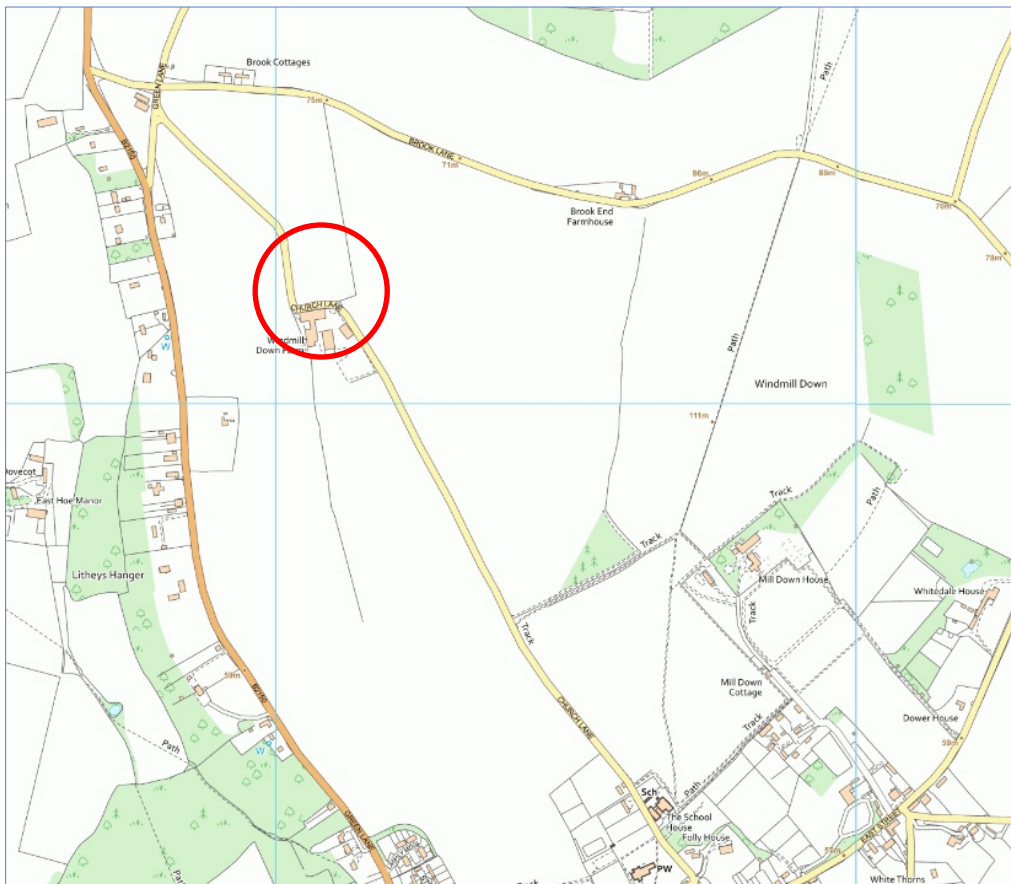


Case No: SDNP/19/01778/FUL
Proposal Description: Replacement machinery store and workshop building.
Address: Windmill Down Farm
Church Lane
Hambledon
Hampshire
Parish, or Ward if within Winchester City: Hambledon
Applicants Name: Mr Mason
Case Officer: Ms Charlotte Fleming
Date Valid: 11 April 2019
Recommendation: Application Approved



General Comments

This application is reported to the Planning Committee due to the number of representations received contrary to the Officer's recommendation.

1 Site Description

This part of Windmill Down Farm is formed of a cluster of agricultural style buildings, located close to Church Lane and screened in part by trees and hedges. Located within the open countryside approximately 1.2km north of Hambledon, it is partially visible within the wider landscape as a result of the surrounding higher ground.

The farm is an arable farm of approximately 641 acres, producing approximately 1,300 tons of grain including spring barley, winter wheat, spring oats and oil seed rape every year.

To the south of the site in an area with a permitted use as inert soil's waste transfer station with soil screening (Alsoils company). The buildings on the site appear to be shared farmyard operational use between the farm and the soil company.

2 Proposal

Replacement machinery store and workshop building.

3 Relevant Planning History

87/01832/OLD - Dwelling.
Refused 27th August 1987.

91/01024/OLD - Agricultural workers dwelling and garage
Application Returned .

94/01434/OLD - Tyre transfer station (County Matter)
Permitted 4th January 1994.

95/01335/OLD - Removal of tyres by processing on site (County Matter)
Permitted 10th July 1995.

10/00484/APN - Erection of replacement grain store.
No Objection 15th March 2010.

12/00713/SHCS - Retrospective planning application for an inert soils waste transfer station with soil screening (THIS APPLICATION WILL BE DETERMINED BY THE SOUTH DOWNS NATIONAL PARK AUTHORITY).
Temporary permission 25th September 2012.

SDNP/13/05480/APNB - Storage building
STATUS: No Objection 17th December 2013.

SDNP/16/02046/PRE - Continuation of soil processing use and possible new access.
STATUS: Advice given 10th June 2016.

SDNP/17/04623/FUL - Small-scale soil recycling facility (SDNP) - Permitted for 5 years 19th February 2018

SDNP/18/02096/DCOND - Discharge of Conditions 14 and 30 on planning consent SDNP/17/04623/FUL – Approved 3rd May 2018

SDNP/19/00002/APNB - Replacement machinery store and workshop buildings. STATUS: Prior Approval is Required 18th February 2019

4 Consultations

WCC – Environmental Health

I have no objections to the construction of a replacement building for storage of machinery / fertiliser. However the application design and access statement also states that the purpose of the application is to seek to provide a workshop for 'farm operations'. Those 'farm operations' have been further clarified by the Planning Agent who stated :

'The 'label' workshop applied to one of the buildings refers to a standard 'farm' workshop and should not be confused with a mechanic type of workshop which is in use 5 or 6 days a week and fully occupied for 8-10 hours a day.

In this agricultural context it is where farm tools are kept and are where one would take, for example, a tractor or farm implement for a minor repair or adjustment on an occasional basis. In conclusion it is therefore safe to say that this farm workshop, along with many others of its type, will be occupied for minutes a week on average rather than hours or days.'

I would have no objections to a use such as this as I would not envisage it to cause detriment to the amenity in the same way that operations from a mechanical workshop might. I would therefore recommend that the use is restricted to an 'agricultural workshop' or another appropriate descriptor so that it is used in the manner as the Agent has described above. This would preclude any 'B' class uses that might involve repeated use of noisy machinery. In addition, I would like to make it clear that such agricultural use should not include other noisy activities such as grain drying, which is, in my view, a completely different application. (Condition 4)

WCC - Landscape Open Spaces

The application is for a replacement machinery store and workshop building on an agricultural site currently also being used for soil processing activities.

The site is partially screened from Church Lane by existing trees and hedge however the roofs of the existing buildings are visible from the B2150 to the east, Brook Lane to the north and the approach along Church Lane from the south.

The extension and replacement buildings are proposed with lower roof heights thereby screened by the existing buildings. If these roof heights remain as designed then there is no landscape objection to this proposal as they will have no significant impact on the character or setting of the National Park – existing trees on site must be retained and protected during construction.

Parish Council Consultee

17/05 - The Parish Council has no objection to this application.

03/06 - 'Objection, on the grounds that there is continuing concern over the monitoring of Alsoils' activity, made more difficult by it using the same entrance as Windmill Down Farm. Please refer to the 2013 position of the Parish Council.'

5 Representations

9 letters of objection from 6 properties have been received making comments, as follows:

Objections:

Ownership operation and scale of development

- The owners have consistently not followed planning regulations and used an agricultural premise for industrial use.
- No objection to the farmer requesting Planning for new buildings and extensions to an existing farm building if they are required.
- Suspect that this could be more for the use of Alsoils as they have applied in the past for a very similar Planning.
- 2013 application was to build a barn to secure farming equipment, although currently being used by Alsoils and not agricultural use.
- Historic redundant buildings on site being used by Alsoil not the farm
- Additional buildings are not required by such a small farmstead
- History on the site and overlapping red line plans, dual use of existing buildings, and access points, need to clearly set out who occupies which building between All Soils and the Farm and condition/enforce this.
- Vines have been planted – why does this require additional machinery/storage – surely being done by hand

Traffic & Access

- Road conditions (Green Lane and Church Lane) - Using site as industrial use has cost the tax money in repair of the road, as it is not suitable for an access road for the HGVs that use it.
- Still pot holes
- HGV drivers inconsiderate and splash walkers
- Flooding across road
- Drains blocked by Alsoils and roads damaged
- Alsoils and Farm previously have separate access points but appear to be using the same

Amenity, Noise & Disturbance

- Farms are places for agriculture and using them for industrial activity ruins an Area of Outstanding Natural Beauty.
- Proposed is to be used by Alsoils which leads to an adverse impact on the tranquillity of the South Downs National Park.
- Concerns about noise and lighting pollution - often incredibly noisy
- Alsoils activities including grinding machinery, even at weekends.

Ecology

- Citing of a bird box as a nod to their environmental credentials is clutching at straws, noise levels from soil processing makes this an unlikely haven.

Landscape

- Site is highly visible due to topography
- Shouldn't litter the site with buildings, even agricultural
- Object to any further buildings on this site.

Other

- Not been consulted about the application although live near
- Incorrect history on previous report application missing SDNP/17/04623/FUL

Response:

A response to the representations has been received from the applicant making the following points:

The application is for Windmill Down farms Ltd only.

The application has no connection to Alsoils and does not change their planning or amount of soil recycling that they can carry out.

Farm Entrances

The farm principally uses entrance on the corner of Hogs lane adjacent to the buildings . The replacement barn will have its door opening to the west as opposed to the East as at present, so that this will be accesses via this entrance. Compost deliveries are to be delivered via farm entrance as well. There will always be a need to use the other entrance for the grain store located adjoining this entrance. . There is a camera on this entrance, so all vehicles entering here are recorded.

Buildings

The plan has always been to keep the buildings at the lambing yard within the present curtilage. The farm has planted trees and maintained the hedges at appropriate aspects, to screen the buildings. The buildings on this site have had different uses over time. A number now are unpractical for farm use. These being for example the Dutch barn straw barns, and those with a eaves height too low for modern machinery to enter. Building continue to be upgraded to allow access by modern machinery, allow for correct storage, separation and modern day crop assurance schemes and the storage of Agrochemicals and fertilisers. Modern day equipment needs to be stored internally for security and also to protect the main electronic aspects of these expensive machines.

The majority of buildings that Alsoils use are totally unsuitable for farm use, as not enclosed. No concrete floor and don't meet quality assurance . No security and open to the elements. This is because they were for forage storage for cattle, which no longer are on farm.

Fertiliser

The compost (produced from green waste) is not actually a nitrogen fertiliser. It is an organic general product. It helps maintenance of soil status and is important for keeping the soil in good condition. It replaces bagged phosphate and potash, although it does have an element of nitrogen naturally within it as well. .

Nitrogen is applied in the spring to the majority of crops to enhance growth of the living crop. This is an essential aspect of good farming practise.

The tonnages stated for both compost and nitrogen are correct. All bagged fertiliser has to be stored in secure buildings. Compost can be stored outside.

Cropping

Crop diversity is crucial to farm profitability, but all require storage of varying types at times of the year.

Environment

The farm has been proactive in improving the environmental features over the years. A significant wood and copse have been established. The farm has been involved with agricultural environmental schemes over many years. This has included the planting of external hedges and improving internal hedges as well as adding additional hedge line trees.

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Winchester District Local Plan Review (2006) and the following additional plan(s):

- Winchester District Local Plan Part 1 Joint Core Strategy (2013)
- South Downs National Park Local Plan - Submission 2018

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 Planning Policy

Relevant Government Planning Policy and Guidance

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

National Planning Policy Framework (NPPF)

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

- NPPF6 - Prosperous Rural Economy
- NPPF11 – Effective use of land
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

Paragraph 2 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF. The following policies of the Winchester District Local Plan Review (2006) are relevant to this application:

- DP3 - General Design Criteria
- DP4 - Landscape and the Built Environment
- DP11 – Un-neighbourly Uses
- T2 - Access

The following policies of the Winchester District Local Plan Part 1 Joint Core Strategy (2013) are relevant to this application:

- MTRA4 - Development in the countryside
- CP6 – Local Services and Facilities
- CP8 - Economic Growth and Diversification
- CP13 - High Quality Design
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

The following policies of the South Downs National Park Local Plan - Submission 2018 are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 – Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD7 – Relative Tranquillity
- Strategic Policy SD9 – Biodiversity and Geodiversity
- Development Management Policy SD11 – Trees, Woodland and Hedgerows
- Development Management Policy SD19 – Transport and Accessibility
- Development Management Policy SD25 – Development Strategy
- Development Management SD34 – Sustaining the Local Economy
- Development Management Policy SD39 - Agriculture and Forestry

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

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

- General Policy 1
- Farming Policy 13

The Draft South Downs National Park Local Plan

The Pre-Submission version of the South Downs Local Plan (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

8 Planning Assessment

Principle of development

This application originally came in as a APNB (Agricultural Prior Notification) however it was decided that more information was required on the siting and visual impact of the proposed and therefore Prior Approval is required, and the need for this application.

Due to the increase in crop production and machinery sizes the farm requires suitable workshop facility (for fixing machines) and somewhere to securely store its machinery, 200 tons of fertiliser and seed. This application is solely for agricultural farm purposes not Alsoils who also use the site.

The site of the proposed development is located in an area which is designated as countryside where the proposal is subject to policy MTRA4 development in the countryside of the Winchester Joint Core Strategy (WJCS). Policy MTRA4 allows development in the countryside which has an operational need for such location such as agriculture, as long as the development does not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation, the development proposed by the Farm (not All Soils) is considered to comply with this policy.

The South Downs Local Plan (SDLP) is at an advanced stage, there are both representations of support and objection to draft policies. Having read these the Inspectors consider that the policy SD25 development strategy is likely to be adopted. If the Inspector considered that there is a material change in the policy or the policy is deleted, any new application for the proposed would be determined afresh in the light of the changed circumstances. It was therefore considered that the policies should be afforded very nearly full weight in the determination of planning applications. However, as adoption has not yet taken place, the policies in the Winchester Local Plan Review 2006 (WLPR) and WJCS still need to be addressed.

Policy SD34 supports local economy, that fosters economic and social well being of communities, the proposal meets criteria a) promoting and protecting the Park's farming community, c) supporting local rural supply chains between businesses and e) securing future resilience of the company and local jobs.

Policies SD5 and DP3 sets out that new development is acceptable provided that it is appropriate in scale, design and does not have an adverse impact on the character of the area or on surrounding uses and properties. It is considered that the proposals meets the criteria of these policies as the barn is in keeping with the existing character of the site and partially screened from view, therefore it is not considered to have an adverse impact on the character of the area.

Concerns have been raised over the operations and ownership of the proposed, however the uses will be conditioned to be for agricultural use only, not industrial. Therefore it is considered that the proposed agricultural storage for the farm is compliant with planning policies.

Design, scale and impact on the character of the area

The principle of a farm and barn on the site is already existing, additional space is required for secure storage and a workshop space, which will be partially screened by vegetation and the replacing of an existing open barn/carport with a secure building screened within the site.

Whilst the barns are significant in scale, given the largely traditional design and materials proposed the development is not considered to result in a detrimental impact to the character of the site, on balance, it is considered to appear sufficiently subservient and to remain appropriate in scale for the size of the site.

Landscape officers have raised no concerns with the proposal. The barn is set back from the road and partially screened by trees and existing buildings, given the design, scale and materials proposed, the development is not considered to result in a detrimental impact to the character of the area and would not conflict with the purposes of the South Downs National Park.

Impact on Neighbours

Several comments have been received from the neighbours, however the closest neighbour is over 170 meters from the site, and summarising their comments their objections are to the disruption created by Alsoils not the Farm. A condition is recommended in regard to the use of this building (condition 4).

There is already a farm on the site, so extending the barn on the East of the site and replacing the existing lean to with another barn/workshop within the farm yard will not result in a detrimental impact on neighbouring privacy, as to warrant refusal.

Other matters

The potential future business speculations on the (wider) site, is not a material planning consideration.

Ecology – biodiversity enhancements have been proposed and supported, however there is potential for bats and nesting birds on the site, due to the surrounding trees, therefore an informative has been put on stating that on discovery of bats or nesting birds work must stop.

9 Conclusion

The application is considered acceptable for the reasons outlined above and is recommended for approval.

10 Reason for Recommendation and Conditions

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

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

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those listed in section 7 of the submitted application form.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

4. The use of the barns hereby permitted shall be restricted to agricultural storage and agricultural workshop use only and shall not at any time be used for any other form of workshop or industry. Agricultural use does not include other noisy activities such as grain drying.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area and highway safety.

5. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and hours of operation. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the landscape character of the South Downs National Park from light pollution and to minimise the impact on surrounding habitats.

Informatives:

1. This permission is granted for the following reasons:
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, DP11, T2
Winchester District Local Plan Part 1 - Joint Core Strategy (2013): MTRA4, CP6, CP8, CP13, CP19, CP20
South Downs Local Plan Submission (2018): Policies SD1, SD2, SD4, SD5, SD6, SD7, SD9, SD11, SD19, SD25, SD34, SD39
3. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
-offering a pre-application advice service and,
-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
- In this instance the application was considered acceptable as submitted so no further assistance was required.
4. In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.
5. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

6. Nesting birds are protected under the Wildlife and Countryside Act 1981. The onus is therefore on the applicant to ensure that nesting birds are not impacted by the works. It is advised that works are undertaken outside of the breeding bird season (the breeding season is generally considered to extend from March to September) or under supervision of a qualified ecologist.

11. Crime and Disorder Implications

It is considered that the proposal 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. Equality Act 2010

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

14. Proactive Working

The application was considered acceptable as submitted so no further assistance was required.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans -	LOCATION PLAN	1134LP	10.04.2019	Approved
Plans -	EXISTING SITE PLAN	1134-200-02	10.04.2019	Approved
Plans -	PROPOSED SITE PLAN	1134-200-01	10.04.2019	Approved
Plans -	EXTENSION BUILDING - ELEVATIONS	1134-300-02	10.04.2019	Approved
Plans -	REPLACEMENT BUILDING - ELEVATIONS	1134-300-04	10.04.2019	Approved
Reports -	Design and Access Statement		10.04.2019	Approved

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