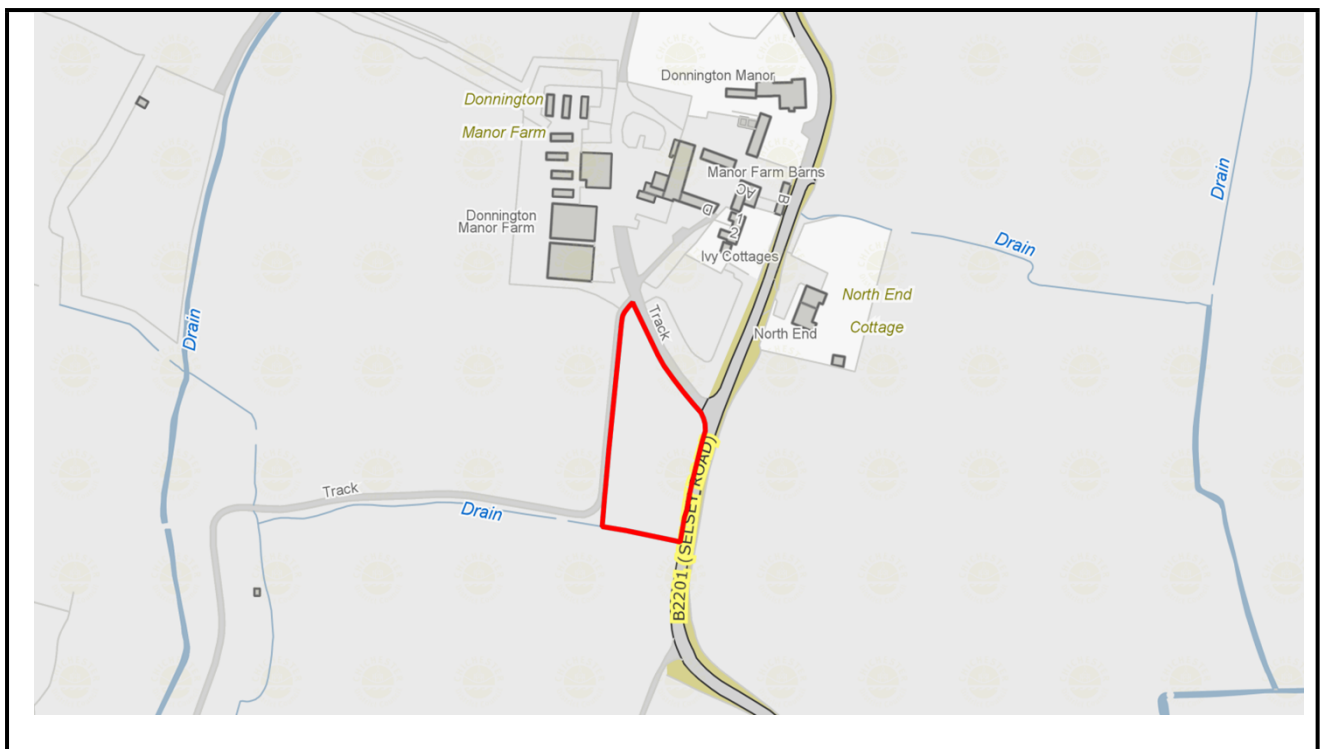



Parish: Donnington	Ward: Harbour Villages
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D/21/00997/FUL

Proposal	Construction of 1 no. Farm Manager's house with landscaping and associated works.		
Site	Donnington Manor Farm Selsey Road Donnington PO20 7PL		
Map Ref	(E) 485328 (N) 102620		
Applicant	Mr H Brown	Agent	Mrs Kerry Simmons

RECOMMENDATION TO REFUSE



	<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 Red Card: Cllr Moss Important information/opinion to raise in debate (to protect jobs on a farm)

1.2 The application was deferred by the Planning Committee on 6 July 2022 for publicity as a departure from the development plan and to reduce the extent of the residential curtilage.

1.3 These matters are referred to in the report in bold text.

2.0 The Site and Surroundings

2.1 Donnington Manor Farm is located within the designated countryside, to the south of the Donnington Settlement Boundary and west of the B2201 (Selsey Road). It comprises approximately 360 acres of agricultural farmland, agricultural barns, and storage areas, which comprise the existing, established farming complex. In addition, several diversified developments include a courtyard of offices, other light industrial uses, and dog walking and seasonal camping facilities.

2.2 The parcel of land, subject to this application is located to the south of the main cluster of existing agricultural and storage buildings, the existing dwellings on the site (1 and 2 Ivy Cottages) and the main vehicular access from Selsey Road. The parcel of land is broadly rectangular in shape, tapering to the north, and approximately 0.45ha in area. The parcel of land comprises agricultural land; however, it is only the very edge of the wider farmland, separated via an established track and appears to be of lower quality. There is existing tree and hedgerow boundary planting to the south, east, and north of the application site.

2.3 The character of the wider area is rural, with open farmland surrounding the site, with Donnington Manor Farm comprising the main cluster of buildings, within this otherwise undeveloped area. There is another cluster of dwellings, approximately 500m further south along Selsey Road.

3.0 The Proposal

3.1 The proposal comprises the construction of a one and a half storey chalet style bungalow, with landscaping and associated works. The dwelling would serve as a Farm Manager's house, which would be occupied by the applicant and his partner. The applicant is currently managing the daily operations of the farm and involved in supporting the diversified activities, such as camping and dog walking facilities, which his partner also assists with.

3.2 The applicant and his partner currently reside on site, in 2 Ivy Cottages, which is a listed cottage which lies under the ownership of the applicant's father and uncle who own Donnington Manor Farm. The additional dwelling is sought on site to provide additional space for the applicants to manage the business and start a family.

4.0 History

01/01418/FUL	PER	Change of use of redundant agricultural sheds to B1 office use.
97/02308/PNO	NOPA	Replacement and extended agricultural shed.
99/01408/FUL	PER	Re-use of redundant farm buildings for B1 use with parking.
05/02654/FUL	PER	Change of use of redundant agricultural buildings to office use.
17/02155/FUL	PER	Retrospective change of use from agricultural land to a campsite.
18/00345/FUL	PER106	Retrospective change use of land for the stationing of 7 mobile homes for seasonal workers during the agricultural season and storage of these mobile homes during periods outside of the agricultural season.
18/00946/FUL	PER	Change of use of agricultural land to dog walking compound and erection of deer fencing to secure the area.
20/02870/PA3R	YESPAP	Renovation of existing agricultural building and change of use to flexible commercial use.
20/03148/PRESS	PRE	Preliminary proposal for managers house at Donnington farm showing these options for location.
22/00435/FUL	PCO	Construction of Class E office.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Subject to WSCC Highways being satisfied with the revised plans submitted by the application to address the boundary treatment issues raised by the LHA, Donnington Parish Council has no comments to make regarding the proposed development

6.2 National Trust (Summarised)

The Trust has reviewed the submitted plans and information provided in support of this application and wishes to object to the proposal.

The National Trust holds a Section 8 covenant over land at Donnington, West Sussex, including the application site. The covenant contains several restrictions which include the requirement to obtain consent from The National Trust for the erection of any building. The purpose of the covenant is to protect the open agricultural land to the south of Chichester from development and the Trust has a statutory duty to uphold it as part of our Core Purpose

Information contained in the Planning, Design and Access Statement submitted by the applicant indicates that a separate justification statement has been provided in support of the proposal to demonstrate the need for a permanent on-site Estate Manager for the land holding. This statement does not appear to be available on the Chichester District Council (CDC) website, so the Trust is unable to comment on whether the NPPG and criteria 1 of Policy 37 of the Chichester Local Plan: Key Policies 2014-2029 (the "Local Plan") has been complied with. The Trust hopes that CDC will seek independent verification of the need for an Estate Manager's dwelling to be permanently provided on the site.

The Trust has seen that information has been provided which suggests that it would not be appropriate to convert the existing pair of Grade II listed dwellings into a single unit. The level of assessed harm arising is considered to be "less than substantial" under the terms of the NPPF, but it is considered that there are no public benefits that would be provided to outweigh this harm. However, the Trust would question this as the creation of a new dwellings, its curtilage and associated domestic paraphernalia will cause harm to the landscape character of this part of the Manhood Peninsula, with a significant southward extension of the built form into the rural landscape around Donnington Manor Farm and the agricultural setting of these cottages. It is considered that not allowing this harm to occur to the rural character and the setting of both Ivy Cottages and Donnington Manor may be a public benefit sufficient to outweigh any harm to the character of the listed buildings. In addition, there does not seem to have been any attempt at looking at whether a modest extension to one of the cottages could provide an increase in accommodation along with use of the existing converted former farm buildings for the more administrative functions required.

Policy 37 criteria 2 does require information to be provided to demonstrate that no suitable accommodation is available or could be made available for rural workers accommodation. Information has been provided which appears to show that the former agricultural barns, which form a courtyard to the north of the application site, are currently let for office and other commercial uses, however no information has been provided on the terms of the leases of these buildings as to whether the office accommodation within them could easily be used by the farming enterprise or indeed whether they could be converted to provide a manager's dwelling. Furthermore, there are two agricultural barns indicated on the site. No information has been provided as to why it is not possible to convert these or provide administrative function accommodation within them alongside use of the existing cottages.

The Trust considers that the siting of the dwelling outside of the well contained farmstead associated with Donnington Manor will not comply with criteria 5 of Policy 37 as it will significantly extend built form and its associated requirements such as driveway and parking areas into this countryside location. There is no information provided to indicate that alternative, less impactful locations have been considered and the Trust would contend as currently sited that the proposal does not comply with the requirement of para 174 of the NPPF, criteria 9 of Policy 40 of the Local Plan and criteria 1 of Policy 45 of the Local Plan

The size of the dwelling also adds to this adverse impact. The Trust estimates that the GIA of the dwelling, including the farm office and camping reception to be approximately 215m². While CDC does not have any guidance around the size of rural workers dwellings it is generally accepted that an appropriate size of manager's dwelling is around 150m², including any necessary farm office accommodation. The current dwelling is more than double the current national space standard for a 3-bedroom, 6 person dwelling and the Trust cannot see any justification for such a large dwelling and consequently would contend that criteria 4 of Policy 37 of the Local Plan is also not complied with. The Trust would suggest that a more modest size of dwelling could be accommodated within the existing farmstead envelope which would result in substantially less harm to the rural character.

6.3 WSCC Local Highway Authority

Comments 09.07.2021 (Summarised)

The application is for the construction of a 3-bedroom dwelling.

The site will utilise an existing access used by the wider farm network. As a result, the addition of one dwelling is not anticipated to generate a material intensification of the access point over existing practices.

The hardstanding area provided is large enough to accommodate any parking demand generated by the site.

The applicant has provided cycle parking to WSCC specification.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging

points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via a suitably worded condition which is advised below.

The applicant has revised his landscape plans omitting the proposed planting from the highway.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.4 CDC Coastal and Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The application is accompanied by a "Surface Water Drainage Report" which includes details of the proposed surface water drainage scheme. The proposal is a restricted discharge (1 l/s) to the adjacent watercourse, with storage within storm crates for storms up to the 1 in 100yr event + CC. The approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, we recommend the following condition.

"No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the surface water drainage scheme contained within the Surface Water Drainage Report - Donnington Manor Farm, Donnington PO20 7PL C1666 Dated 6th May 2021."

6.5 CDC Environmental Strategy

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows, and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The site boundaries are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the boundaries (5m) and during construction fencing should be used to ensure this area is undisturbed. Conditions should be used to ensure this. Additionally, habitat enhancements benefiting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; the use of a range of native tree and shrub species within landscaping proposals.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

As a precaution any trenches should be covered overnight, or a means of escape made available, and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats. Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Following submission of the Sustainability Statement (April 2021) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 45%. They will be achieved with a fabric first approach and through installing a Ground Source Heat Pump onsite.

Following Submission of the Nutrient neutrality report (March 2021) we are satisfied that there will be a reduction of TN onsite (5.5kg per year) and no further work is required relating to this.

6.7 Third party support comments

One third party representation of support have been received concerning the following matters:

- a) The need to develop their business to ensure it remains competitive
- b) It is often required to live on site to ensure agricultural and other activities are managed safely.
- c) The work often requires late or unsociable hours
- d) Accommodation within the local area is expensive
- e) It will allow the next generation to succeed
- f) The farm supports the applicants but also the wider rural economy

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no Neighbourhood Plan for Donnington at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 33: New Residential Development
- Policy 37: Accommodation for Agricultural and other Rural Workers
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF), which took effect from July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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 In addition, consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been considered.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD

7.7 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:

- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Sustainability
- vii. Drainage
- viii. Nutrient neutrality
- ix. Recreational disturbance
- x. Other matters

Assessment

i. Principle of development

8.2 The application site lies outside of a defined settlement boundary, within the designated countryside where Policy 45 of the Local Plan advises, development will be granted where it requires a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. In combination, Policy 37 of the Local Plan recognises accommodation for rural workers, may be required within countryside location, subject to compliance with the five criteria set out within the policy.

8.3 In order to support the assessment of this application, an agricultural consultant undertook an appraisal of the agricultural operation, including the daily activities and responsibilities of the applicant and partner, whilst also providing a view on where there is an 'essential need' for an agricultural worker dwelling. As part of this assessment, the agricultural consultant, their planning agent, and case officer undertook a visit to the farm, meeting with the applicants to understand the current operational activities.

8.4 The agricultural appraisal firstly addresses the viability of the business, which is a long established, viable enterprise that has diversified recently, with additional activities which fall outside of the definition of agriculture, including storage, dog walking and camping. The report acknowledged there would be benefits in residing on site to provide security for the storage units and managing the bookings for the dog walking paddock and seasonal camping (6 months a year); however, acknowledged such activities exist elsewhere without an on-site presence, and it is important to note that these are not agricultural activities. Therefore, the report concluded that there is no demonstrable essential need for an on-site presence to support the agricultural enterprise.

8.5 The agricultural appraisal considers the five criteria of Policy 37, and consideration of these key issues is set out below.

1) Provision on-site or in the immediate vicinity is essential for the operation of the business.

8.6 The growing of crops is undertaken on share farming agreements, with independent agricultural businesses carrying out crop establishment, growing and harvesting. The responsibility of Donnington Manor Farm primarily lies with the provision and ongoing maintenance of the irrigation system, with the applicant providing checks and repairs, ensuring a maintained water supply during the six-month crop growing season. It is understood the irrigation system does not have an alarm or warning system in place, to notify of any leaks or issues, necessitating a physical inspection of the system. It is considered that there is no sufficient justification to demonstrate why it is not possible to implement warning systems to manage any failure in the irrigation system, such that manual checks are required. In any event, it is not considered necessary for a person carrying out the checks on the irrigation system to reside on the farm.

8.7 In addition, the farm currently has 40 lambs, with the applicant responsible for checking on them whilst they are grazing. The farm also offers a livery enterprise, where the owners of the horses are responsible for their care and welfare, but as part of this enterprise, a 'lookerage' (welfare check) is undertaken by the applicant twice a day. It is important to note that the keeping of horses for livery does not constitute agriculture.

8.8 In considering the above, in combination with the detailed appraisal undertaken by the agricultural consultant, in respects of the current farming and daily activities, it is not considered there is adequate justification to demonstrate an on-site presence is essential for the operation of the business. Whilst it is nevertheless appreciated there may be benefits in residing on the site, as is the case currently for the applicant, this is not the relevant test in planning policy.

2) No suitable accommodation exists or could be made available in established buildings on the site or in the immediate vicinity

8.9 There are currently two dwellings available to the business, occupied by the owners of the business; however, these are located away from the main cluster of commercial buildings, dog and camping enterprises, although Pelleys (Pelleys Lane) is located closer to the livery enterprise and water pumping station. As these properties are currently occupied, and located some distance from the main farming enterprise, it is accepted these are unlikely to be viable alternative dwellings, to meet an essential need, if one was to be identified.

- 8.10 In addition, 1 and 2 Ivy Cottages are also available and located within the main farming enterprise, with one currently occupied by the applicant and the other by a retired farmworker, who is understood to have a secure tenure of 1 Ivy Cottage. As such, it is considered there is accommodation currently available on site, albeit accommodation which comprises of a modest Grade II listed cottage and detached outbuilding/office.
- 8.11 It is argued the accommodation is unsuitable for a growing family, with limited ability to extend or adapt the property. It is appreciated any extension to one of both of the cottages would require a sensitive design, and subservient in size and scale to the historic core of the cottages. In this context, following an 'in principle' discussion with the Council's conservation and design officer, officers' are of the view an appropriately designed extension is feasible and could be explored fully by the applicants.
- 8.12 It is appreciated that an extension to the cottages might not provide a comparable level of accommodation sought by the applicants. However, in this case no essential need has been proven, and it is considered that a suitable extension to the cottages could provide an acceptable level of living space to meet the needs of a growing family.

3) The proposal does not involve replacing a dwelling disposed of recently as general market housing

- 8.13 The proposal would be an additional larger dwelling and not a replacement for recently disposed of dwellings. It would comprise an increased level of living accommodation than the existing dwelling (2 Ivy Cottages) currently occupied by the applicants, which currently lies within the ownership of the business. The Council's Principal Conservation and Design Officer has advised that it would likely be possible to sensitively adapt and or extend the existing listed properties to provide further accommodation in the future. However, as the existing property is currently unencumbered by an agricultural tie, it is understood the intention would be to let this property on the open market, and as such the proposal would effectively replace an existing dwelling on the site which could be disposed of as general market housing.

4) The dwelling is no larger than is required to meet the operational needs of the business

- 8.14 There are no size guidelines specified within this policy; however, at approximately 205 square metres, which includes three bedrooms, two offices and a reception area for the campsite, the proposal is considered to be a large and generous for a dwelling proposed to meet an 'essential' need (which in any event has not been demonstrated), and with a lack of justification for the level of proposed office accommodation including a reception area. It is therefore considered that the proposal is larger than is required to meet the operational needs of the farm.

5) The siting and landscaping of the new dwelling minimises the impact to the character and appearance of the countryside and ensures no adverse impact on designated sites

- 8.15 The proposed dwelling would be sited to the south of the main access from Selsey Road, close to the main cluster of buildings associated with the farming enterprise. It would be read in conjunction with the existing commercial building, converted agricultural buildings and storage yard. Therefore, it would not appear as an isolated structure within the countryside, despite introducing built form to the south of the main access road.
- 8.16 The proposed dwelling would be positioned within a large parcel of land, currently benefitting from established tree planting to the east and south boundaries, which provides a good level of screening to the site, filtering views of the site from Selsey Road. In addition, the proposed site plan also indicates further planting would be provided to the north and south boundaries to enhance current levels of screening. The western boundary would remain open, affording long range views across the adjacent field and farmland towards the dwelling, although this is not dissimilar to the long-range views currently possible of the existing complex of agricultural and commercial buildings.
- 8.17 A revised site plan has been provided, following discussions during the previous planning committee, which shows a reduced residential curtilage to the dwelling. The reduction in curtilage has been enabled further strengthening to the existing tree line along the north, east and west boundaries, resulting in a significant planted buffer to these boundaries. It has been indicated these would be planted with native trees, however, should the committee be minded to approve this application, a landscape condition to obtain full details of the exact species, sizes and densities of the planting would be warranted. In addition, the residential curtilage would be demarked by post and rail fencing, which would be suitable, in keeping with the rural character of the site, and would be read in the context of the existing dividing fencing of the adjoining fields. As such, the revised site layout is an improvement upon the previous layout. The improvement do not however address the remaining concerns regarding the principle of development and the detailed design of the dwelling.**
- 8.18 In summary, the proposed dwelling is considered, on balance to be appropriately sited to minimise its impact upon the character and appearance of the countryside, by virtue of its close association with a larger cluster of existing buildings, with existing and proposed landscaping and boundary treatments (details of which could be secured via condition). As such, the proposal can comply with this criterion, in respect of its siting and landscaping; however, officer have reservations in respects of the size and scale of the dwelling and its detailed design. These matters are set out below.
- 8.19 In conclusion, in respect of the principle of the development, it is considered that the applicant has failed to demonstrate that there is an essential need for the provision of the proposed dwelling in the countryside. There is no functional need for a farm manager to live on the farm itself, and in any event, there is an existing dwelling in the farmyard which provides accommodation for a farm worker to meet the desire for a worker to live on the farm.

ii. Design and impact upon character of the surrounding area

- 8.20 Policy 33 refers to new residential development and sets out that proposals must meet the highest standards of design and a high-quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.
- 8.21 Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality, respect existing natural landscapes, and maintain the predominantly open and undeveloped character of the area
- 8.22 As set out above, the proposal would provide a chalet style bungalow, which fails to reflect or respond to the character of the site and would appear at odds with the agricultural and commercial context of the site and also does not respect the local vernacular. The dwelling, whilst simplistic in its placement of windows and use of materials, appears overly domesticated and bulky in appearance, particularly due to the use of the projecting gable detail to the front (north) and rear (south) elevations, the addition of a flat roofed dormer with balcony and the number/placement of rooflights. In addition, the dwelling would result in an unbalanced, top-heavy appearance due to the low eaves line, relative to the high ridge height. It is considered that the design fails to take advantage of the opportunity to provide a modest dwelling that would respond to the context of the site, reflecting the architectural qualities of the nearby agricultural buildings, more in keeping with the local character, has been missed.
- 8.23 Consequently, in view of the above, the detailed design approach which would result in an overly domesticated, unbalanced, and incongruous appearance would fail to respond to and respect the character of the application site. It would therefore be contrary to NPPF 2021 Para 130 of the NPPF, and Policies 33 and 47 of the Chichester Local Plan all of which seek to secure high quality design that responds to and respects the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

- 8.24 Section 12 of the NPPF states inter alia that planning decisions should achieve well designed places create places that offer good design quality a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available sunlight and daylight.
- 8.25 There is an appropriate level of separation between the proposed dwelling and the closest neighbouring properties, including 1 and 2 Ivy Cottages and the two cottages located on the east side of Selsey Road, ensuring that the proposal would not adversely impact upon the amenities of the neighbouring residential properties. Therefore, the proposal in terms of amenity impact outlook and privacy would not conflict with the NPPF and Policy 33 of the Local Plan although there are officer concerns in respect of the design.

Impact upon highway safety and parking

- 8.26 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.
- 8.27 The proposal would utilise the long-established access into the farm from Selsey Road, where there is adequate hardstanding on and of the application site to provide vehicle parking and turning. The proposal is not considered to give rise to an unacceptable intensification of the existing access. The provision of an electric vehicle charging point, which could have been secured via condition would contribute towards sustainable modes of transport. The proposal has been reviewed by WSCC Highways, who have raised no concerns with the proposed access or the proposed parking arrangements. Therefore, the proposal is considered to comply with Policy 39 of the adopted Local Plan.

v. Ecological considerations

- 8.28 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.
- 8.29 The proposal would retain the existing boundary planting, which is used by bats for commuting and foraging, and would also provide further boundary planting which would provide further connectivity for wildlife. In addition, several areas of mitigation, during construction have been advised by the council's ecologist, which could be secured via condition. Similarly, several opportunities to provide biodiversity enhancements, including bat/bird boxes and hedgehog nesting boxes have been suggested and could again be secured via condition. Therefore, there are clearly a number of ways the proposal could enhance the biodiversity of the site, accordance with national and local planning policies. The proposal would therefore be acceptable in this respect.

vi. Sustainability

- 8.30 The application has been accompanied by a sustainable construction statement, which details the measures that shall be deployed to enhance the sustainability of the dwellings, detailing the improvements to the fabric of the building, and the use of renewable energy sources, including a ground source heat pump. In addition, the proposal would incorporate low water fitting, reducing the water consumption of the dwelling. As such, the proposal would be capable of complying with Policy 40 of the Local Plan, subject to securing the proposed sustainability measures via condition.

vii. Drainage

8.31 The site is within flood zone 1 which is at low risk of flooding. A detailed surface water drainage scheme has been proposed, which has been reviewed and agreed by the council's drainage engineer, who has confirmed the acceptability of the proposed solution, which includes the restricted discharge into the adjacent watercourse. As such, the proposal would provide a suitable drainage scheme, complying with Policy 42 of the Local Plan, subject to securing the implementation of the proposed drainage scheme via condition.

vi. Nutrient neutrality

8.32 The proposal comprises new overnight accommodation, which would be connected to the existing mains sewer network, where it is accepted that the treated effluent from the development may eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites; therefore, is directly connected to the increase in wastewater from the development.

8.33 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the Local Planning Authority (LPA) via an appropriate assessment (AA) to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.34 To assist the LPA the applicants have provided a nitrogen budget calculation, which has been revised following the updated methodology released by Natural England on the 16th March 2022. The re-calculations confirm that the proposal would not result in an increase in nitrogen (i.e., would be nitrogen neutral) due to the proposal resulting in the removal of an area of agricultural field from crop production, on which the dwelling and its curtilage would be constructed. As the calculations show the development to be neutral, it is not necessary to proceed to the Appropriate Assessment stage, as there is no mitigation to be tested. The calculations have been reviewed by the council's ecology officers, who have confirmed they have been completed correctly, in accordance with the methodology provided by Natural England.

8.35 Consequently, taking the above considerations into account, the proposal would result in a nitrogen neutral scheme, ensuring the proposal would not impact upon the European designated sites because of nitrates, thus would comply with policy 49 of the CLP and section 15 of the NPPF.

vii. Recreational disturbance

- 8.36 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.4km zone of the Pagham Harbour SPA where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 and 51 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.
- 8.37 As the recommendation is to refuse this application, the council has not sought to obtain the require recreational disturbance fee and has sited this as a reason for refusal. However, the council acknowledged this matter could be satisfactorily addresses through the receipt of a signed legal agreement and the requisite fee, which could be addressed during a subsequent appeal again a refusal to grant planning permission.

vii. Other matters

- 8.38 The National Trust holds a Section 8 covenant over the application site, requiring the applicants to obtain consent from The National Trust to erect a building. This would constitute a private matter, which is not a material consideration in planning terms. Therefore, it would not preclude the local planning authority from granting planning permission. However, it could preclude the applicants from constructing the dwelling, in the event The National Trust refuses to grant consent under its Section 8 covenant.
- 8.39 The application has been publicised as a departure from the development plan, and no further third-party representations have been received.**

Conclusion

- 8.40 To conclude, the proposal involves the erection of an additional dwelling for agricultural workers in this case the applicants who currently already reside nearby. This dwelling is not considered essential for the operation of the business or necessary given that adequate accommodation is already available on site, albeit smaller in scale than desired by the applicants. In addition, it would result in a dwelling which is substantially larger than required to meet any essential need, should it have been identified. Moreover, the proposed design it would be overly domesticated, unbalanced, and urban in appearance which would fail to respond to and respect the character of the wider rural site. As such, the proposal would fail to meet the five criteria set out within Policy 37 of the local plan and would be contrary to the NPPF 2021 Paras 84 and 85 of the NPPF and Policies 33, 37 and 47 of the adopted Local Plan.
- 8.41 The proposal therefore fails to accord with the relevant national and local planning policy and associated planning guidance and having had regard to all other material considerations it is recommended that planning permission be refused.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

- 1) The proposal would result in the erection of an additional agricultural workers dwelling, which is not considered essential for the operation of the existing agricultural and related business uses or necessary given that adequate and accessible residential accommodation is already available nearby, in a rural area outside of any designated settlement boundary. In addition, it would result in a dwelling which is larger than what would be required to meet an essential need (if one was identified). The proposal would therefore constitute an unjustified and inappropriate form of development in the rural area. It would therefore conflict with policies 1, 2 and 37 of the Chichester Local Plan 2014-2029.
- 2) The proposal would result in a poorly detailed, overly domesticated, unbalanced dwelling, which overall would fail to preserve local distinctiveness and would be incompatible with the character of the adjoining farm dwellings and buildings within the main rural site. As such, the proposal would fail to take the opportunities available to improve the overall quality of the area, contrary to Paragraph 130 of the NPPF 2021 and criteria nos.1-5 of Policy 37 plus Policies 33, 37 and 47 of the Local Plan 2014-2029.
- 3) The proposed development lies within the 5.6km zone of influence upon the Chichester and Langstone Harbours Special Protection Area (SPA) and with the 3.5km zone of influence upon the Pagham Harbour SPA where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and, therefore, the proposal is Policy 50 and 51 of the Chichester Local Plan Key Policies 2014-2029. The development would, therefore, contravene the Conservation of Habitats and Species Regulations 2017, the advice of both Natural England and Section 15 of the National Planning Policy Framework and Affordable Housing Supplementary Planning Document July 2016.

INFORMATIVES

- 1) 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.

2) This decision relates to the following plans:

10226-DPA-01 REV A
10226-DPA-02 REV A
10226-DPA-03 REV A
~~10226-DPA-04 REV A~~
10226-DPA-05 REV A
10226-DPA-06
10226-DPA-07 REV A
10226-DPA-10

For further information on this application please contact Calum Thomas on 01243 534734

To view the application, use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QQV18WERG9A00>