would be reasonably necessary for the purposes of agriculture within the unit to accommodate purchase feeds, dry goods and machinery. As indicated earlier in the report, this assessment was accepted and agreed with by the Inspector when determining the merits of a similar storage building into the appeal against refusal of Y/43/09. Whilst the principle of the building is acceptable consideration is required regarding its impact on the visual and residential amenities of the area as well as highway and flooding considerations.

Impact on the character and appearance of the area.

The site is rural in character where buildings for agricultural use would only be acceptable. The proposed design and timber external cladding of the barn are considered appropriate for a rural location. However, this needs to be balanced against the distinctive element of a countryside location which is its general openness and lack of buildings. Any substantial building, however appropriate the design, would erode that character to a degree. In this case and unlike the previous proposal the hedge lining the footpath would remain unaffected. Its proposed siting in the north east corner by the existing farm entrance beyond a sharp bend in the footpath and behind substantial screening would make the barn's impact on this countryside location acceptable.

Such a change in proposed location for the barn concurs with the Inspector's conclusion that "I do

not know why the barn is proposed in the south east corner of the site when the existing access is in the north east corner...It seems to me that the location of the barn is not in the most practical location for its intended purpose and creates the requirement for additional development.. The existing entrance is level and wide and would appear suitable to accommodate the vehicles required to serve the farming operation."

Visual Amenity.

In proposing the new store to the north of the holding it will be some 120m metres away from the nearest residential property and this together with its single storey appearance will ensure that there will not be a materially detrimental impact on residential amenity. Any detrimental residential impact by way of undue odour and effect on water quality can be controlled by other environmental legislation.

Flood Issues.

The site is in Flood Zone 1 which is classified by PPS25 as land having a low probability of flooding and a zone where all uses of land are appropriate. Flood risk is therefore not a determining issue in this case. This is further confirmed by the lack of an objection from the Environment Agency and by the Inspector who reasoned that "The Environment Agency has indicated that the site is in Flood Zone 1. I am satisfied that flood risk is not a determining issue in the appeal."

Highway Issues.

Access for the barn is from an existing and established access point where according to the appeal Inspector "the existing entrance is level and wide and would appear suitable to accommodate the vehicles required to serve the farming operation." The highway authority has raised no objection. Furthermore the additional amount of vehicular traffic likely to be generated by the proposal is considered to be insufficient to endanger the safety of highway users.

Conclusion.

The need for and size of the barn is both necessary and acceptable in this countryside location. Its design and location to the rear of the site adjacent to the existing farm access and behind a substantial screen will ensure that the barn has an acceptable impact on the visual and residential amenities of the locality as well as on highway safety. It is therefore recommended that planning permission be granted subject to the conditions overleaf.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The building hereby permitted shall be occupied solely for purposes ancillary to the use

of the land for agricultural use and comprise storage of feed, dry goods and agricultural machinery.

Reason: To accord with policies GEN3 and GEN7 of the Arun District Local Plan to prevent the establishment of non agricultural buildings which would give rise to an unacceptable impact on the character and appearance of the surrounding countryside.

3 This permission relates to the following approved plans:Location Plan Title WSX183496, Edition 1 Sheet 1, Edition 1 Sheet 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies GEN3 and GEN7 of the Arun District Local Plan.

4 INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN3, GEN7, GEN11, GEN12, DEV6

SOUTH EAST PLAN: NRM4, C4

NATIONAL POLICIES: PPS1, PPS7, PPG13, PPS24

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.