

## **Minutes of the Extraordinary meeting of Froxfield & Privett Parish Council held on Thursday the 19<sup>th</sup> of May 2016 at 7.30pm at Froxfield Village Hall.**

**Present:** Cllr P Doyle (Vice-Chairman), Cllr P Madgwick, Cllr R Moss, Cllr T Passingham, Cllr D Redding & Cllr D Rymer.

**Also in attendance:** Mrs M Snow (Locum clerk) and District Cllr N Drew and 7 members of the public.

**1.3.16 Apologies:** Cllr J Ellis (Chairman) and Cllr M Povey.

**2.3.16 Declarations of Pecuniary Interests & other interests:** Cllr Madgwick declared an interest in agenda item 4.C as he has financial connections to the applicant Mr John Ellis.

### **4.2.16 Comments from the public and press:**

Mr John Ellis explained to the public and Councillors that he was not connected to the property at Soalwood Lane which was to be discussed during agenda item 4.A. It is owned by distant family members with whom he has no association. [Mr Ellis then left the meeting as his own planning application was to be discussed in agenda item 4.C.]

Cllr Doyle explained to the resident how important it was for them to submit their comments directly to the planning officer who is dealing with the case either via the website or other means. As comments submitted to the Parish Council are helpful for the parish councillors but the Parish council only submits one comment on behalf of the whole parish, so the residents have more influence directing their comments directly to EHDC.

*The following comments from members of the public were concerning the planning application at Soalwood Lane, before the public spoke Cllr David Rymer read out the comments already received by residents and general observations councillors themselves had noted.*

A resident raised concerns regarding the barns B8 use. Another resident had concerns regarding the safety of walkers along soalwood Lane with the large increase in traffic using the lane. It was noted that the lane has been damaged by the increase already and photos were available if required. Other points raised were the concerns regarding the storage and any conditions that maybe be included if the application is successful, noise and lighting assessments had not been completed. District Cllr Drew explained to the residents his role as a councillor on the EHDC planning committee and answered resident's questions.

He explained that he and the planning officers encourage applicants to work with the district council to produce applications that adhere to policy and so that all parties are happy with the final outcome. The process enables Cllr Drew to have an active role providing support to the community. He is happy to be contacted by residents at any time to discuss planning queries.

### **4.2.16 Planning applications:**

**A) SDNP/16/01686/FUL Location:** Lambing Shed, Soalwood Lane, Froxfield, Petersfield, Hampshire, GU32 1DP. **Proposal:** Change of use from redundant agricultural barn and associated land to B8 storage use, retention of port aloo and earth bund.

**IT WAS RESOLVED** that the Parish Council would **object** to the planning application.

#### **Observations**

It appears that Policy C14 of the EHDC Local Plan would apply in this case. The policy allows the change of use or conversion of rural buildings for employment or community use subject to listed criteria.

The aim of the policy to ensure that buildings that are put to re-use are in keeping with their surrounds, there should be no

harm to the rural amenity and there should not be an adverse effect on roads or highways safety. Further, no new structures should be erected if they would harm the visual amenity of the country -side.

- The barn exists however the ancillary accommodation is obviously a much later addition. The applicants have stated that they will be relying on the same accommodation to service their requirements therefore there is no possibility of it being removed.

- There is likely to be harm on the rural amenity in so far as there will be noise generated by the machinery and plant. Local neighbours have included complaints of noise in the submitted objections.

- Employees of the applicants business have to travel to and from the application site by car meaning that the site is not positioned in a sustainable location.

- The application site is relatively exposed to the surrounding countryside. The existing earth bund, which should have been removed on expiry of the last planning permission, is incongruous to the area and is currently littered with rubbish.

- There is clearly insufficient room within the existing building for the storage of large pieces of machinery and plant meaning that it will have to be stored externally.

- The development offers zero benefit to the parish accordingly parishioners will have to suffer the damage, noise disruption, inconvenience with no tangible gain

- The applicants business cannot be described as being FORESTRY. The company operates as tree surgeons to commercial clients including EHDC and Scottish and Southern Power Networks. Their web site confirms this.

- The policies would support the generation of local business providing that it is suitable and offers some benefit to the local community. There will be no benefit.

#### Impact on the character of the countryside/National Park Landscape

The barn itself is an existing structure and the re-use does not harm the landscape or the character of the countryside or National Park.

The proliferation of temporary buildings and of course the applicants intention to store large pieces of machinery and plant externally is of concern and could potentially harm the landscape and character of the countryside.

Upon last checking and despite the applicants Planning Statement confirmation that only five pieces of plant would be stored externally at any one time there were at least ten pieces visible from the lane

#### Impact on neighbour's amenities

There are no very close neighbours whose amenities would be affected however those that are close have complained of noise.

#### Highways safety

There are significant concerns regarding highways safety. As this application is retrospective there is already evidence that the applicant is allowing very large pieces of machinery and plant to use the very narrow rural lane.

Large lorries have also been seen either trying to circumnavigate the lane or having to unload on Stoner Hill Road This causes delay and inevitably some drivers taking risk in passing the oversized vehicles.

#### South Downs National Park

The National Park's policy is to conserve and enhance natural beauty, wildlife and cultural heritage.

In all cases where there is a conflict between policies Conservation takes precedent. The proposed use does not conserve the park's policies.

#### Summary planning related observations

- It is thought that there will be an impact on the rural amenity and the application falls short of satisfying many additional policies identified in Policy C14

- There will be an impact on the visual and landscape with the retention of ancillary buildings and the external storage of machinery and plant.

- There are highway safety concerns

- Whilst it is a matter for Hampshire Highways to be concerned with not EHDC the construction, size and configuration of the lane means that it is not suitable for the transit of such large pieces of machinery, plant and lorries and inevitably long term damaged is being inflicted on the lane

- The applicants have chosen NOT to display a planning application notice. Which is a demonstration of contempt for all concerned.

- The applicants have not engaged with the local residents, The Parish Council or EHDC Officers which is contrary to advice given on the Government's National Planning Policy Framework which sets out to encourage those seeking planning permission to discuss their proposals openly and attempt to address any parties concerns BEFORE applications are finalized and submitted. This is a demonstration of contempt.

- The applicants Planning Statement must be treated with a degree of caution as it contains a number of inaccurate statements.

1. It states that no more than 2 tractors and 3 agricultural specification unimogs will be stored externally at any one time.

Having checked on a number of occasions there are regularly up to ten pieces of machinery and heavy plant being stored.

2. It states that DNB Tree Surgery Ltd, the applicant employs 18 members of staff and only three would ever travel to and from the application site.

Having checked the applicant's web site it would appear that they are quite specific and proudly state that they employ 34 people

3. It states that the business would only operate between 07.00 - 18.00 Monday- Saturday.

The companies web site offers an emergency service 24 hours a day 7 days a week 365 days a year.

4. It states that the company operates within a 40-mile radius of the site.

The web site states that they operate within a 100-mile radius of the site

In conclusion it would appear that either the applicant has briefed their agent incorrectly or the agent has chosen to include information that is meant to mislead. Either way it is a further demonstration of contempt.

Further non-planning observations

Whilst not necessarily planning issues the following observations ought to be discussed.

- The application and supporting documents regularly refer to the barn shed/barn as being redundant. It is not necessarily redundant, as it could have used for farming purposes. By implication the applicant is suggesting that they are making good use of a building what would otherwise be unused and no doubt fall into disrepair.

- The application includes the retention of a portaloos. Most portaloos are emptied on a regular basis (weekly)

by specialist contractors. It assumed that this particular facility is plumbed into services as the application form makes reference to a septic tank. I would question whether such a facility was ever installed or does the effluent discharge directly into the ground. This perhaps ought to be investigated further by Environmental Health Officers.

If permission were granted for this development then The Parish Council would like to think that officers would be minded to include conditions within the consent as follows.

1. The permission is specific to the applicant only and that the original use be reverted to should the application site be sold sub-let or rented out on a short or long term tenancy arrangement.
2. Should the application site be vacated that it should revert to original meaning that the earth bund be removed, the ancillary buildings and gates, fencing and alike be removed.
3. The hours of operation are restricted to Monday- Friday 08.00 - 17.00 and on Saturday's 08.00 - 13.00 No access to the site outside the foregoing hours or on bank holidays. These hours are similar to those imposed on construction sites and implemented specifically to protect local neighbours. Building sites are by nature short term projects where as this use would be permanent.
4. There should be a restriction on types, size and number of vehicle movements.
5. A landscape scheme should be prepared and implemented within three months of the date of decision notice issue.
6. A planning application for the rationalization of ancillary buildings should be submitted.
7. Ideally a condition should be added for the removal of the earth bund, which is incongruous to the area. This would have to be included in the landscape scheme
8. Restrictions should be placed on the use of any land outside of the application site. At no time should it be used for any other use other than agricultural land. The applicants are currently using land outside of the application site for storage of large cut tree trunks, which they sell on however they have to be collected by extremely large, heavy timber lorries.

**B) SDNP/16/01649/FUL Location:** Lupton House, Stoner Hill Road, Froxfield, Petersfield, GU32 1DY.  
**Proposal:** Retention of entrance track.

**IT WAS RESOLVED** that the parish council would **object** to this planning application.

#### **Planning policy observations**

It is assumed that Policy CP19 - Development in the countryside will apply.

The application is retrospective for the retention of a verge crossing, hard standing and track, which is all unauthorized development on agricultural land.

Prior to submitting the application the applicants were asked by the compliance team to submit a retrospective application for the development and specifically support the submission with good reasons why there is a genuine and proven need for the works undertaken. This is the basis on which compliance with Policy CP19 should be determined.

The Policy calls for general constraint in order to protect the countryside for the sake of its intrinsic character and beauty. The only development allowed in the countryside will be that with a genuine and proven need such as for farming, forestry or other rural enterprises.

For reasons given in supporting documentation the applicants have said that due to surface water drainage from the road the entrance into the agricultural land had become very difficult to use during wet weather.

To keep matters in perspective the area of land to be accessed is relatively small (less than 3.5 acres) and is barely large enough to support the needs of a flock of 10 sheep. It is questioned therefore whether the requirement in terms of farming can be proven.

The majority of farmers in the parish use very similar entrances on a regular basis however regulate the use according to season and weather conditions.

If all that was required was to be able to access the land then the applicants have not given good reasons why such a large hard standing and associated track approaching the garden curtilage is also required. It can serve no agricultural need and is not justifiable.

The development has an urbanizing affect and has a cumulative impact of extending the developed footprint of the property further which confuses the effective boundary between garden curtilage and agricultural land. The development that forms part of this application along with the formalized approach to design of agricultural land abutting the garden boundary arguably constitutes a material change of use.

The development shows no regard for the conservation of the natural beauty, tranquility, wildlife and cultural heritage of the South Downs National Park

Referring to The Parish of Froxfield and Privett Local Landscape Character Assessment 2011 the following observations are submitted.

- The overall management objective should be to conserve the remote quiet character of the landscape formed by pasture and woodland mosaic quiet lanes and sparse settlement.

The development undermines the objective in so far as pasture has been given over to hard standings and the developed area of the property has been further extended

- Landscape management and development should respect the following

Seek to ensure that this remains as predominantly pasture landscape managed by grazing

The development has removed pasture.

Conserve the very low density of settlement, quiet roads and rural lanes and consequent rural character

The development has extended the cumulative urban spread of the property

Conserve the small-nucleated character of the villages centered around a church or green/pond and absence of larger extended settlements

The development has effectively extended the settlement in the immediate surrounds.

Ensure new farm buildings and associated storage structures and working areas are sensitively sited and screened

The development cannot be described as being sensitive it can quite clearly be seen from the adjacent road

The development shows little regard for the assessment and the observations made within.

Highways and Highway Safety

The formalized entrance into agricultural land crosses a verge which presumably is in Hampshire County Council ownership accordingly it is assumed that HCC Highways have been consulted regarding the construction and suitability of the new access bearing in mind the entrance is positioned on a lane which is subject to the national speed limit.

The development will encourage the use of the track and hard standing by vehicles which would have to exit onto a road which does not have sufficient sight lines which could not be established without the removal of significant sections of ancient hedgerow and the repositioning of entrance gates.

#### General observations

- Notwithstanding the outcome of the planning application it would be re-assuring to know that the storage container that was placed adjacent to the entrance whilst works were undertaken will be removed.
- Whilst it is appreciated that every planning application will be treated on its own merits and should therefore not create precedent. The determination of this matter is likely to be monitored with interest and could possibly lead to further application for development of agricultural land. Most applications are not as easy to determine in so far as they more often than not involve design, interpretation, size, volume height etc. this matter does not. It is simply the substitution of agricultural land for areas of hard standing or for use as paved tracks.
- The Parish Council has genuine concerns that other development will follow and it will be extremely difficult to oppose if this application is approved.

**C) SDNP/16/01830/FUL Location:** Bensgreen Farm, Blackmore Lane, Froxfield, GU32 1ED  
**Proposal:** Grain Barn and covered agricultural machinery storage.

**IT WAS RESOLVED** that the parish council has no **objection** to this planning application.

#### Observations

If permission is granted for this application The Parish Council has requested that consideration be given to the inclusion of the following conditions.

1. The use of the building must only be for the purposes of storing grain and limited agricultural machinery in the designated storage facility.
2. Materials should be made available to the local authority for approval prior to building works being commenced
3. The landscaping scheme should be implemented on completion of construction works and prior to the buildings being occupied and that it be maintained for a period of at least five years.
4. That any plant or equipment that may be installed in the building at time has a noise emission of at least 5 db. below background noise levels.

#### **5.3.16 Internal Auditors Report and the end of year accounts:**

The locum clerk explained that the internal auditors report contained some minor issues that needed addressing these included the chairman not signing each page of the minutes, the Standing Orders and Financial Regulations are very out of date and the council needs to produce a financial risk assessment. Apologies were provided by the Vice-Chairman for no report being available as the locum clerk had left it at home, so the report would be distributed at the next meeting when it would be discussed in full.

**The accounts and audit form including the annual governance statement were duly signed confirming that these are a correct record of the Council's accounts for the year ending 2015/16.**

**Meeting closed at 9.15pm.**

**Signed Chairman:** \_\_\_\_\_ **Dated:** \_\_\_\_\_