

Parish: Westbourne	Ward: Westbourne
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WE/17/02244/FUL

Proposal Proposed open fronted pole barn.

Site Land West Of Jubilee Wood Hambrook Hill North Hambrook West Sussex

Map Ref (E) 478648 (N) 107719

Applicant Mr L Sturgess

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Parish objection; officer recommends permit

2.0 The Site and Surroundings

- 2.1 The land west of Jubilee Wood comprises 2.02ha of land bordering a small woodland to the east and a former gravel quarry to the west with open land to the north and kennels to the south. A public footpath runs east/west to the south of the site. The site lies between the A27 and Common Road. The site does not fall within any Settlement Boundary as defined by the Local Plan. As such, it is located within the Rural Area approximately 1.5km from the nearest service village and therefore falls within the Rest of the Plan Area or countryside.
- 2.2 The surrounding area is characterised by mixed land uses including sporadic housing, stabling, kennels, commercial and tourist accommodation. In the wider area, there is a pig farm to the east and west.
- 2.3 The land, formerly associated with the quarry has been backfilled and covered with topsoil. It has recently been used by the applicant to accommodate a small number (up to 8) of rare breed show cattle.

3.0 The Proposal

- 3.1 The application proposes an open fronted pole barn for the shelter and storage of animals and associated feed and equipment, measuring 10m in depth by 20m in width and 5m in height, constructed with a timber frame and green corrugated profile sheeting. The building would be located at the northern edge of the site adjacent to the existing access, which forms a rural track linking to Common Road, which is the subject of enforcement action to remove and reinstate the land to its former use
- 3.2 This application follows an earlier proposal (16/00565/FUL) which proposed an agricultural storage building and 3m high compound fencing at the southern edge of the field, and associated access track. This application was refused and dismissed at appeal. It was refused by the Council for the following reason;

The proposed development constitutes an unjustified form of development within a rural location, divorced from any nearby settlements and combined with the scale, bulk and mass of the building and the secure fencing, which are considered incongruous features within the landscape, are out of character with the rural area. Furthermore, it has not been demonstrated that the proposed development is essential, with doubt over the suitability of the land for its intended purpose and whether there is a genuine need for a building in this location for agricultural purposes. In conclusion, the development would have an adverse impact upon the rural character of the area and the proposal is therefore contrary to the Policies 1, 2, 45 and 48 of the Chichester Local Plan: Key Policies 2014-2029 and paragraphs 17 and section 11 of the National Planning Policy Framework 2012 in that the development would be detrimental to the character of the area and it is not demonstrated that this is an appropriate location needed to meet a specific countryside location".

- 3.3 The applicant has stated that the current proposal is required to facilitate the agricultural use of the land, which is for the accommodation of rare breed cattle. It would provide covered space for the housing of cattle, feed, general fodder and farm equipment.

4.0 **Relevant Planning History**

16/00565/FUL	REF	Agricultural building, compound and access track.
	DISMISSED AT APPEAL	
16/00922/FUL	REF	Application for the change of use of land to tourism and leisure facility to include: accommodation (camping plots, ten touring caravan plots, three yurt plots, three tepee tents, six mobile homes, two tree houses and three log cabins), car parking, reception building, site office, shop, children's play area and amenity block.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

61. **Westbourne Parish Council**

Further comments 13.01.2018

Westbourne Parish Council objects to this application on the following grounds:

The Parish Council believes that as a former land fill site the land is unsuitable for the grazing of animals and has doubts as to whether the applicant does really intend to use the land for grazing. The applicant has not demonstrated an essential need for the building and associated works. The site is definitely rural and the proposal is detrimental to the areas bucolic character and the openness of the site.

The new access drive for this site would link to an unauthorised existing track for which an enforcement notice is in place

The scale and bulk of the building are a concern. The front of the barn at 5m high means it will be seen from the bridle path and probably the footpath. At, 20m by 10m the size of the building is excessive relative to the land it would serve.

The Parish Council believes that the development would conflict with Policy 45 of the Local Plan and that there would also be conflict with Policies 1, 2, and 48 of the Local Plan

and advice in the National Planning Policy Framework which amongst other things, seeks to recognise the intrinsic character and beauty of the countryside.

Further comments 22.09.2017

I should like to add the following to the Parish Council's previous comments objecting to this application:

- 1.The scale and bulk of the building is far too large for the plot of Land.
- 2.The Cows were put there for approx. 1 week in order to take photos to intimate they are kept there when in reality they aren't.
- 3.The Cows trampled the fence surrounding the field and they escaped, imagine the damage a bull could cause!!!! especially being so close to a Public Footpath.
- 4.There are no buildings in close proximity for it to relate to nor is there an essential need so fails to address Policy 45 Development in the Countryside of the Chichester Local Plan.
- 5.The track he refers to in the application is there unlawfully which an appeal inspector stipulated and therefore the access to the plot is not sufficient.
- 6.The site is an 'Old' Landfill animals of this size/stature are likely to disturb potentially toxic or dangerous items which are just below the surface, many lumps of concrete can be seen around the location from the old landfill, these will potentially be injurious to any animals kept there.

Original comments 15.09.2017

Westbourne Parish Council objects to this application on the grounds that the applicant did not seem to have addressed all the comments made by the Planning Inspector when dismissing an appeal in respect of a previous application. The size of the proposed barn is larger than that previously proposed. The Parish Council also has doubts about the suitability of the land for the grazing of cattle given reports of land contamination and would observe that, while the application shows photographs of cattle grazing at that location, they were only on site for a week.

The Parish Council also had concerns about access to the site and the current track which is inconsistent with the land use proposed.

6.2 CDC Environmental Health Officer

Further consultation response following soil testing - The results for lead are slightly elevated if one compares to a residential land use but not elevated if compared to a public open space criteria. Given the land is used for grazing not growing produce I am satisfied that the soil is suitable for the proposed use.

Original consultation response - Given that the site itself and surrounding land has been quarried and infilled, there is the potential for landfill gases to be present at the site. If the barn is to have an open side with no subdivision into separate units then there would be no requirement to undertake a gas risk assessment, providing the building remains open fronted in perpetuity. If the applicant is minded to enclose the building, condition PC23 should be applied in order that the building can be designed appropriately, i.e. with gas protection measures as necessary.

It is noted that the shelter is to be used for an animal shelter, storage of bedding and hay with a separate space for a bull. If there is also storage of oil or fuel then condition AT36 should be applied.

The applicant has stated that the land is to be used for the keeping of livestock (eg cattle). As these animals could enter the human food-chain this department recommends the land quality is tested to ensure it is suitable for the proposed use - informative 42 should be applied.

6.3 Third Party Representations

5 x letters of objection have been received concerning;

- Harmful impact upon appearance of countryside
- Overly large for size of plot
- Concern regarding land contamination
- Concern regarding potential for animals to escape from the site
- Access would be necessary via unlawful track
- Barn would not be well related to existing buildings

5 x letters of support have been received from 3 representatives raising the following relevant points;

- Raising of rare breed cattle would be a good use of the land
- The applicant has legal access to the site via the proposed access route
- The site is allocated agricultural land and is used for the accommodation of rare breed cattle

7.0 Planning Policy

7.1 The Development Plan

The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

7.2 Government planning policy now comprises the National Planning Policy Framework (NPPF) (Revised July 2018), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3 Consideration should also be given to Sections 2 (Sustainable Development), 4 (Decision Taking), 8 (Healthy and Safe Communities), 9 (Sustainable Transport), 12 (Design), 15 (Conserving and enhancing the historic environment).

7.4 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 8.1 The main considerations are:

- i. Principle of development
- ii. Impact on the character of the area
- iii. Impact upon the amenity of neighbouring properties
- iv. Access and highway implications
- v. Land contamination

i) Principle of development

8.2 Policy 45 of the Local Plan relates to development in the countryside and allows for development to meet essential, small scale needs that cannot be met within the settlement policy boundary and is subject to certain criteria:

1. It relates well to existing buildings and clusters of buildings in the local area;
2. The proposal is for agriculture and would not impact on any other land uses;
3. The scale, setting and design would have minimal impact on the landscape and rural character of the area.

8.3 The applicant has stated that the site is used for keeping livestock; pictures of cattle on the site and third party representations appear to confirm that this practice is taking place.

8.4 The previous application for the erection of an agricultural building on the site was refused in part because no evidence had been submitted at the time to establish whether this use was being carried out, or that the site was appropriate for such a use given that it was previously a gravel quarry site. The former of these concerns had been addressed in this subsequent submission with the submission of photographs to show cattle on the land. It is also noted that the site has been enclosed with new stock-proof fencing, and as mentioned above, third party representations confirm the presence of cattle. Evidence has also been submitted in the form of soil test results to demonstrate that the land is of a sufficient quality for agricultural use. This is further addressed below, but it should also be noted that due to the rural location of the site, the applicant is within his right to keep livestock on the site without the requirement of formal planning permission. It is stated that the cattle kept on the site are rare breed Gloucester cattle that are used for shows, which

explains why they are often taken away from the site. This information has been provided in response to objections that have been received from the Parish Council and within other third party representations.

- 8.5 The building is significantly larger than the barn previous proposed under application 16/00565/FUL, but it does not include the compound area that the applicant states was sought for the storage of farm equipment. In this instance, the proposal seeks to incorporate the storage needs into the agricultural building, rather than provide a compound for storage, to reduce the overall impact on the landscape.
- 8.6 Were permission to be granted, it is recommended that a condition is imposed ensuring the building can only be used for agriculture to comply with Policy 45.
- 8.7 Further sections of the report will consider the remaining aspects of Policy 45 and compliance with the policy.
 - ii) Impact on the character of area
- 8.8 In addition to Policy 45, Policy 48 which relates to the "Natural Environment" also requires proposals to have no adverse impact on the tranquil and rural character of the area.
- 8.9 The previous appeal concluded that the location of the development proposed under application 16/00565/FUL was too prominent when considering views from the public footpath that runs along the southern boundary of the site. In response the proposed building has been re-located towards the northern boundary of the site. It is noted that the proposed building is almost 4 times the size of the agricultural building previously proposed, but the current application proposes only an open fronted barn, with a green corrugated sheet metal roof and walls, the previously proposed compound that would have surrounded the building and would have been enclosed by a 3m high steel fence no longer forms part of this application. It is considered that the combination of the new location and the use of coloured materials to blend in with surrounding vegetation, would ensure that the building would not now be prominent; only sporadic views of the northern part of the application field are available from the public footpath due to the dense tree line occupying the southern boundary. The new location of the proposal also removes the need for a long associated vehicular track (as previously proposed) and ensures the proposal would be less intrusive within the landscape.
- 8.10 Comments have been received raising concerns that the building would appear incongruous within its rural setting, which was a conclusion of the appeal inspector in dismissing the applicant's appeal of the former proposal. However, whilst the building would not be located immediately adjacent to other buildings, it should be noted that the adjacent field accommodates 2 large buildings used for equestrian purposes. As a result, it can be viewed that the immediate local area has the character of a working/functional rural landscape.
- 8.11 Overall, it is therefore considered that despite the increased size of the building, the proposed scheme would be more sympathetic to the rural character of the area without the incorporation of a surrounding compound. It would take the form of a modern agricultural building, designed specifically for the purpose for which it is sought, and this coupled with its location would ensure that the development would not be prominent in terms of visibility from the surrounding area, or nearby public rights of way. Therefore it

would not have a significant impact upon the rural character of the surrounding area, and as such, it is therefore deemed to be in accordance with Policies 45 and 48 in terms of landscape impact.

iii) Impact on neighbouring properties

8.12 There are no neighbours within close proximity to the site that would be affected by the proposed development.

iv) Access and highway implications

8.13 The field is currently accessed from a rural lane to the north. There have been recent enforcement enquiries relating to the lane, which were open whilst the previous application was being considered. These enquiries investigated whether engineering works had been carried out to widen the lane, but all related enquiries have now been closed with no breaches being found. Given the existing agricultural use of the site and the established use of the access track for forestry purposes it is not considered that significant additional demand will be placed upon it or the junction with Common Road. It is therefore considered that the proposal is in accordance with Policy 39 of the Chichester Local Plan.

v) Land contamination

8.14 Concern has been raised over the suitability of the site for keeping livestock and the Environmental Management Officer suggested that soil tests should be carried out to establish that the site is appropriate for agricultural use. The applicant has submitted test results from 2 x soil samples which have been assessed by the Environmental Management Officer. These results establish that whilst the presence of lead is slightly elevated when compared to a residential land use, it is not elevated when compared to what would be acceptable from public open space. Given that it would be used for grazing and not growing produce, it is concluded that the soil is suitable for the proposed use.

Conclusion

8.15 In conclusion, the proposed scale, bulk, mass, use of materials and general design of the building is considered to be specific for and in keeping with modern agricultural buildings commonly found within the west Sussex countryside, and would sit comfortably within the landscape without causing harm to the rural character of the area.

8.16 Furthermore, it has been demonstrated that the site is currently being used for agricultural purposes, and therefore the requirement for the building is reasonable given the number and breed of the cattle.

8.17 Accordingly it is recommended that the application is approved.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 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.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans:

Reason: To ensure the development complies with the planning permission.

- 3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 4) Prior to the commencement of development a detailed scheme indicating the form and method of construction (if applicable) of the floor shall be submitted to and approved in writing by the LPA. The floor shall then be constructed in strict accordance with the agreed scheme.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development that is appropriate for the proposed use and location. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended the building hereby approved shall be used for the purposes of agriculture as defined in Section 336 of The Town and Country Planning Act 1990 (as amended) only and for no other purpose whatsoever.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of protecting the character of the area.

INFORMATIVES

- 1) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.
- 2) This recommendation relates to the following plans:

- 001 - Site Location Plan
- 002 - Site Block Plan
- 003 - Proposed Floor and Roof Plan
- 004A - Proposed Elevations

For further information on this application please contact Luke Simpson on 01243 534734

To view the application use the following link; <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTSP5LERIYY00>