

Report to **Planning Committee**
Date **2 October 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/19/01996/FUL**
Applicant **Mr Peter Darby**
Application **Retrospective construction of a timber shed for the purpose of air drying and storage of timber.**

Address **Eartham Sawmill Brittens Lane Eartham Chichester West
Sussex PO18 0LS**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral: Parish objection - officer recommends PERMIT

This application seeks the retention of a shed to be used for the drying and storage of timber in association with Eartham Sawmill.

The applicants have operated a successful family business since 1991 providing timber and carpentry services for both the agricultural and domestic market. The retention of the drying shed would assist the applicants to increase the amount of dried timber available to develop their business.

The site is visually well contained and the addition of the shed would be viewed in association with the workshop already occupying the site. The size of the building is considered to be appropriate for the drying and storage of unprocessed timber.

The building would be used solely for the storage and drying of timber and for no other purpose. This would not result in higher levels of noise than currently experienced from the existing operational use of the saw mill and the existing external storage/drying of timber. The building is not considered to have a detrimental impact on the amenity of the neighbouring properties.

The National Park has a duty to seek to foster the economic and social well-being of local communities within the national parks. It is considered that the proposal accords with that duty and in concluding that in doing so there would be no conflict with the first purpose of designation of the South Downs National Park (the conservation and enhancement of the natural beauty, wildlife and cultural heritage), or on the amenities of nearby residential properties.

On balance, the application is therefore recommended for approval.

1.0 Site Description

- 1.1 Eartham Saw Mill is situated to the north of Brittens Lane to the east of the village of Eartham. The site is adjacent to the Eartham Conservation Area in the rural area within the South Downs National Park.
- 1.2 The site consists of a workshop with hard standing to the front (south). Numerous stacks of timber are stored around the site in the open. The drying shed, which is the subject of this application, is sited in the southwest corner of the site.
- 1.3 The garden of no. 7 Brittens Lane sits in an elevated position and forms the western boundary of the site by wrapping around the garden of No. 8 Brittens Lane which is the closest residential property. Open countryside lies to the north and east of the site with views into the site screened by established trees and hedgerows. The site sits below the level of Brittens Lane to the south which is also screened by trees and hedgerows.
- 1.4 A five bar gate separates the site from Footpath EAM/378_1-1 which runs to the east joining bridleway SLI/377/5 at the top of Nore Hill. Eartham Estate Office, which is occupied by a working blacksmith, is sited on the opposite side of the entrance to the footpath.
- 1.5 The site lies adjacent to the Eartham Conservation Area to the west and is situated within the wider South Downs National Park.

2.0 Proposal

- 2.1 This application seeks permission to retain an 'L' shaped open fronted shed to air dry and store timber for use in association with Eartham Saw Mills. The walls are constructed of traditional vertical slabwood (lined with a membrane to prevent water ingress) with a corrugated iron roof. The shed is set into the bank to the west of the site.
- 2.2 The rear elevation of the shed measures 11.3 metres in width with 2 no. projections of 10 metres x 5.8 metres and 5.5 metres by 5.5 metres to provide a floor area of 88.25 square metres. The ridge at its highest point is 3.7 metres.

3.0 Relevant Planning History

- 3.1 No relevant planning history.

4.0 Consultations

4.1 Parish Council

I object to the above application on behalf of Eartham Parish Meeting for the following reasons.

1. There was no consultation with neighbours or the Parish Meeting before the structure was built.
2. The size of the shed is overbearing as it exceeds all other nearby buildings and does not reflect the size of the business in that site.
3. The construction of the structure does not appear to best allow air drying.
4. The position of the shed is too close to both the boundary with 7 Eartham and with Brittens Lane.
5. This building is clearly visible from the footpath coming down from Nore Hill, which is a very popular walking route. This detracts from the visual amenity of the SDNP.
6. There have been issues of unsociable working hours and antisocial behaviour on several occasions resulting in having to contact Savills to complain, and on one occasion the police had to be called after a neighbour was threatened.
7. There have been other activities, such as car repairs, on this site which do not comply with the approved use.

For the above reasons I ask for this application to be refused.

In the event of this application being permitted would planners please consider strict restrictions of working hours and use, and give an undertaking that any breaches of these restrictions would be enforced by the SDNP.

5.0 Representations

5.1 3 Third Party objections:

- Size of and height of shed
- Objection on the grounds of health risk if roof is constructed of asbestos sheeting
- Position adjacent to boundary of no. 7 Brittens Lane.
- Potential for additional noise disturbance
- Contamination and emissions.
- Loss of view from neighbouring property
- Out of scale and keeping and detracts from the conservation area.
- Unsightly and in full view of the road for most of the year
- Shiny corrugated roof can be clearly seen from Nore Hill.
- Hours of working

- Need for a shed of this size.
- No planning permission sought prior to construction.
- No consultation with local residents prior to construction
- No evidence structure meets the requirements of building regulations
- Potential to lead to further retrospective applications and a 'drift towards unregulated development.'
- Potential fire risk
- Potential for uses other than the drying and storage of timber.

6.0 Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033**, any relevant Neighbourhood Development Plan and, any minerals and waste plans.
- 6.2 It is also necessary to have regard to s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.3 The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

- 6.4 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area,
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.5 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

It is also necessary to have regard to s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF)

7.2 The following sections of the National Planning Policy Framework have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development
- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF.

The South Downs Local Plan 2014-2033

7.3 The following policies of the **South Downs Local Plan 2014-2033** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 - Relative Tranquillity
- SD15 - Conservation Areas
- Strategic Policy SD34 - Sustaining the Local Economy

Partnership Management Plan

- 7.4 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9
- Forestry and Woodland Sector Policy 18

8.0 Planning Assessment

- 8.1 The main issues for consideration with this proposal are considered to be:

- i) The principle of development
- ii) The impact on the character and appearance of the area.
- iii) The impact on neighbouring amenity.

- i) The principle of development

- 8.2 The proposal relates to an established timber business that has been operating on site since 1991. Timber is currently stored and dried in the open. The shed is required to allow the applicants to make the drying process more efficient and to store drying unprocessed and cut timber. The shed is situated within the existing sawmill compound. Officers are satisfied that the existing use is well established and there is a business justification for the proposed development.

- 8.3 The proposal complies in principle with Strategic Policy SD34 (Sustaining the Local Economy) of The South Downs Local Plan (2014-33) which promotes and protects businesses linked to the National Park's key sectors of farming, forestry and tourism. The local plan supports the expansion of these existing business sectors where to do so is compatible with the landscape and special qualities. The Local Plan is supported by the South Downs National Park Partnership Management Plan. Management Plan Policy 18 specifically seeks to improve the economic viability of woodlands by developing a range of sustainable local markets for woodland and timber products and create a better relationship between markets, business and infrastructure. This proposal would enhance the efficiency of the existing established timber business to make better use of the natural timber resources, and is therefore considered to comply with the aims of these policies.

- 8.4 The principle of the storage and drying shed is therefore considered acceptable. A condition can be used to control and restrict the use of the building for the storage and drying of timber only, and specifically in connection with the Eartham Sawmill.

ii) The impact on the character and appearance of the area

- 8.5 The shed is a functional timber structure that is considered to be appropriate in both design and siting as a commercial timber storage building.
- 8.6 Policy SD4 (Landscape Character) states that development proposals will only be permitted if they protect, conserve and enhance landscape character in the National Park. Policy SD5 (Design) requires development to integrate, respect and sympathetically complement the landscape while contributing to the local distinctiveness of the area.
- 8.7 The site sits at a lower level than Brittens Lane to the south and the residential properties to the west and is sited in an enclave of commercial buildings.
- 8.8 Both the western and southern boundaries are marked with earth banks and established vegetation. The visual impact of the building is further reduced by the lower land level and being cut into the western bank.
- 8.9 The walls of the store are constructed of untreated wood which will continue to weather over time. The roof has been constructed from corrugated iron to match the roof of the main workshop. The ridge height (3.7m) is required to operate a forklift and forestry loader to stack timber vertically. The height is approximately the same as the height of the existing sawmill building (4.1m). The concerns raised about the colour and finish of the roof and visibility from public vantage points can be addressed through the imposition of a condition to require the roof to be painted or treated a dark matt colour which would reduce glare and make the building more visually recessive. The design is simple and functional and visually integrates into the landscape without appearing incongruous or resulting in an adverse individual or cumulative impact within public views.
- 8.10 Although there are glimpses of the building from Brittens Lane directly opposite the site and from the footpath from Nore Hill the timber building has a minimal impact on the wider landscape, being viewed within the context of the existing buildings, and against the backdrop of trees.
- 8.11 The need for the structure has been justified, and given the screening around the site, the simple rural appearance of the shed and its grouping with the existing structures ensuring the level of activity is kept within the existing site it is considered that there would be minimal impact on the character of the area and it would conserve the setting of the adjacent Conservation Area. The proposal complies with policies SD4, SD5, SD6 and SD15 of The South Downs Local Plan (2014-33) and is not in conflict with the purpose of the National Park or its reasons for designation or would adversely impact on the setting of the adjacent conservation area. The tranquillity of the area would not be materially affected.

iii) The impact on neighbouring amenity

- 8.12 The shed is sited on land which forms part of an established saw mill and joinery workshop. Working hours are not controlled by planning conditions. It would be unreasonable to impose such restrictions on an established business as a result of an application for a storage shed. A working smithy is located opposite the site. While the concerns of third parties are noted on matters of noise, it is not considered that the addition of a storage shed would materially alter the noise levels currently generated by the existing business nor have a detrimental effect on the amenities of neighbours.
- 8.13 Concerns about the scale, use and position of the storage structure have been addressed above in landscape and visual amenity terms. Due to the relatively low height (3.7m), the existing boundary screening and the distances to neighbours, it is considered that none of the adjacent properties would have their amenities materially affected by the proposal.
- 8.14 In the interests of clarity and to protect the amenities of neighbours and the local area, the use of the shed will be controlled by condition to be used only as a storage/drying shed in association with Eartham Sawmill.

Other matters

- 8.15 This application relates only to retention of the timber storage/drying shed in planning terms. Compliance with building regulations are not planning matters and are covered by separate control regimes.

9.0 Conclusions

- 9.1 The timber shed has been erected to increase the amount of timber available to develop the established business and is considered to represent an acceptable form of development. The building is not visually prominent in the wider landscape and does not result in higher levels of noise than is currently experienced. As such the proposal complies with policies SD4, SD5, SD6, SD7, SD15 and SD34 of the South Downs Local Plan (2014-2033), the aims and objectives of the National Planning Policy Framework and the statutory purpose of the South Down National Park designation. In view of the above considerations the application is recommended for approval subject to conditions.

10.0 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The building hereby permitted shall only be used as a timber drying store in connection with Eartham Sawmill and for no other purpose.

Reason: In the interests of amenity and to enable the Local Planning Authority to regulate and control the development and to safeguard proper planning of the area.

3. The roof of the building hereby permitted shall be painted matt black within three months of this decision and maintained in this colour and composition unless any variation has been agreed in writing by the Local Planning Authority,

Reason: In the interests of the visual amenities.

4. Within one month of the building approved ceasing to be used for the purpose of storage to meet the needs of Eartham Sawmill it shall be totally demolished and the resulting debris permanently removed from the site.

Reason: To accord with the terms of the proposal and in the interests of the visual amenities of the locality.

11.0 Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

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Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Block Plan (A4)	002		21.05.2019	Approved
Plans - Site Location Plan (A4)	001		21.05.2019	Approved
Plans - East Side Elevations (A4)	003		21.05.2019	Approved
Plans - South and West Elevations (A4)	004		21.05.2019	Approved
Plans - Floor Plan (A4)	005		21.05.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.