

Parish: Wisborough Green	Ward: Loxwood
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WR/19/01926/FUL

Proposal	Erection of polytunnel.		
Site	The Bat And Ball Country Pub Newpound Wisborough Green RH14 0EH		
Map Ref	(E) 506012 (N) 126960		
Applicant	Mr R Hayward	Agent	Mr Ben Kirk

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is a grade II listed detached two storey building located on the south-east side of Newpound Lane, Wisborough Green, and situated outside of any settlement boundary. The building is used as a Public House and is constructed of brickwork, timber beams and tile hanging. The main part of the pub building is C19, whilst an earlier wing dates from the C17. The site lies in a rural area, however there are a number of dwellings close to the application site with agricultural land beyond.

2.2 This application is retrospective; the polytunnel which is the subject of this application is sited on a parcel of land to the north-west of the public house. The area was previously used as an ancillary play area to the public house and it is separated from the wider site by a mix of hedging and 1.8m high fence. Across the wider site there are open garden areas, areas with external seating, a pond, and a gravelled carpark.

3.0 The Proposal

3.1 The application seeks retrospective planning permission for the erection of a polytunnel. The polytunnel is constructed of a metal frame with a semi-transparent polythene. The polytunnel measures approximately 5.2m (w) x 10.3m (l) x 2.4m (h).

4.0 History

08/03222/FUL	PER	Extension to bar area, form link from front and rear bar and form light well and access ramp into bar. Demolition of existing servery extension and form disabled toilet and fire exit to first floor. Change of use of barn into toilet facilities. Form terrace area.
08/03224/LBC	PER	Extension to bar area, form link from front and rear bar and form light well and access ramp into bar. Demolition of existing servery extension roof and form disabled toilet and fire exit to first floor. Change of use of barn into toilet facilities. Form terrace area.
10/01060/FUL	PER	The formation of a link between the bar and adjacent barn and toilet for the disabled in the barn and level access to both.
10/01061/LBC	PER	The formation of a link between the bar and adjacent barn and toilet for the disabled in the barn and level access to both.

10/02525/FUL	REF	Formation of dining extension to north west elevation with link to bar areas and toilet for the disabled. Internal works to trade kitchen as previous approval, formation of opening to terrace as previous approval, resurfacing car park areas. Toilets in barn to include toilet for the disabled.
10/02532/LBC	REF	Formation of dining extension to north west elevation with link to bar areas and toilet for the disabled. Internal works to trade kitchen as previous approval, formation of link to toilets in barn as previous approval, formation of opening to terrace as previous approval. Resurfacing car park areas. Toilets in barn to include toilet for the disabled.
11/04158/LBC	WDN	Proposed erection of single storey extension to form restaurant/function facility. Erection of glass roof to courtyard. Internal alterations including new disabled toilet and improvements to existing toilets.
12/00921/FUL	PER	Proposed demolition of campsite toilets mobile unit and erection of campsite toilet facilities block with disabled toilet and shower. Installation of 2 no. 1 tonne LPG tanks.
12/02155/LBC	WDN	Proposed extension to bar/dining area.
13/03583/FUL	PER	Proposed side and rear extension, internal alterations and new 50 bay car park, with landscaping.
13/03584/LBC	PER	Proposed side and rear extension, and internal alterations.
14/03754/FUL	PER	Demolish existing unsafe lean-to off kitchen and replace with new lean-to. Amend construction of barn structure to block work, externally clad with weatherboard, add flue and amend fenestration. Construct new timber pergola to courtyard. Form office on first floor and additional internal alterations.

14/03755/LBC	PER	Demolish existing unsafe lean-to off kitchen and replace with new lean-to. Amend construction of barn structure to block work, externally clad with weatherboard, add flue and amend fenestration. Construct new timber pergola to courtyard. Form office on first floor and additional internal alterations.
15/00251/FUL	PER	Installation of new extract and fresh air plant and ductwork to kitchen.
15/00252/LBC	PER	Installation of new extract and fresh air plant and ductwork to kitchen.
15/00841/ADV	PERREF	New signage to replace the existing
15/00842/LBC	PER	New signage and lighting to replace the existing.
15/01843/LBC	PER	Redecorate window frames, door frames and areas of painted render.
16/02942/FUL	PER	Replace LED floodlights with new low level lights within car park.
16/02943/LBC	PER	Replace LED floodlights with new low level lights within car park.

5.0 Constraints

Listed Building	Grade II Listed
Conservation Area	NO
AONB	NO
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Wisborough Green Parish Council

Further comments (30/09/2019)

The Parish Council has reviewed the additional information submitted by the applicant and CDC Conservation/Heritage Officer.

I can confirm that the Parish Council's objection remains.

Original comments (28/08/2019)

Although the Parish Council agrees that the growing of vegetables and fruit in support of the business is laudable and should be encouraged, the Parish Council OBJECTS to this retrospective application for the following reasons :

- The polytunnel is located in a prominent position and has a significant impact upon the Listed building, being contrary to Neighbourhood Plan Policy: EN4 Conserving and Enhancing the Heritage Environment.
- The Parish Council would support the polytunnel being located in the large rear garden where it would have less impact upon the public vista and would not be adjacent to the Listed building.
- If CDC is minded to approve the application, the Parish Council would recommend a requirement that landscaping is provided that substantially screens the polytunnel, thus diffusing its impact.

6.2 CDC Conservation and Design

Thank you for consulting design and conservation. I have reviewed the application documents and am familiar with the site which comprises a public house listed at Grade II. It does not lie within a conservation area.

The main consideration is the effect of the polytunnel on the setting of the listed building and on the character and appearance of the surrounding area. The polytunnel lies within the gardens of the pub set away from the main listed structure. Structures of this type, albeit in different materials, are not uncommon throughout the late Victorian and Edwardian period in the grounds of country houses and large Inns such as this. The principle of the structure and its relationship with the historic building and its grounds is therefore sound from a historic perspective. The plastic materials would not normally be acceptable but the structure is an acceptable distance from the building, and together with its congruent relationship with the historic use of the building is sufficient to minimise the effect of the more modern materials.

In terms of the surroundings the tunnel is partially obscured by existing mature vegetation. Due to the relationship with the listed building its impact on the wider surroundings is framed by its practical association with the public house. Practical garden structures are rarely architecturally attractive in their own right but in the correct context (as in this case) are not harmful.

I would encourage the applicants to put some thought into a more permanent glass and steel structure. If the planning officer so desires, a condition restricting the use of the polytunnel to a number of years at which point a more permanent structure is put forward could be useful.

The wider point is that the viability of the public house is an important consideration in the maintenance of the listed building. Historic England guidance is clear that the best way to maintain the condition of historic buildings is to ensure that they are in use. The use of fresh produce from the proposed structure should assist in this endeavour. Any other sort of use could entail harmful compromises which the current public house does not require.

6.3 Third Party Comment

1 no. letter of support has been received concerning the following;

- a) Lives opposite the site and was consulted by the applicant prior to and after the construction of the polytunnel.
- b) The fact that the Public House uses the polytunnel to grow fruit and vegetables should be welcomed.
- c) Has no objection and fully supports the polytunnel and its use.

7.0 Planning Policy

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

Chichester Local Plan: Key Policies 2014-2029

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy & Settlement Hierarchy

Policy 25: Development in North of the Plan Area

Policy 40: Carbon Reduction Policy

Policy 45: Development in the Countryside

Policy 47: Heritage

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."

"...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."

- 7.5 Section 4 (Decision making), Section 12 (Achieving well designed places), Section 14 (Meeting the challenge of climate change, flooding and coastal change) and Section 16 (Conserving and enhancing the historic environment) should also be considered generally.

Neighbourhood Plan

- 7.7 Wisborough Green Neighbourhood Plan:

EN4: Conserving and Enhancing the Heritage Environment

Other Local Policy and Guidance

- 7.9 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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main considerations are:

- i. Principle of development
- ii. Design and Impact upon Visual Amenity/Character of Area
- iii. Impact upon Heritage Assets
- iv. Impact upon the amenity of neighbouring properties

Assessment

- i. Principle of Development

- 8.2 The application site is located in the rural area outside of any settlement boundary, which is defined as the 'Rest of the Plan Area'. Policy 45 of the Local Plan states that development will be granted where it requires a countryside location and meets an essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements.

- 8.3 The polytunnel is sited to the north-west of the site within the curtilage of the public house and therefore does not encroach into open countryside. It is used by the public house to grow fruit and vegetables for the food they serve and the polytunnel is sited completely within the curtilage of the site and does not encroach onto the surrounding countryside. The polytunnel is used to grow fruit and vegetables used by the public house, with approximately 45% of the demand being met by the produce grown on the site.
- 8.4 The supporting information submitted with the application states that customers are able to trace where their food has been grown, and can also be shown where it is grown, which has proven popular with customers and helps to keep the business viable. This is particularly important given that according to the Office for National Statistics, 23% of pubs in the UK have closed since 2008, and it is important that community facilities in rural areas are safeguarded to maintain sustainable communities. In addition, due to the amount of fruit and vegetables grown on the site, the number of deliveries to the site has reduced; thereby reducing the carbon footprint of the business. Therefore, it is considered that the proposal has demonstrable environmental and economic benefits that are material to the consideration of the application.
- 8.5 It is considered that since the development does not encroach into open countryside and it has been demonstrated that the development meets a small scale local need of an existing business, whilst supporting its financial and environmental sustainability, the development would accord with national and local planning policies. Therefore the proposal would be acceptable in principle, subject to other material considerations.

ii. Design and Impact upon Visual Amenity/Character of Area

- 8.6 The polytunnel is situated in the north-west corner of the site between the listed building and the road. The polytunnel would be sited approximately 10m from the road and 15m from the listed building. The existing boundary hedging is approximately 1.5m in height, and applicant has indicated that the existing hedge would be grown to reduce views of the polytunnel. At present the polytunnel is visible above the hedge when viewed from the north east, however it is reasonably well screened by the existing hedgerow when viewed from the south west. The site lies in a rural area where agricultural structures form part of its character, and the site itself has a range of ancillary structures and paraphernalia associated with the use of the building as a public house. In its context and due to the natural screening provided by the hedge along the boundary of the site it is considered that that the proposal does not detract from the visual amenity and rural character of the locality.
- 8.7 The proposal by reason of its size, siting and design would be appropriate having regard to the existing site and it would not cause significant harm or detriment to the wider area. Therefore the proposal would accord with local and national development plan policies in this respect.

iii. Impact upon Heritage Assets

- 8.8 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving the listed building, its setting, or any features of special architectural or historic interest which it possesses. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets.
- 8.9 The polytunnel is set back and separated from the listed building by the boundaries around the parcel of land on which it is located, and it is considered that due to the separation and intervening boundary treatments that the proposal does not detract from the setting of the building. Furthermore, the structure is lightweight and could be easily removed should it no longer be required; in light of this a condition is recommended to ensure that in the event the structure is no longer required it is permanently removed from the site. It is considered that the polytunnel as erected would cause less than substantial harm to the setting of the listed building, and in accordance with the NPPF consideration has been given to the public benefits of the proposal.
- 8.10 With regards to the public benefits of the proposal; the applicant has been tenant of the Bat and Ball Pub since October 2016, with the pub having previously gone into liquidation. Since the spring of 2017 the applicant has grown fruit and vegetables to serve within the public house. The type of fruit and vegetables grown was restricted, and the polytunnel has been constructed to increase the variety of fruit and vegetables produced on site. There is a clear functional connection between the development and the use of the listed building as a public house which is positive in heritage terms, and it is considered that the use of the polytunnel to grow produce is not only sustainable in terms of the environment, but it has the potential to help sustain the business which is necessary to ensure that the listed building remains in a viable use and well maintained in the future.
- 8.11 In this instance it is considered that the proposal would not represent an incongruous or negative form of development and therefore the harm to the setting of the listed building would be less than substantial, and such impacts would be outweighed by the public benefits of securing the continued use of the building as a public house. The proposal therefore complies with local and national policy in respect of the impact upon the heritage asset.

iv. Impact upon the amenity of neighbouring properties

- 8.12 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.
- 8.13 The proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of any surrounding properties, including the closest that that lie approximately 15m from the site on the opposite side of the road.

Conclusion

- 8.14 The proposal is considered to be in accordance with local and national development plans and is acceptable, subject to conditions.

Human Rights

- 8.15 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) Should the polytunnel no longer be required then the structure in its entirety shall be permanently demolished and all resultant debris removed from the site within 3 months of its use ceasing.

Reason: In order to protect the character of the historic building.

Informative/s

- 1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location Plan, Block Plan, Proposed Floor Plan and Elevations (A3)	000		26.07.2019	Approved

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PV95N5ERFZ600>