

Hawkley Parish Council
Planning Committee
Minutes of meeting held
Monday 19th May 2020 at 5.00pm in
conducted using the Zoom platform

Present: Geoff Brighton; Jo Humphrey; Susan Sinclair and David Caukill
District Councillor Charles Louisson and Sue Harwood (Clerk) were also in attendance.
7 members of the public were present.

1) Apologies

None

2) Declarations of interest

None declared

3) Planning Application:

Land South of Spring House Stairs Hill Empshott Liss Hampshire

SDNP/20/01716/APNB

Prior Notification – agricultural building

a) Geoff Brighton explained the recent planning history of the site.

b) All members of the public wished to express their strong objection to the application. A variety of concerns covering all aspects of the application were expressed. All present were encouraged by the Chairman to submit their responses to the Planning Authority using the planning portal. It was agreed that those in the wider community who feel strongly should be encouraged to do the same.

c) Objection:

The parish council objects to the proposed development.

It is not a permitted development under the terms of Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 6 Class A, nor otherwise.

- The land is not agricultural land.
- The proposed development is not designed for agricultural purposes
- The proposed development is not suitable for its stated activity
- The development would be severely intrusive in the landscape of the SDNP

Further, the development would be in contravention of SDNP Local plan. It would not:

- “Conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land. (SD 20.6 (b))” nor
- Protect or maintain “..... the biodiversity, landscape and amenity value and character of historic rural roads. (SD 21.2)

The applicant’s actions since acquisition of the field give the lie to any intention to make an agricultural living from the field in question. Rather they demonstrate his intention to continue occupy the site as a second family home.

1 The land is not agricultural land.

The land concerned has never been a farm carrying on a viable agricultural business. It was a low quality field within Reeds Farm. When that farm was sold to its current owners, the field in question was retained by the vendor for her own use. The field was subsequently marketed, speculatively priced, and acquired by the applicant perhaps four years ago.

While SDNP/17/03806/APNB was being considered, a few llamas and sheep grazed in the field for a few months but there have been none there for the last two or more years until on or around 9 May 2020 when a handful of sheep were re-introduced - without daily supervision. No hay has been cropped from the field in the last few years; rather the land has not been maintained and the grass quality has further deteriorated as a consequence. Indeed, since the applicant acquired the field, none of the preparatory work that would be required to deliver a quality crop has been carried out.

The decision in the LPA's decision notice in SDNP/17/03806/APN concluded that "*the LPA [did] not consider the development to be reasonably necessary for the purposes of agriculture...*". The Delegated Officer's Report explaining that decision made clear that no business activities had yet started and also questioned whether a 9 hectare plot could ever "*support any viable business establishment*". However, we disagree with the statement: "*the business only began in April 2017*". No agricultural trade or business has been conducted in the field under its current ownership.

2 The proposed development is not designed for agricultural purposes

The proposed development is the erection of an egg processing and packaging plant. These are not agricultural activities under GDPO Schedule 2 Part 6 Class A but are industrial activities which should properly be considered under Part B.

While the SDNP Local Plan welcomes the development of rural businesses, it has reserved designated brown field sites for this purpose.

3 The proposed development is not suitable for its stated activity

The applicant provides no information about the scale of industrial activity contemplated, nor the proposed source of eggs to be processed and packaged.

Normal practice in the industry for the grading packing and storing of eggs (being the stated purpose of the development) is that it is conducted in a central area of a poultry house. This avoids double handling, transport and damage to the eggs. So it is likely he will be trucking eggs inward from outside for packaging. If it is intended to package eggs shipped in from offsite, then that underlines the industrial/non-agricultural nature of the proposed activity.

On the other hand, it may be that he plans to farm chickens. If that is his intention, it is not credible to think that chickens would be allowed to roam the open field at the mercy of the foxes that plague all farmers locally. Another structure, a poultry house, will be necessary to accommodate them. Thus, the proposed development is not suitable for its stated purpose because that purpose cannot be realised without substantial further development – namely a poultry house.

Such a poultry house would ordinarily be sited in the middle of the field (to allow access for the hens from all sides) and thus across the slope of the land.

A poultry house large enough to economically load the processing and packaging plant will bring the total combined development structure considerably in excess of the 465sqm permitted by the regulations.

A 9 hectare field could potentially accommodate up to 16,000 birds at the maximum permitted stocking density of 2,000 birds per hectare. The flock would need to be maximised if the applicant has any chance of making the enterprise commercially viable. 16,000 birds would require a building of 1,778 m² plus a packing and storage area, thus an overall size of approximately 2000 sq. metres – plus the industrial processing and packing plant.

Managing a substantial number of free range egg - laying hens requires morning to evening, 7 day per week attention and will give rise to the need for permanent staff. Due consideration should be given to the need for accommodation of such staff. If suitable affordable housing is not available locally then there will need to be provision for a new dwelling site.

4 The development would be severely intrusive in the landscape of the SDNP.

This conclusion is immediately evident when considering *“the siting, design and external appearance of a proposed new agricultural building and its relationship to its surroundings”* (E24);

Further, the development would not *“Conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes (SD 20.6 (b))”*

Even the development proposed, at 288sqm, prominent and in the higher levels of the field, will be starkly visible from distant views in this beautiful area of the SDNP. Its proposed site is close to the boundary of the field which borders Waterford Lane. This is an historic sunken lane often used by horse riders and walkers and from which this construction, so close to the boundary will be clearly evident. Apart from the noise and visual disturbance, we comment on the issues of smell, rats and other pests below

The proposed development will be severely intrusive in the landscape of the SDNP, it is significantly detrimental to and out of keeping with this rural area; in plain view of those walkers who use Footpaths 6, 10 & 11. Quite probably from the B3006. A larger structure, one that would be necessary also to accommodate the hens to supply eggs for the packaging plant, would, simply put, be an unsightly blot on the landscape.

5 Protect or maintain “..... the biodiversity, landscape and amenity value and character of historic rural roads. (SD 21.2)

The site is environmentally sensitive. It is:

- Within an SSSI impact risk zone
- Within the Priority Species for CS Targeting – Brown Hairstreak
- Within the Priority Species for CS Targeting – Lapwing
- Within Priority Habitat Inventory – deciduous woodland
- Within the Woodland Priority Habitat Network

- Within a Higher Level Stewardship Target Area

A large number of hens will generate smell and without experienced management and stockmanship of a high order, the area will become infested with flies and rats. A poultry house will generate considerable noise and dust from ventilation fans.

Part of the site is within a High Groundwater Vulnerability Area. The field is quite wet in winter, particularly the lower levels. The site slopes south and east and drains into the River Rother. Farming a large chicken flock will produce a considerable amount of waste. There is no discussion of measures to contain and safely dispose of it.

No effluent, nor waste run off can be allowed into the spring to the east nor to contaminate the River Rother. Waste needs to be removed from site and so Environment Agency approval is required.

Transportation movements and vehicle access.

This new activity will introduce several new traffic movements: daily movements of staff to and from the site, and also removal of manure and effluent etc.; HGVs deliveries of eggs three times weekly, collections of eggs 3 times weekly, weekly deliveries of feed.

Access to the site is via a gate perhaps 500 metres down Waterford Lane, an historic sunken lane used by horse riders and walkers. It is not made up rather it is a rutted bridleway unsuitable for HGVs. In fact it gets quite wet and slippery in the winter.

Waterford Lane is subject to a seasonal TRO which closes the lane to vehicular traffic each winter. This TRO preceded the applicant's acquisition of the field and so HGVs should be precluded from using it to access the field in winter which would mean that the processing and packaging business would have to be seasonal.

If HGVs are frequently to use the lane, it would need to be resurfaced, probably metalled and finished in asphalt in order to provide HGV access. That is an HCC responsibility.

Sunken lanes are a signature feature of this area of the SDNP the loss of this stretch would be, at best, an unfortunate thin end of the wedge toward the redevelopment and erosion of our heritage and contrary to the SDNP local plan.

Further, the sightlines/visibility splays, both where the bridleway emerges onto Church Road and also where Church Road emerges on to B3006, are poor. Traffic on B3006 largely ignores the 30mph speed limit making that latter junction even more dangerous and would be exacerbated by the additional traffic – particularly HGV traffic.

6 The status of the development proposed under SDNP/17/03806/APN

This prior notification makes no mention of the recent history of the field in question.

A prior notification was submitted in 2017 under the above reference. Even though the decision notice concluded that the LPA did "*not consider the development to be reasonably necessary for the purposes of agriculture*" it focused only on the siting of the proposed barn, and required the applicant to reconsider whether the proposal was in fact a permitted development or not.

On April 2019, Mr Galloway told us that *“the works to construct the agricultural barn are now at an active stage. I met on site with the developers, and witnessed the outline of the barn, which has had several large holes dug (by a digger), ready for foundations to be added. ... I can assure you that active work is being undertaken to erect the barn.”* In the light of the apparent LPA conclusion that the barn was not a permitted development it is curious that the belief that construction had commenced didn't prompt an enforcement action at that stage.

As of today, those holes not evident nor is there evidence of concrete having been poured on site. So it is unclear what the status of this barn is. If it is to be resurrected as a surrogate for a poultry house it is not large enough to make the business viable – and anyway is poorly sited from a husbandry perspective too close to Waterford Lane on the edge of the field.

7 Evidence of the applicant's intentions

In 2018, a mobile home was moved onto the site. On a number of occasions, planning officers have said that this is a Permitted Development under Schedule 2 Part 4 Class A of the GPDO (temporary buildings and structures), prior approval having been obtained (sic!) for an agricultural barn on the land.

However, rather than making any attempt to farm the site, or developing it in accordance with the pre-existing 'consent', the applicant has brazenly occupied the site over weekends and holidays using the site as a weekend retreat.

In the same April 2019 email Mr Galloway said: *“I was afforded the chance to enter the caravan also, and can confirm that it is used purely for a storage area, and nothing more. If the caravan were to be used for any other purpose, it would represent a very poor living accommodation.”*

And yet several residents report that the family have been living there from time to time using the site as a second home and staying overnight. The mobile home looks to all intents and purposes like a domestic dwelling. There are leisure chairs, benches – a new hut has been erected, a vegetable garden planted and even a child's swing. The family has been in residence several days during the current lockdown period – indeed they have been reported to Hampshire Police for breaches of the lockdown regulations.

One key concern of residents locally, is that this application, in the absence of any provision for farming hens, would provide a structure with easily capable of adaptation into living accommodation in order to further the family's evident intentions of living on the site.

8 Conditions

It would be regrettable if you did not require the applicant to submit a full planning application for proper scrutiny. However, were you minded not to do so:

- The plans submitted state that the building is to be coloured grey. Please at least require him to maintain the exterior surfaces in green.
- Please also require him to cease occupation of the site as a domestic residence and to remove the family furniture – and ultimately the mobile home and finally
- If no agricultural activity is ever undertaken on this site, or if it is started and subsequently ceases for whatever reason, then please include a requirement that the structure be dismantled and the site returned to its original condition.

Conclusion

The proposed development is not a “permitted development” because the field itself is not agricultural land, no agricultural business has been established in that field and the building itself is not an agricultural building. Egg packaging and processing is an industrial rather than agricultural activity.

The building is not suitable for its stated purpose because there is nowhere to house the “substantial number of poultry” that will be producing the eggs. Once an adequately sized poultry house is included, the development will be considerably in excess of 465 sqm and will be severely intrusive in the landscape of the SDNP.

Finally, all the evidence we have demonstrates that the applicant has no experience of nor interest in farming. Rather he is using the site as a domestic family residence; a second home which his family visit most fine weekends and holidays.

The meeting closed at 6.00pm.

Chairman

Date