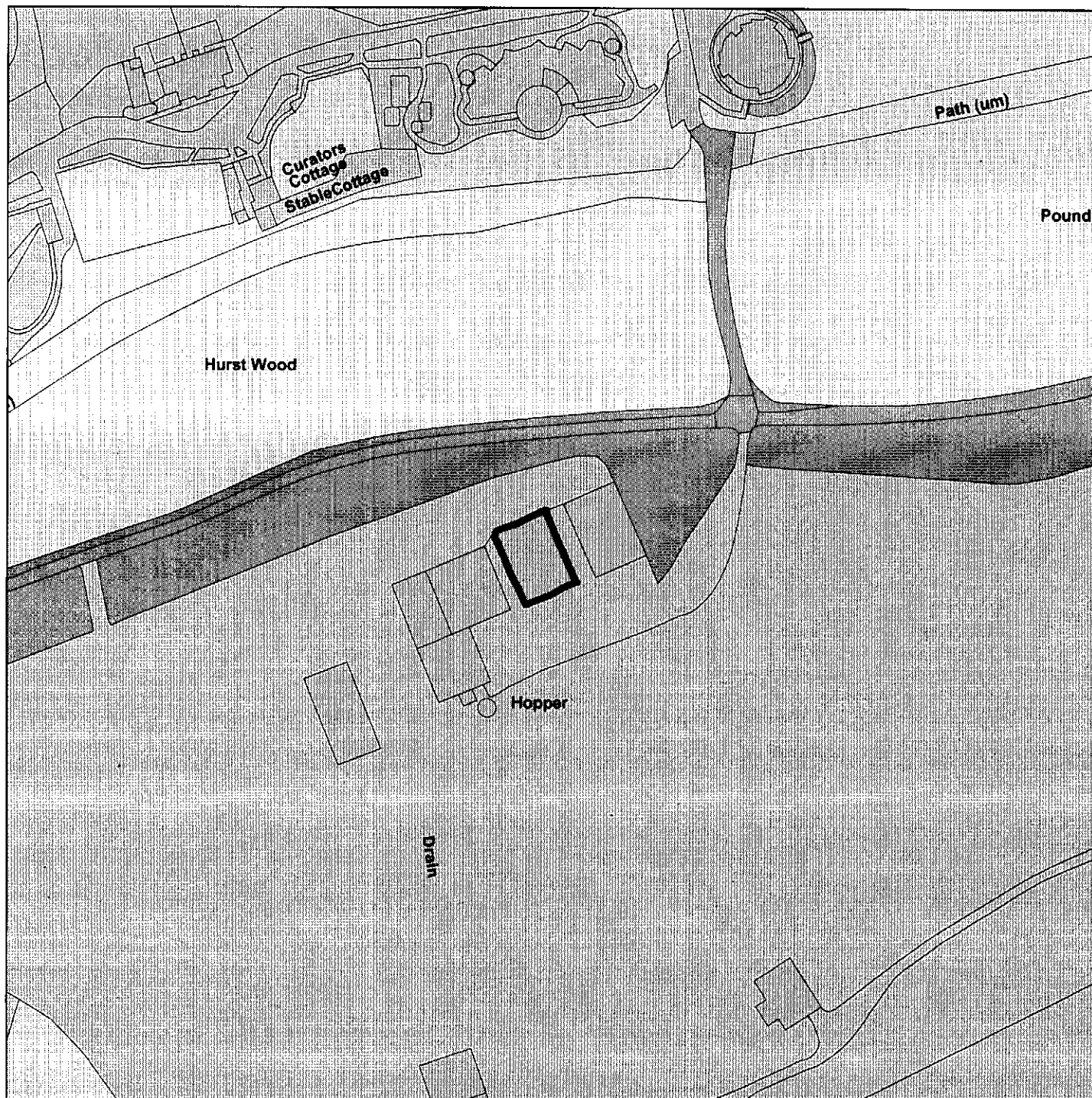


# The Grainstore, Thompsons Lane, Owslebury

SDNP/12/01639/FUL



Scale : 1:1875

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Organisation	South Downs National Park Authority
Department	WCC Planning
Comments	
Date	19 December 2012
SLA Number	Not Set



**Winchester**  
City Council

Working in Partnership



**South Downs**

National Park Authority

Agenda Item	SDNP 1
Report to	Planning Committee
Date of Committee	10 <sup>th</sup> January 2013
By	Head of Planning Management
Local Authority	Winchester City Council
Application No:	SDNP/12/01639/FUL
Validation Date	7 August 2012
Target Date:	2 October 2012
Applicant:	Messrs V L and V Hill
Proposal:	Change of use of a redundant agricultural steel frame portal frame building to B8 storage (RETROSPECTIVE) (RESUBMISSION)
Site Address	The Grainstore, Thompsons Lane, Owslebury, Winchester, Hampshire, SO21 1JH
Purpose of Report	The application is reported to Committee for a decision

**Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.**

This application is reported to Committee at the request of Owslebury Parish Councils who request is appended in full to this report.

## **1. Site Description**

- 1.1 The site is situated in the countryside on the south side of Thompsons Lane. It is screened from Thompsons Lane to the north by tall boundary trees and hedging. There are more open views from the southern boundary to the site across fields to the south.
- 1.2 Half the barn, which is the subject of the current planning application, was used previously as a grain store.
- 1.3 There are three metal framed barns adjacent, one was used for B8 storage and distribution for Marquis Motorhomes Ltd. under a previous permission but this use has now ceased and the use reverted to agriculture.
- 1.4 The barns are visible at intervals from Hurst Lane which runs to the south east of the site.

## **2. Relevant Planning History**

03/01003/FUL Change of use of agricultural buildings to temporary B8 storage use (RETROSPECTIVE) Permission 30.07.2003

05/01822/FUL Renewal of temporary change of use of agricultural buildings for B8 storage Permission 14.09.2005

06/03453/FUL Erection of 2 no. hay, machinery and plant equipment storage buildings on land off Thompson Lane (RESUBMISSION) Permission 19.01.2007

09/02588/FUL Alterations to roof line to enclose the existing drier and handling machinery Permission 23.03.2010

### **At Marwell Manor Farm, Portsmouth Road, Fishers Pond:**

08/02638/APN - Erection of hay/straw and machinery store building. NOOBJ 12.12.08

10/01378/FUL Erection of a livestock building Permission 06.09.2010

10/02563/FUL Permanent retention of agricultural workers dwelling (allowed on reference 07/01717/FUL) single storey extension to provide additional living accommodation, farm office/store. Permission 06.12.2010

## **3. Proposal**

- 3.1 Half of the barn is currently used for storage for Redlynch Leisure, with the remaining half retained as a grain store; however the application seeks permission for a general B8 use for the entire building. The building measures approximately 26m by 19m.
- 3.2 In the initial submission, only the application site area included the footprint of the grain store building at Hills Farm, Thompsons Lane. The site access and the other buildings within the applicant's control, up to the junction of the site access with Thompsons Lane is included within blue line land.
- 3.3 Following consultation with the Councils Highway Engineer the applicant submitted amended plans to show an amended red line application site which includes the land to the south of the barn to the boundary. This land includes 6 no. car parking spaces and a lorry parking and turning area.

## **4. Consultations**

- 4.1 Parish Council Consultee: Object: WCC, the SDNPA and the Planning Inspectorate have refused recent applications associated with Enforcement

cases to erode the agricultural use here at Marwell Yard 11/00745/FUL (adjacent to the west) and Moris Farm 10/02733/FUL (adjacent to the south).

Mr Hill, landowner, built an agricultural barn on one site, Marwell Manor Farm (MMF) how then can this grainstore be redundant.

The Parish are not aware of any problems caused by the current tenants hence the lack of enforcement on the unauthorised change of use. Not all tenants working under B8 will show the same consideration. Whilst conditions can be applied to the site, compliancy has been difficult to achieve at both the above neighbouring sites. It is therefore vital that this remains an agricultural site.

This agricultural site is situated on the corner of Hurst Lane and Thompsons Lane with residential properties on its north and east sides. It is totally inappropriate to agree B8 storage this close to residential properties. It changes the character of the entrance to the SDNP and the village.

Mr Hill has not submitted any evidence to demonstrate that he has tried unsuccessfully to rent the barn for agricultural use. The landowner of Moris Farm (referred to above) has recently been refused permission to build an agricultural barn of a similar size on his field by both WCC and the Planning Inspectorate.

The entrance track, owned by The Grainstore, is shared. This barn would be ideal to rent should it be vacated by Redlynch. The Parish Council believes this agricultural barn is therefore not redundant.

- 4.2 Highway Engineer – Nick Culhane: No objection. Initially raised concern about the lack of car parking and lorry parking within the application site. However on receipt of revised plan with car parking and lorry parking within the application site is satisfied with the proposal.

Advises that a scheme of this nature would require a Transport Contribution of £10,810, in accordance with our adopted transport contributions Policy.

- 4.3 Drainage Engineer - Patrick Aust: No objection – use of building for storage does not raise any drainage concerns.
- 4.4 Environmental Protection: No adverse comments but suggest hours of operation and no floodlighting conditions. (Conditions 04 and 05).

## **5. Representations**

- 5.1 Objections received from 4 households, summarised as follows:

Principle: The number, size and ugliness of the structures along Thompsons Lane has increased over 15+ years. Agricultural land here seems under continual threat from industrialisation. There have been two similar applications in the same square mile recently, fortunately these have been refused.

**Need:** If the applicants no longer need agricultural storage in this area why did they build a new barn recently about half a mile away. If accepted the argument that they need a stable income from a non-agricultural source sets a precedent for every farmer.

**Traffic:** Thompsons Lane cannot support further development, it is very narrow and is already over utilised by heavy goods vehicles. A permanent permission will allow a future tenant with HGV and heavy vehicles to occupy the building.

**Impact on neighbours:** Noise, industrial, vehicles, alarms and litter will increase.

**Visual harm:** Light pollution will increase.

**Enforcement:** The applicant should have ceased use when the temporary B8 expired in 2007. In the event that this application is approved, suggest that restrict vehicles to light vans and cars only.

## **6. Planning Policy Context**

### **6.1 National Park Purposes**

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

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.

### **National Planning Policy Framework and Circular 2010**

- 6.2 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 and came into effect on 27 March 2012. The Circular and NPPF confirm that national parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks. Paragraph 116 states that planning permission for major developments within national parks should be refused except in exceptional circumstances

## **7. Planning Policy**

7.1 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 East Plan and the Winchester Local Plan Review 2006.

7.2 The South East Plan was adopted by the Secretary of State on 6th May 2009. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the Plan remains part of the development plan at this time but the intention to revoke could be a material consideration.

The following South East policies are of key relevance to this application: C2, C3 and BE6

7.3 The Winchester Local Plan Review policies of key relevance to this application are: DP3, CE5 and CE17.

## **8 Planning Assessment**

### **8.1 Principle of development**

Development relating to business located within the countryside is a sensitive issue which requires the careful balancing of the need for economic development against the protection of the intrinsic character and beauty of the countryside and the amenities of neighbouring land uses and properties. This is reflected in the guidance given in the National Planning Policy Framework which recognises that planning has an important role in supporting and facilitating development and land uses enabling those to earn a living whilst helping to maintain and manage the countryside.

8.2 Policy CE.17 of the Winchester District Local Plan Review (WDLPR) relates to the re-use of non-residential buildings in the countryside and gives a presumption in favour of the change of use of buildings to employment-generating activities subject to specific criteria being met. In particular, in this case, the Local Planning Authority needs to be satisfied that the existing building is in keeping with the locality and is of permanent and sound construction (Criteria i) and ii), the scale and nature of the activity can be accommodated without detriment to the visual character of the locality, is not in a remote location, and will not harm the vitality of existing employment uses (Criterion iv), the extent of the site is, or will be, clearly defined to prevent development expanding into the surrounding countryside (Criterion v) and the type of traffic generated can be accommodated without harming the character of rural road (Criterion vi).

8.3 Policies DP.3 and CE.5 of the WDLPR are also of relevance to the application under consideration. Policy DP.3 sets out a number of principles and criteria against which all development proposals must be judged. These apply primarily

to built development; however, in so far as the Policy has a wider applicability, the only relevant criterion is that in (vii). This requires that development must not have an unacceptable adverse impact on adjoining land, uses or property. Whilst the impact on the wider area is considered further in Policy CE.5 which requires development to respect the character of the landscape.

- 8.4 The application site forms part of a larger agricultural holding owned by the applicants Messrs VL and V Hill. A permanent change of use of the rest of the building to a general B8 storage and distribution use is sought. Assessing the proposal against policy CE17, the building is in keeping with the locality and is of permanent and sound construction, therefore the proposal accords with criteria i and ii. It is considered that the scale and nature of the activity can be accommodated without detriment to the visual character of the locality, the site is not in a remote location, and will not harm the vitality of existing employment uses, therefore the proposal accords with criterion iv. The extent of the site is clearly defined to prevent development expanding into the surrounding countryside, therefore the proposal accords with criterion v. It is also considered that the type of traffic generated can be accommodated without harming the character of rural roads, therefore the proposal accords with criterion vi.
- 8.5 The applicant's agent has stated that whilst another agricultural building was erected in 2011 nearby on the holding at Marwell Manor Farm, the yard and buildings at that site are principally used for the housing and rearing of livestock, with fodder storage and muck storage. The buildings adjacent to the grain store on the current application site are used for the storage, cleaning, drying and distribution of grain, the arable part of the farming enterprise. The building the subject to the current application for change of use is not required for agricultural purposes for the arable enterprise and it is not suitable for the housing of livestock, silage or 'muck storage' and it is also too far away for the practical and efficient use of the livestock enterprise. Paragraph 4.55 of the Winchester District Local Plan Review states that where the re-use of an agricultural building is considered likely to lead to the erection of a replacement building because it displaces an existing use, the Authority may consider withdrawing agricultural permitted development rights. In this instance, 50% of the floorspace of the building has been used for B8 storage for 9 years. It is not considered likely that the granting of change of use will lead to the erection of a replacement building. The agricultural prior notification procedures also allow the Authority to call in the submission of a full planning application where issues of siting or design are considered to cause harm to the landscape character of the area.
- 8.6 The principle of permanently changing the use of the building to a B8 storage and distribution use, is considered acceptable subject to its impact on the character of the area, neighbouring land uses and properties, and highway safety. A condition is recommended to prevent the use of the building (or part of the building) for B1 uses, which up to a floor area of 235 sq.m., would otherwise be permitted development). Condition 03.

#### 8.7 Impact on character of area.

The application site is located within a countryside location and is relatively well screened from Thompsons Lane, with mature vegetation along the northern site boundary. However the southern boundary of the site is not well screened and there are views into the site from fields in this direction.

The impact of this application on the character of the area is twofold; firstly the use of the former grainstore for a storage and distribution use and secondly the use of the yard to the front of the building and adjacent to the southern site boundary for the parking of vehicles.

It is considered that the use of the building does not have any outward impact on the character of the area. The use of the building has not involved any alteration to its external appearance so the continued use of the building for storage purposes has no greater visual impact on the character of the area than its former use for agricultural purposes. As a result, criteria i) and ii) in CE.17 are met.

The main impact on the character of the area would be activity taking place within the yard to the front of the building. Apart from vehicle parking a planning condition is suggested to prevent outside storage and operations which would cause visual harm to the area. It is recognised that the site is located within a rural location but it is considered that the land would most likely have previously been used by similarly sized agricultural vehicles and equipment which would also have an impact on the character of the area. In addition to the conditions on hours of operation and prevention of outside operation, conditions can be imposed to control any external lighting, which could increase the impact of the use, and restricting the hours of operation so activity on the land is restricted to a suitable timeframe. Conditions 04 & 05.

The use of the land would be fairly well contained and boundary vegetation would help to soften the impact of the use in the landscape. To ensure the use remains appropriate to its location the conditions referred to above, would ensure the impact of the use is limited to an acceptable level. The proposal therefore satisfies the requirement of Policy CE.17.

#### 8.8 Impact on neighbouring properties

There are no residential properties immediately adjoining the site, although there are a number in the wider area. It is considered that there is a reasonable degree of separation between the application site and these properties so that the continued use of the land for a B8 storage and distribution purpose should not materially harm their residential amenities.



## **8.9 Highways/Parking**

The proposed B8 storage use will have a floor area of approximately 500sq m. current parking standards require a use of this nature to have 6 car parking spaces and 1 lorry parking space together with an adequate manoeuvring area. The latest amended plans address the issue, with car and lorry parking shown. These plans illustrate that a lorry can be turned within land under the control of the applicant.

It is acknowledged that the site is accessed by a narrow rural lane, however, in light of the former use of the site as a grainstore, and there being no material difference in the number of larger vehicles travelling to and from the site, it is considered that it would be difficult to demonstrate demonstrable harm to highway safety in order to sustain a reason for refusal of highway grounds.

It is recognised that the use of the land generates a level of traffic but for the reasons stated above it is considered that the proposed continued use of the building and land would not materially harm the safety or interfere with the convenience of users of Thompsons Lane.

In accordance with the adopted Transport Contributions policy and policy DP.9 of the Winchester District Local Plan Review 2006, a development of this nature will be required to provide an off-site contribution of £10,810.00. The applicant has made an up-front payment in this respect along with the signed unilateral undertaking.

## **9 Conclusion**

- 9.1 In conclusion therefore it is considered that the continued use of the former agricultural barn for business purposes would be consistent with the policies of the development plan, and in particular Policy CE17, and approval is recommended.

## **10 Recommendation**

- 10.1 It is recommended that the application be approved subject to:-

- The payment of a financial contribution £10,810.00 towards off-site highway contributions

And the following conditions:

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. A detailed scheme for landscaping, tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the development hereby permitted shall be used for storage and distribution under Use Class B8 and for no other purpose (including any other purpose in Class B1 business of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises in the interests of neighbouring amenity, landscape character and highway safety to comply with Policy CE17 of the WDLPR.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 08:00 and 18:00 Monday to Friday and at no time on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties to comply with Policy DP3.

5. No floodlighting whether free standing or affixed to an existing structure shall be provided on site at any time.

Reason: In the interests of the amenities of the locality.

6. No vehicles, goods, plant, machinery, storage containers or other articles shall be repaired, stored or displayed for sale on the site outside those areas

hereby approved and shown on the amended parking layout plan attached to this decision notice, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the area to comply with Policy DP3.

Informatives:

1. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
2. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.
3. In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

#### **11 Crime and Disorder Implications**

It is considered that this planning application does not raise any crime and disorder implications.

#### **12 Human Rights Implications**

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 Equalities Act 2010**

Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

Case Officer Details

Name: Elaine Walters

Tel No: 01962 848 571

Email: ewalters@winchester.gov.uk

Dear Elaine

**Re: The Grainstore, Thompsons Lane, Owslebury – SDNP/12/01639**

Thank you for your time on Friday to discuss this application. As requested I am enclosing the road accident data and highlight the key considerations material to planning to be considered alongside the objections listed in the Council's previous correspondence please: -

- **Impact on amenity of neighbouring land/ properties in relation to noise.**

Neighbours to the site already struggle with noise generated by The Grainstore's main business and Marwell Yard. The current tenant does not cause a disturbance owing to the nature of his business. The Council understands he uses the premises for storing goods and a little ad-hoc low-key training, but much of the time he is off site. In contrast, the noise generated from the majority of businesses requiring B8 is significantly higher and could significantly impact on neighbours' enjoyment of their properties and gardens.

- **Traffic Consideration**

The roads leading to and from the site are of inadequate width to accommodate safely the additional traffic which the proposed development could generate. As such the proposal is likely to have a detrimental impact on highway safety contrary to policy T2 of the Winchester District Local Plan (Review) 2006. (See attachments to support road accident data).

- **Unsustainable form of Development**

It is located away from existing urban areas and will result in an over-reliance on the private car or access and transport purposes. This would result in an unacceptable increase in the number and length of car journeys to the detriment of the environment and the locality which would harm the visual character and tranquillity of this part of the South Downs National Park. The proposal is therefore contrary to national policy guidance set out in PPS1, PPS4, PS7 and PPG13, policies C2, CC1 and SP3 of the South East Plan, and policies CE17 and DP4 of the Winchester District Local Plan Review 2006.

- **Encroachment into and Loss of the Countryside**

Much of the land in Thompsons Lane is agricultural. The Council is concerned at the recent applications seeking to industrialise this agricultural area within the South Downs National Park and has subsequently opened discussion with Nat Belderson, SDNPA who has suggested the Parish document its key concerns to support planning decisions (as above).

### **Summative Statement**

Whilst recognising this is an agricultural site, the Parish Council does not have an objection to the current tenant remaining at the site as his business does not generate the noise or traffic typically generated by businesses requiring B8 use. The landowner will be aware of the Council's respect and support of his agricultural business developments; however the Parish Council upholds the needs of the residents to be able to enjoy their properties without noise disturbance from the site or from additional traffic. The Parish Council must also be mindful of the accident data and do all it can to minimise further accidents in this vicinity.

In consideration of the above, the Parish Council is open to reaching agreement with the landowner that enables the current tenant to continue and, depending on the agricultural needs for the barn in future years, for future tenants with similar usage, subject to the following conditions: -

- That the site / barn remains agricultural
- That there should be no increase in noise or traffic by the users
- That vehicle movements are restricted to weekdays / social hours
- That all goods and equipment are stored within the barn (not on the forecourt)

- That the applicant considers the viability of the barn for agricultural purposes prior to progressing further applications by APN.
- That this agreement should not be accepted as a precedent for other applications.

If this cannot be agreed and the Winchester Planning Department does not recommend rejection, the Council would look to the application to be taken to the Development Committee.

Thank you for your consideration.

Liz Manship – Clerk to Owslebury Parish Council