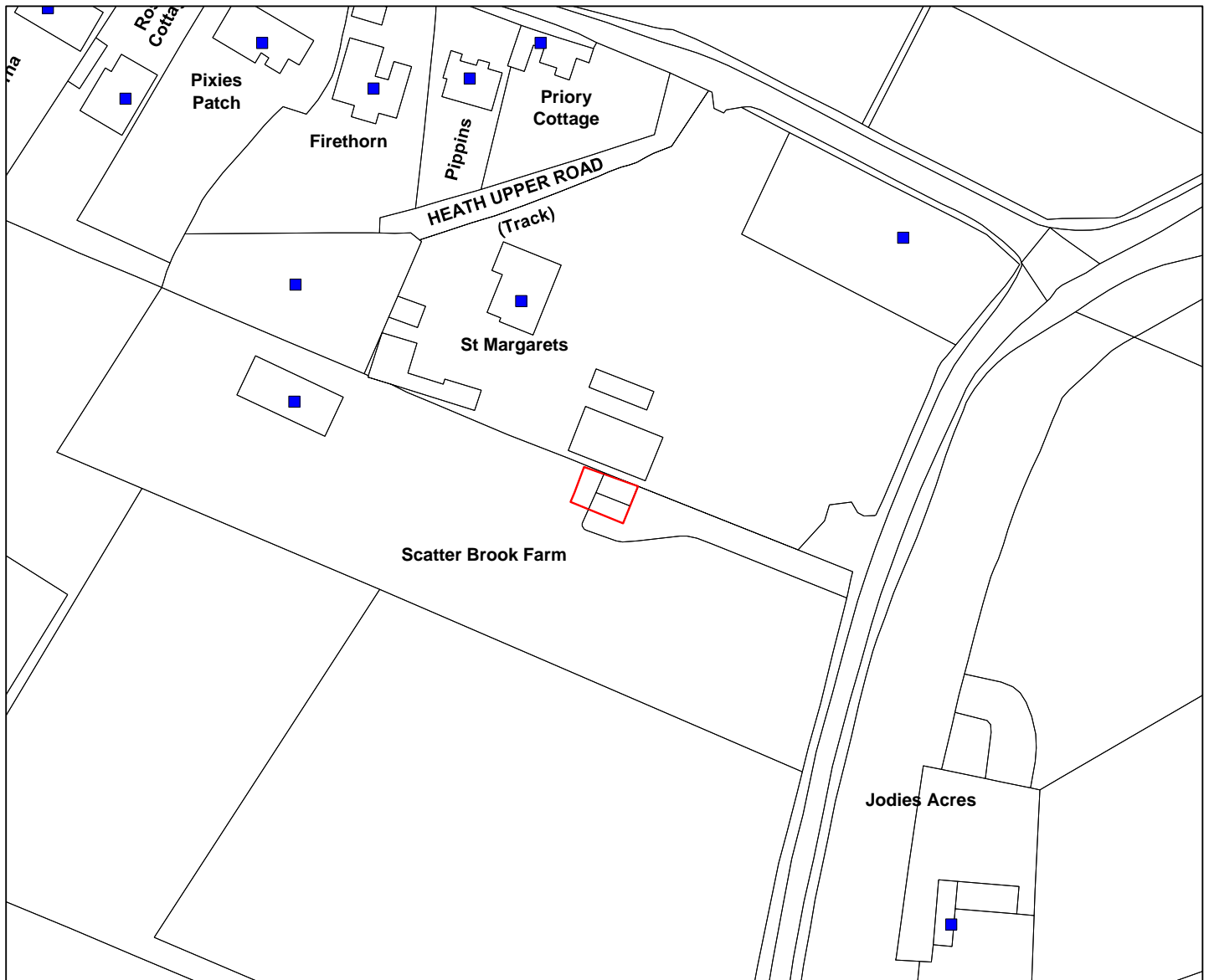


Scatterbrook Farm, Soberton

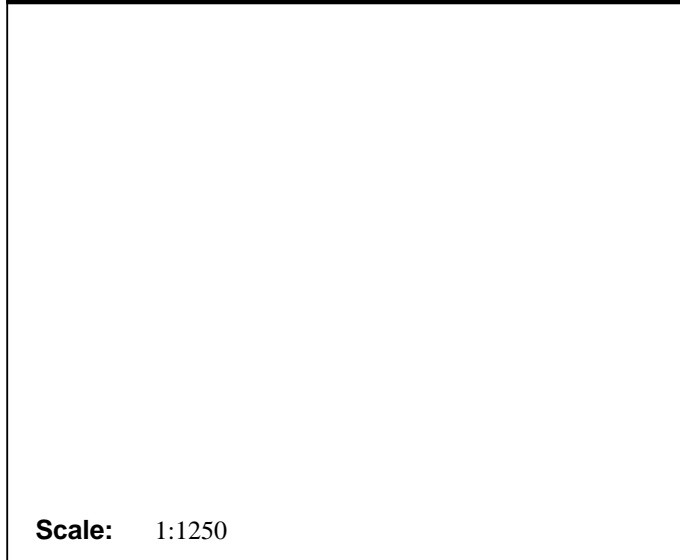
09/01967/FUL



Winchester
City Council



Legend



Scale: 1:1250



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	25 November 2009
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 10 December 2009

Item No: 1
Case No: 09/01967/FUL / W08375/08
Proposal Description: (Amended description) Erection of an agricultural building for use as a farm shop and incubation area
Address: Scatterbrook Farm, Maybush Lane, Soberton, Southampton, Hampshire
Parish, or Ward if within Winchester City: Soberton
Applicants Name: Mr Mark Paige
Case Officer: Mr Simon Avery
Date Valid: 1 October 2009
Recommendation: Application Permitted

General Comments

This application is reported to the Committee because of the number of objections received and at the request of Councillor Weston, whose request is appended in full to this report.

Site Description

This site is located on the western side of Maybush Lane in Soberton. It consists of 0.64 hectares of land in the ownership of the applicant and a further 0.84 hectares of adjacent land which is let to the applicant. There is agricultural land immediately to the south and west of the land and a residential property, called St Margarets, adjacent to the north. Access to the site is located at the north east corner onto Maybush Lane.

The land rises up gently from the lane and is enclosed by a hedgerow along this boundary. The site contains two mobile homes, an agricultural building, stables, a chicken run and 22 moveable duck houses.

Proposal

The proposal is to replace an existing timber stable block with a larger block and green profiled sheet steel agricultural building. This is to be used as a farm shop and an incubation area for duck eggs. The existing stable is the subject of a condition attached to planning permission ref: 07/00293/FUL, requiring its removal. Planning permission 07/00293/FUL relates to the erection of a shed to house rabbits and feed.

Relevant Planning History

85/01015/OLD: Erection of stable - Permitted - 13/02/1985.

86/01088/OLD: Stable - Permitted - 14/02/1986.

89/01132/OLD: Vehicular access - Permitted - 11/04/1989.

07/00293/FUL: Erection of shed to house rabbits and feed - Permitted - 05/06/2007.

08/01865/FUL: Temporary siting for 3 years of a mobile home for an agricultural worker - Refused - 07/10/2008.

09/00141/FUL: Temporary siting for 3 years of a mobile home for an agricultural worker (Resubmission) - Appeal against non-determination, appeal withdrawn - 31/07/2009.

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09/00900/FUL: Temporary stationing of a mobile home for an agricultural worker for a period of three years - Permitted - 05/08/2009

Consultations

Highway Engineer:

This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Landscape Team:

No landscape objections. This new agricultural building will have a limited visual impact due to its mainly green colour and because it replaces an existing stable block. It will be visible from the south, but it will be in keeping with the other agricultural buildings on site. It is also screened from Maybush Lane by boundary vegetation and by the entrance gate, when closed. There is a mature Oak tree that overhangs into the site from the neighbouring property close to the proposals. It appears that the new agricultural building will come close to the tree, but not within the canopy spread.

Environmental Protection Team:

There are no adverse comments to make concerning the application. The proposed agricultural farm building will not create a substantial increase in noise disturbance. The incubation area will house ducklings, which are likely to be less noisy than ducks. The incubation area is relatively small; stocking density is related to the size of the building and controlled by Department for Food, Environment & Rural Affairs (DEFRA).

Representations:

Councillor Victoria Weston:

Objects to the application, for the following reasons:

- When the shed to house rabbits and feed was permitted in 2007, a condition was added, requiring that the stable on the site be demolished. Since then, there have been many more structures introduced onto this small parcel of land. The existing structures include the large rabbit shed, which is no longer in use, the existing stables, two mobile homes, a van body for storage and numerous duck shelters. The visual impact of these structures is having a detrimental effect on visual amenity and the amenities of the nearby residential properties. The Winchester City Council Landscape Team made comments back in March 2007 on the adverse visual impact, especially when hedges are not in leaf, when the planning application for the rabbit shed was being considered. These comments were made prior to all the existing structures listed above. The new proposed farm shop is twice the size of the existing stables;
- The application shows only three car parking spaces. In photographs supplied in the applicant's design statement, there are two cars visible parked on the land. How will one extra car parking space be adequate for a farm shop? On-road car parking is not possible, due to the narrow lane and sharp corner and junction with Chapel Road;
- There is increased surface water generated from this property. When this froze, it became extremely dangerous. This stretch of the road has a 40 mph speed limit. This level of water on the road did not occur before this smallholding development;
- This piece of land cannot take any more planning applications, be it temporary or permanent. The cumulative visual effect is causing detrimental harm to the landscape, not to mention the environmental problems of drainage.

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Soberton Parish Council:

Objects to the application, for the following reasons:

- It is felt that a farm shop is not sustainable in such a location;
- The current uses on the site exceed all consents and breach planning conditions, in that waste is allowed to run off the site and across Maybush Lane;
- The site is causing considerable nuisance to neighbours and passers by, in that, visually, it forms an inappropriate development in the countryside;
- It causes noise, odour and light pollution to adjacent areas;
- The character of the landscape, formation of soils and condition of adjacent hedgerows are suffering from over-compaction of the site usage, and pollution through waste water run-off;
- This development is visually causing harm to the local landscape character;
- It should be noted that a feasibility study for a farm shop was carried out on Heath Road last year and dismissed as unworkable by the owners. In addition, a farm shop sited on the busy Hambledon/Droxford Road at Wallops Wood failed last summer after considerable investment. The Parish Council does not support a farm shop in this location;
- Maybush Lane is an unclassified lane with minimal passing traffic and signage, lighting and pavements do not exist. Locating a shop in this location would cause danger to other road users and cause unnecessary disturbance in the local area.

Eight letters received objecting to the application, for the following reasons:

- A farm shop would create a traffic hazard, as the entrance is situated on a bend in a narrow lane and would result in a great increase in traffic along an already dangerous stretch of a narrow country lane;
- A lack of market research in the local area to find out if there is support in the village for a shop selling duck eggs, suggesting that the applicant intends advertising in and around the Portsmouth and Southampton area in order for customers to buy eggs, resulting in an increase in the traffic during daytime and, particularly, at weekends;
- Inadequate information about the number of customers or additional car journeys;
- Highways have previously commented on the poor state of Maybush Lane and the surrounding road network;
- There is no area where visitors could safely park their cars in the lane when visiting a farm shop;
- Ducks and geese already on site are causing environmental harm;
- Impact on residential amenity from frequent cars and people coming and going and noise from ducks and geese;
- Visitors to a farm shop would mean that noise from the geese would become non-stop;
- If the building ceases to be used as a farm shop it could be used to house livestock and could have additional unwanted health, environmental and nuisance impacts;
- There is insufficient parking;
- The site is untidy, messy, and visually intrusive;
- Many additional structures are constantly being added i.e., caravan, van body etc;
- The construction of another utilitarian building on this site would be over-development of the site and an inappropriate visual intrusion into the landscape;
- A farm shop or any other retail outlet on this site would be totally out of keeping in this completely rural area;
- There is no need for a farm shop in this locality;
- The sale of duck eggs alone will be insufficient to support a viable farm shop, so other

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produce from a variety of sources will also need to be sold, with further traffic generated by deliveries of this produce;

- There is no evidence of the sale of eggs, therefore, it would seem to be premature to now ask for planning consent for a farm shop building;
- The applicants seem to be changing their ideas about what the land should be used for.

Relevant Planning Policy

South East Plan:

C4, CC6, BE6

Winchester District Local Plan 2006

DP3, DP4, CE5, CE13, CE16, T2, T4

Supplementary Planning Guidance

Soberton Village Design Statement

National Planning Policy Guidance/Statements:

PPS1, PPS7

Principle of development

This proposal is for an agricultural building to replace an existing stable. It is proposed to be used as a farm shop and incubator unit, in association with the farm enterprise on this holding. The produce to be sold consists of eggs from ducks reared on the land. The sale of produce from an agricultural holding does not, of itself, require planning permission, as it is considered to be ancillary to the agricultural use. As a result, the applicant could sell his produce at the farm site without a grant of permission. However, the building does need consent. The issues to be considered, therefore, are the impact of the proposal on the character of the area, upon residential amenity and upon highway safety. Other matters raised in letters of objection are also considered at the end of this report.

Impact on character of area

The existing stable block is located along the northern boundary of the site. It backs onto a larger outbuilding within the curtilage of St Margarets. The only open view of the site is at a point on Maybush Lane to the south of the land, where the hedgerow stops. Apart from this, there are limited views from Maybush Lane through breaks in the boundary planting. However, due to the slope of the land up from the lane, the stable is not particularly conspicuous and is located near the other existing structures on the land. The proposed building would be slightly taller and wider than the stables and would be constructed of dark green profiled metal sheeting and concrete blockwork. As views of the building would be limited, and as it is not significantly larger than the stables, it is not considered that it would be unacceptably intrusive or harmful to the character and appearance of the area.

A condition has been attached requiring details to be submitted of any additional hardstanding around the proposed building, in order to ensure that the Local Planning Authority has control over this aspect of the development (Condition 3).

Impact on residential amenity

The new building will be adjacent to a larger outbuilding to the north, within the curtilage of St Margarets. This neighbouring outbuilding will substantially screen the new building

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from views from the neighbouring house and garden. It is therefore not considered that it would appear intrusive or overbearing. The site, as a whole, is used for duck rearing and agriculture and it is considered that the use of the building in association with this would be unlikely to have any additional material impact upon residential amenity. This is confirmed by the consultation response from the Environmental Protection Team, which has made no adverse comments. However, if other animals or birds were kept in the building, there may be a greater impact upon residential amenity and therefore a condition is attached to prevent animals or birds other than ducks being kept in the building (Condition 6).

Landscape/Trees

There is an Oak tree to the north-west of the existing stables. The new building will not be located under the canopy of this tree but, as it is within reasonably close proximity, a method statement is required to ensure that the root protection area of the tree is safeguarded (Condition 5).

Highways/Parking

Concern has been raised about the potential highway impacts arising from this proposal. However, the applicant could sell produce from the land at the farm gate without needing permission from the Local Planning Authority. In such a situation, it would not be possible to substantiate a reason for refusal due to concerns about traffic generation arising from this use. The Highway Engineer is also satisfied that the existing access is adequate. There is ample informal parking space on the site between the entrance and the proposed building and the ability for vehicles to turn on the site so that they will not need to reverse onto the highway. There are, therefore, no highway objections to the proposal.

Other Matters

- The fact that there may be separate breaches of planning control relating to this site is not a material consideration in this case, as applications must be determined on their individual merits.
- The comments made by the Winchester City Council Landscape Team in 2007 are noted but have been superseded by the up-to-date comments made by the Council's current Landscape Officer, who raises no objections. The impact of the proposed building has been assessed in light of the current nature of the site and its setting in the landscape.
- A drainage condition is attached to ensure that adequate drainage is provided for the development (Condition 4).
- Comparisons with other farm shops, and concerns about the need for a shop or the lack of market research, are primarily matters for the applicant and would not provide a basis for refusing planning permission.
- If goods were subsequently imported and sold at the farm shop, then this may require planning permission, depending upon the scale and nature of the operation.
- The fact that the applicants may have changed the nature of their enterprise over time is not a material planning consideration in this case.

Conclusion

The proposed farm shop use does not require permission. The incubator use is to support the existing duck farming enterprise. It is not considered that the proposed agricultural building would be visually harmful to the character and appearance of the area, or detrimental to the residential amenity of the neighbouring property or have any

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impact on highway safety. The proposal is therefore considered to be acceptable.

Recommendation

Application Permitted, subject to the following conditions:

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).

2. The building hereby permitted shall be finished in a dark green colour, samples of which are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The works shall be undertaken in accordance with these approved details and thereafter retained in that colour.

Reason: In the interests of the amenity of the area.

3. Details of any hardstanding around the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The works shall be undertaken in accordance with these approved details.

Reason: In the interests of the amenity of the area.

4. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the building is first brought into use.

Reason: To ensure the satisfactory provision of foul and surface water drainage.

5. An Arboricultural Method Statement, demonstrating how the root protection area of the nearby Oak tree will be protected in accordance with BS5837: 2005, shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site.

Reason: To ensure the protection and long term viability of retained trees and to minimise the impact of construction activity.

6. The building hereby approved shall not be used for the keeping of animals or birds other than ducks, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

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Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:

Winchester District Local Plan Review 2006: DP3, DP4, CE5, CE13, CE16, T2, T4
South East Plan 2009: C4, CC6, BE6

3. 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 Sundays or recognised public holidays. Where allegations of noise disturbance from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4. No materials should be burnt on site. Where the Environmental Protection Team substantiates allegations of statutory nuisance, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.

5. The applicant is advised that only goods produced on this site should be sold at the farm shop and that if goods are imported onto this site for sale then this would be likely to require planning permission.

6. The applicant is advised that the display of advertisements at the site is likely to require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and advertisements should not be displayed before the advice of the Local Planning Authority has first been obtained as to whether consent is required.

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City Councillor's request that a Planning Application be considered by Planning Development Control Committee

Request from Councillor: Victoria Weston
Case Number: 09/01967/FUL
Site Address: Scatterbrook Farm, Maybush Lane Soberton SO32 3QF
Proposal Description: Erection of an agricultural building for use as a farm shop and incubation area
Requests that the item be considered by the Planning Development Control Committee for the following material planning reasons: Visual harm and impact to the area. Also, the cumulative effect of mobile and permanent structures on a plot of land that is only 0.64 hectares. This plot of land is now intrusive to the landscape.

- Whilst requests will be accepted up to the determination of the application, Members should make their request as quickly as possible and preferably within the publicity period of the application. Otherwise the case may be determined under delegated powers soon after the expiry of the publicity period. The committee date for the application will depend upon when the request is received in relation to the committee cycle.
- It would be helpful if Members can indicate their preferred outcome to avoid it going to Committee unnecessarily

Once completed, please email this form to the relevant Planning Case Officer and the Head of Planning Management.