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## DEPUTATION TO COMMITTEE MEMBERS - APP/19/01408 - JP&P HIGNEY

### Introduction

We, taxpayers and future generations will be the victims of a gross planning failure if due process in this case is swept aside. All we ask is that it's done properly. Unauthorised development is, and must always be at the perpetrators risk. The authority's responsibility is to see that due process gets done. In this case it means not allowing anyone to abuse or ignore planning law, policy and process. The chronicle of events up to now point to persons acting in your name knowingly standing by while an unauthorised structure was built in front of their eyes. Our calls to consider this retrospective application on what should be a level playing field is met with ignorance of law and government policy.

We alerted HBC planning last August at the start of the build when it could have been easily stopped. Only when it was finished was an application started. Planning enforcement even excused themselves on account of workload issues, when it would have taken minutes to issue a stop notice. That should be unacceptable in public service.

### Statement

If the Development Management Committee carefully considers our representations, from last August to now, it must consider this application as if no building has taken place. It means considering whether it should have been enlarged at all, or if necessary built where it would not harm the setting of this Listed building which has been our care for many years.

The greatly enlarged silage clamp has badly affected the setting of our Listed Building, not only visually but also by extended periods of operating including Summer months with added noise and pollution. These too are components of setting as advised by Historic England's published guidance. Your Council recognises the impact and has published the required Notice. It is perverse to do that and avoid the steps that Government directs should be taken to make a sound judgement. They are simple to understand: is there harm to the setting? If so is there a public benefit that outweighs the harm? If there is no public benefit, the application should be refused.

In registering the application the Council flies in the face of law and government policy. This mistake should be put right. It should not be put up for determination until the proper process has been followed and enforced. Otherwise without the required Heritage Statement, rigorous application of Local Plan and Government policies it will be open to challenge as invalid.

The law requires you, the Council to **give "special attention"** to preserving the settings of listed buildings. Government policy and published guidance for handling planning applications affecting listed buildings directs how this is done; to apply the National Planning Policy Framework and National Planning Policy Guidance. Historic England has published detailed guidance on how these policies should be implemented.

Where local councils fail to discharge Government policy and allow their officers to abuse their powers the Secretary of State has powers to intervene, for example under The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

The recommendation to approve is wrong. The officer assessment of setting has not followed guidance and is not competent given there was no visit to the affected Listed Building. The required applicant statement is missing. Any determination would be a public shame and be subject to overturning.

We assert that the application be held until the relevant regulations have been complied with. You should seek further advice on this matter or until such times we have received a response from Alan Mak MP and/or The Secretary of State.

In the event you decide to proceed with a decision you should refuse the application.

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## Item 4 (1)

Northney Farm, St Peters Road, Hayling Island  
Updated 15<sup>th</sup> July 2020

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### Updates

#### Site View Working Party held on 8<sup>th</sup> July 2020

#### Information requested:

A. More recent photographs showing the site in summer foliage:

Given the current restrictions in relation to the carrying out of site visits due to Covid 19, photographs have been requested from the adjoining resident who has indicated that these will be provided.

Updated photographs will be included in the Development Management Committee presentation if received.

B. The results of an investigation into the suitability of using Ash trees to screen the proposal:

This matter has been raised with the applicant and the Councils Arboricultural Officer. The applicant advises that:

*Ash were chosen as there is an existing line along the back of the adjacent barn (which haven't been affected by Ash die-back at the moment) and they are also fast growing, we could use Alders instead.*

The Councils Arboricultural Officer who has advised that:

*I would still suggest that Ash is not planted as there is significant concern regarding the sustainability of this species, Oak would be a good choice in terms of its species, however if the trees are being planted to aid screening then Alder would be faster growing and acceptable in this instance.*

It is therefore recommended that if planning permission is agreed condition 2 is amended as set out in 9. below.

C. The result of an investigation into the most suitable size for proposed planting

The Councils Arboricultural Officer has advised that:

*Smaller sized plants / trees do often establish better than large plants, however we need to strike a balance between size and visual impact. I would suggest that a minimum height of 1m be conditioned for the hedging and that nursery standards or extra heavy standards are supplied and planted for the individual trees.*

It is therefore recommended that if planning permission is agreed condition 2 is amended as set out in 9. below.

D. Clarification on the limits on the capacity of the silage clamp and the height of the silage within the metal frame:

The applicant has advised that:

*The maize within the clamp won't go above the 3m concrete sides of the clamp and, as you know it is covered with green polythene and tyres. The previous pit was 8.5m wide by 35m long and 2m high but often, because we were short of space, it would be mounded in the middle making it probably 2.4m at the centre. We did not have a guard rail around it, which we have to have now to comply with Health and Safety regulations. The capacity of the new clamp is slightly larger than the old clamp but often with the old one we had to extend beyond the front.*

Based on these figures the current clamp would have a capacity of 810 cubic metres and the previous clamp 595 cubic metres plus the mounding and extension of storage beyond the front (increasing the original capacity further).

## **Updates to the Officers Report:**

### **7. Planning Considerations**

Paragraph 7.6 has been amended to read:

- 7.6 The silage clamp is seen more readily from the east as its site adjoins an open field which then leads to a distant line of trees and hedges with the coastal unfarmed environs to Chichester Harbour beyond. The foreshore is approximately 480m from the clamp. The site is also approximately 66m from the edge of the Chichester Harbour Area of Outstanding Natural Beauty. The silage clamp would be in line with the building to the south when viewed from the east, and seen against a backdrop of taller farm buildings, however it is considered that given the sensitive open character of the landscape leading to the AONB and Chichester Harbour it would be appropriate to secure additional native landscaping to the east and part north of the structure. This has been agreed by the applicant and a plan showing proposed mixed native hedging of hawthorn, blackthorn, holly and beech together with four ash trees has been provided. Given concerns in relation to Ash die-back four Alder trees are now recommended instead of the four Ash trees. A planning condition is therefore recommended to secure this planting in the next planting season. With this additional planting it is considered that the impact of the structure on the wider landscape and the Area of Outstanding Natural Beauty would be limited and acceptable.

Paragraph 7.12 has been amended to read

- 7.12 It is accepted that from certain parts of the garden the structure would be more imposing. The incorporation of the red painted metal frame would increase the visual impact of the silage clamp. It is considered appropriate for the metal work to be painted a more recessive colour and a green paint finish has been agreed with the applicant. It should be noted that the structure would also be viewed with a backdrop of the existing taller modern agricultural building to the south of the clamp. The concrete walls of the structure could be softened by the introduction of wood cladding to the northern elevation of the structure facing North Farm House. It is considered that the introduction of the cladding would result in a more natural appearance similar to a tall fence or more traditional agricultural building. This has been recommended to the applicant however the need for the cladding has been questioned and resisted. The applicant has provided the following comments:

*We feel that making the cladding a condition of planning permission is completely unacceptable.*

Photographs provided of the relationship of the cladding to the existing hedge and concerns have been raised by the applicant in relation to the impact on the existing screening in providing the cladding.:

*As stated in my previous email, to clad the north wall is not acceptable and won't provide any benefit in terms of screening once the hedge grows. A hedge is a natural screen which provides additional benefits to wildlife and carbon dioxide absorption.*

On balance the cladding which is also supported by the Council's Conservation Officer is considered to improve the look of the structure from North Farm House and would improve the utilitarian appearance of the structure whilst maintaining its suitability as a silage clamp supporting the agricultural operations of the farm. Committee members are invited to give further consideration to this matter at the Development Management Committee Meeting. At this stage however, a condition is recommended both in relation to the painting of the metal frame and timber cladding to the northern side of the structure.

Paragraph 7.33 has been amended to read:

7.33 The site is located within an existing farm complex located approximately 276m from the closest part of the protected Chichester Harbour Environments (SSSI, SPA, RAMSAR). An HRA screening has taken place for the development this concludes that the proposal would not lead to a likely significant effect on European site integrity. It is not considered that this replacement silage clamp would be likely to impact the protected sites.

## **9. Recommendation:**

The Conditions have been amended as follows:

- 2 The landscaping works shown in principle on the 'Proposed hedging and tree planting at Northney Farm' plan hereby approved shall be carried out in the first planting season following the grant of planning permission. The hedge planting shall take the form of a double staggered line of mixed native hawthorn (40%), blackthorn (30%), holly (20%) and beech (10%) with planting at a density of 5 plants per metre and with a minimum plant height of 1 metre. In addition, four Alder trees shall be planted to the east of the silage clamp (in lieu of the Ash trees) the trees shall be planted as nursery standards or extra heavy standards and the existing hedge shown on the same plan shall be retained.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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