

Application No: 20/00230/FULL Full Application

Site: Arnewood Manor Farm, Arnewood Bridge Road, Sway, Lymington, SO41 6ER

Proposal: Use of land and part of former farm building for storage of vehicles, machinery, equipment and cut timber in connection with the business of an arboricultural, forestry and rural land management contractor, including the cutting of timber on no more than one day a week

Applicant: Mr Shutler, John Shutler Tree Services

Case Officer: Ann Braid

Parish: SWAY

1. REASON FOR COMMITTEE CONSIDERATION

Previous Committee consideration.

2. DEVELOPMENT PLAN DESIGNATION

No specific designation

3. PRINCIPAL DEVELOPMENT PLAN POLICIES

SP42 Business and employment development
 SP43 Existing employment sites
 DP45 Extensions to non-residential buildings and uses
 DP49 Re-use of buildings outside the Defined Villages
 DP2 General development principles
 SP17 Local distinctiveness

4. SUPPLEMENTARY PLANNING GUIDANCE

Sway Village Design Statement

5. NATIONAL PLANNING POLICY FRAMEWORK

Sec 6 - Building a strong, competitive economy
 Sec 12 - Achieving well-designed places
 Sec 15 - Conserving and enhancing the natural environment

6. MEMBER COMMENTS

None received

7. PARISH COUNCIL COMMENTS

Sway Parish Council: Recommend permission for the reasons listed below (unanimous):

Sway Parish Council expressed concern about the site being used for purposes other than arboriculture or agriculture in the future, particularly the storage of vehicles. Following a lengthy and constructive discussion which involved the agent, the owner and the user of the site it was suggested by the user that a planning condition to limit the applicability of the consent to the user (John Shutler) would be acceptable.

Sway Parish Council recommends permission subject to the inclusion of a condition to tie the permission to the incumbent user only, the purpose being to ensure any future uses of the site are subject to the planning process.

8. CONSULTEES

8.1 Environmental Protection (NFDC): No objection subject to conditions.

9. REPRESENTATIONS

9.1 Two letters of support on the grounds that the proposal provides employment and an essential service to the local community without causing disruption to neighbours.

9.2 One letter, supported by a further letter from a planning agent representing the objector, objecting on the following grounds: The application does not reflect the activities taking place at the site. The letter raises no objection to the storage of vehicles and machinery, but objects to the manufacturing operation, with the significant storage of timber and waste which is not part of the application. Machinery has been used for sawing, log splitting, and chipping, there is also smoke and exhaust from idling engines. Concern is raised regarding hours of operation. The agent's letter reiterates the above and asks a series of questions relating to the adequacy and content of the plans, the lack of a noise assessment, the access, the hours of operation, the lack of a five to ten year business plan and proposing conditions.

9.2 With regard to the amended description, one letter has been received, stating that the previous objection stands, as there is insufficient information to assess the scope or likely future impact of the proposal.

10. RELEVANT HISTORY

10.1 None

11. ASSESSMENT

- 11.1 Arnewood Manor Farm is located on the north side of Arnewood Bridge Road and comprises a range of barns to the west and north of the neighbouring converted barn, Eagleswood Barn. The buildings are accessed by way of a track that leads from the road frontage to the rear of the site, between the former farm buildings and the barn conversion. Most of the former farm buildings have been in commercial use for more than 20 years, however, one building located in the north eastern corner of the range of buildings was, until recently, retained in agricultural use. It is now being used in association with a tree contractor's business. This current business use is unauthorised.
- 11.2 Members considered this application for the proposed use of the site at Planning Committee in June. It was considered that to grant consent subject to conditions preventing sawing or splitting of logs at the site would not be appropriate as it was clear that the applicant needed to be able to carry out this form of timber processing, even though it had not been specifically applied for in the original description of the proposed development, which was just for storage. The agent therefore proposed amending the description to include the cutting of timber on one day per week and the storage of timber. In the light of the potential for noise nuisance, the opinion of the Environmental Protection Officer was sought. Following his advice, a revised block plan has been submitted showing defined areas for cutting and for timber storage.
- 11.3 By way of history, the applicant has been using the site for some eight years, but, until recently, the business also operated from another location. Following thefts from the other site, the applicant has decided to move to Arnewood Manor Farm, where security measures are already in place and the owner lives nearby. The Authority was made aware of the use in September 2019, when reports concerning processing of timber and the burning of waste material were received. The complaint was investigated and the applicant was advised to apply for the use of the site for his business use.
- 11.4 The issues to assess are:
- Compliance with relevant Local Plan policies relating to employment sites; and
 - The impact of the use on the locality and neighbouring amenity.
- 11.5 Policy SP42 of the New Forest Local Plan 2016-2036 (August 2019) relates to business and employment development. The policy states that, outside the defined New Forest villages, small scale employment development that helps the well-being of local communities will be permitted through the re-use or extension of

existing buildings. Policy SP48 supports land-based businesses that help maintain the overall character and cultural identity of the National Park, in particular supporting farming and forestry that would be beneficial to the Forest. Policy DP49 supports the re-use of an agricultural building, provided it is shown to be genuinely redundant in its existing use, and not capable of fulfilling any beneficial agricultural use.

- 11.6 The business is a successful arboricultural enterprise which employs four people. It has been established for 12 years. Clients include the Forestry Commission, local authorities and the National Trust as well as local estates and private landowners. To this extent, the applicant's enterprise is a land-based business that benefits the local community. The building is a former agricultural building that was once part of the accommodation for a dairy herd, but is not required for agricultural purposes by the tenant farmer. Other buildings on the site have already been put to commercial use. The requirements of Policies SP42, SP48 and DP49 are therefore met by this proposal. Policy DP45 allows the extension of a non-residential use, such as the commercial use of the farm, but states that this should be contained within the site boundaries. In this case, the area proposed for the outside storage of vehicles and timber chips and logs was the site of a former dung heap, which had become overgrown. It was clearly part of the farm and in that respect the proposal does not extend beyond the site boundaries. However, the proposal would extend the commercial use beyond the envelope of the buildings and, in accordance with the policy, the level of impact of the proposed use should also be considered.
- 11.7 The use now proposed comprises storage of vehicles, machinery and cut timber and the cutting of timber on no more than one day per week. Consent for these uses would allow the use of the yard as a temporary holding area for logs and wood chips before they are sold and transported off site. It should be noted that it is a stipulation of the site owner that no burning of material is allowed on the site. Inside the barn the majority of the space would be used for secure storage, but an area at the southern end of the building has been divided off for staff welfare facilities and, given the risk of theft of smaller items of machinery, there is extra secure lockable space.
- 11.8 The residential property that would be most likely to be affected by the proposal is Eagleswood Farm House. The boundary of this property is located 55 metres south of the yard area. The owners of this property object to the application, although they stated in their original letter that they have no objection to the storage of vehicles or machinery. Their objections relate to the manufacturing process that they have seen take place on the site, the storage of timber, the burning of waste and the use of machinery on site. They are also concerned about hours of operation and the running of engines at the site, with associated

pollution and disturbance. The advice of the Environmental Health Officer (EHO) relates to the mitigation of impacts on these neighbours.

- 11.9 The EHO agrees that timber processing, in the form of log splitting, should be limited to Fridays between the hours of 09:00 and 17:00 as proposed by the applicant. The timber processing machine and associated plant, should be re-positioned to the boundary line of the field which would be further away from the dwelling. The existing log pile should be re-positioned so that it forms a 'barrier' of line of sight between the timber processing machine, the associated plant and the neighbour. Subject to these matters being controlled by conditions, the EHO has no objection to the proposal. The context of this site is important in the assessment of the impact of the proposal. Other farm buildings at the site have been in use for commercial purposes for over 20 years. There are no conditions relating to hours of operation at these other units, or any conditions restricting the use of buildings and associated land. The proposed use of the site for storage would not be a noisy use, but the movement of vehicles machinery should be controlled by condition. The applicant has indicated that employees come to the site at 07:30 and take machinery off site. They are rarely at work after 16:30. The hours of the business use of the site may also be controlled by condition. Vehicle movements generated by this business would not materially increase the level of traffic using the access.
- 11.10 The neighbours have written in respect of the amended description and details and continue to object. They would like to reach a consensus, but do not feel confident about the scope or likely impact of the proposal. Amended plans show that machinery and the log pile will be re-located in accordance with the Environmental Health Officer's advice. With regard to landscaping, the yard area has been fenced with a new post and wire fence and a ditch provided. The application states that a new native hedge would be provided around the perimeter and this should also be the subject of a condition. The time limit relating to timber cutting and processing has been proposed by the applicant and agreed with the EHO. With regard to the future expansion of the business, the applicant has advised that any growth in staff numbers will take the business out of the "small business" (up to 5 members of staff) category as defined in the Arboricultural Association's Approved Contractor Scheme, to a medium sized business which would incur an increase in annual fees and paperwork, which he has no wish to do. The business is profitable, capable of carrying out the work he is contracted for, and there is no need or wish to expand.
- 11.11 The Parish Council supports the application, but recommends that consent should be subject to a personal condition. Whilst there is clearly a wish to support a local business, Government advice relating to personal conditions advises that they should be

avoided unless there are exceptional circumstances, such as new, restricted-occupancy dwellings, where a consent would be justified solely on the basis of the applicant's specific circumstances. In this case, provided the activity is controlled by conditions, there is no reason why any operator could not work from the site in the same way. For this reason, a personal condition would not be justified.

- 11.12 This arboricultural contracting business is not located in a remote or isolated site. It is sited in a building alongside other business uses which are not subject to restrictive conditions controlling either hours of use or the nature of the business that could operate there. Potential noise issues relating to timber processing in association with the use have been addressed following advice from the Environmental Health Officer and it has been agreed to landscape the site. The majority of tree contracting work takes place away from the site, but machinery and vehicles would be stored either in the yard area or in the barn. This storage would have little additional impact over the existing uses which already take place at Arnewood Manor Farm. Planning Policy supports such business uses which support the rural economy, and subject to potentially adverse impacts being controlled by conditions, the proposal is considered to be acceptable.

12. RECOMMENDATION

Grant Subject to Conditions

Condition(s)

- 1 Development shall only be carried out in accordance with drawing numbers: DR1, RSH/01 A and RSH/03. No alterations to the approved development shall be made unless otherwise agreed in writing by the New Forest National Park Authority.

Reason: To ensure an acceptable development in accordance with Policies SP17 and DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 2 Within three months of the date of this decision a scheme for the landscaping of the site shall be submitted to and approved in writing by the New Forest National Park Authority. This scheme shall include:

- (a) a specification for new planting for the proposed hedgerow (species, size, spacing and location);
- (b) any other means of enclosure;
- (e) a method and programme for the implementation of the scheme and the means to provide for its future maintenance.

The planting of the hedgerow in accordance with the approved details shall take place in the first planting season following the

approval of the landscaping scheme. Any trees or plants which within a period of 5 years from the date of this decision die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the National Park Authority gives written consent to any variation.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 3 No activity, including the operation of machinery or movement of vehicles, shall take place on the site in connection with the approved use other than between the hours of 07:30 and 17:00 Monday to Fridays, and 08:00 and 13:00 on Saturdays, not including recognised public holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DP2 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 4 No timber processing, cutting or log splitting, shall occur on the site other than between the hours of 09:00 and 17:00 on Fridays, not including public holidays.

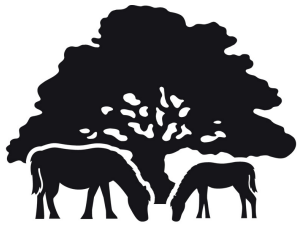
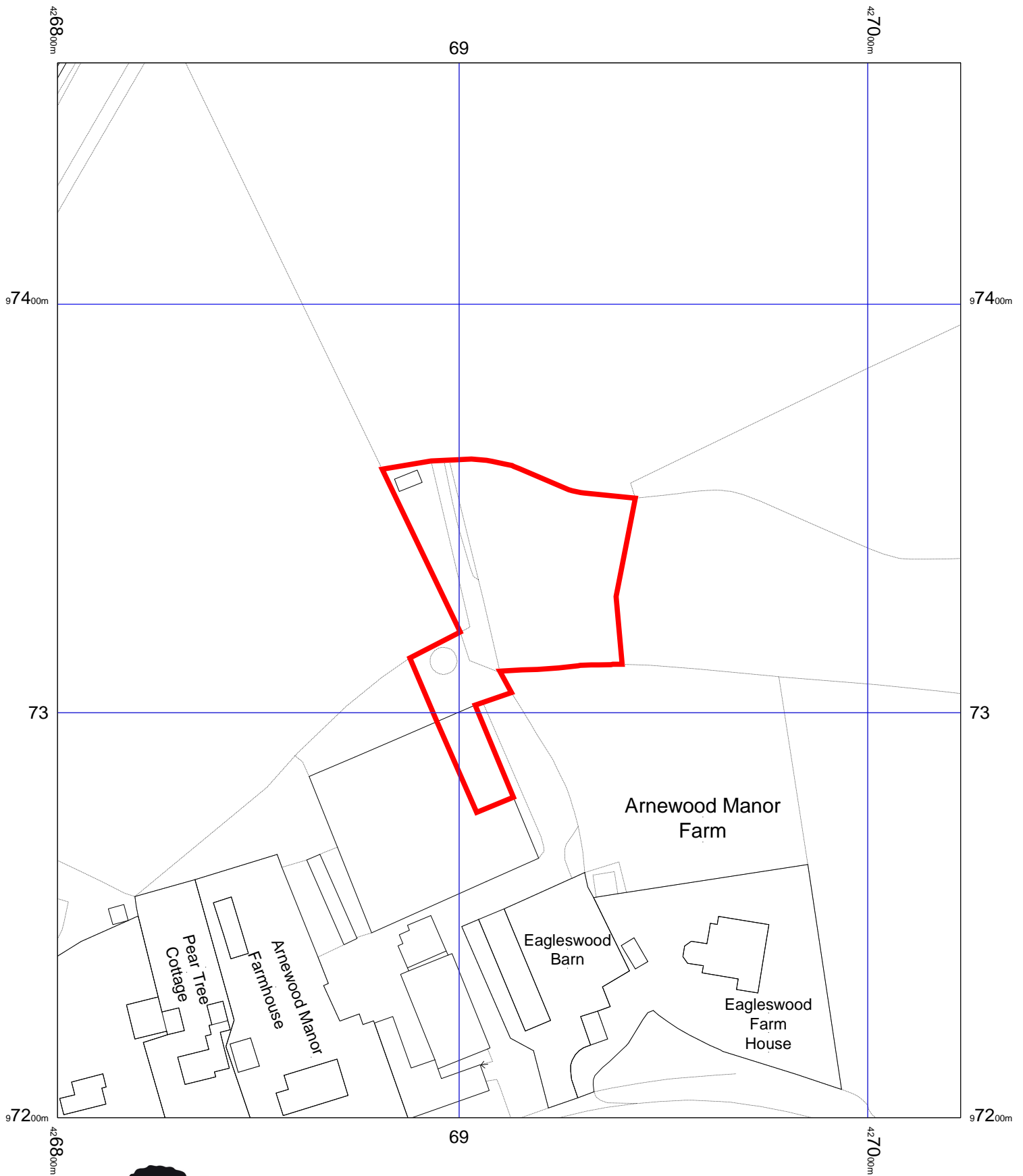
Reason: To safeguard the amenities of nearby residential properties, and avoid adverse impacts on the locality in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 5 Within one month of the date of this decision, the log pile, the timber processing machine and associated plant shall be relocated to the locations shown hatched in green on the approved block plan number RSH/03 and retained in the approved positions, unless otherwise agreed in writing with the National Park Authority.

Reason: To safeguard the amenities of nearby residential properties, and avoid adverse impacts on the locality in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).

- 6 No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the New Forest National Park Authority.

Reason: To protect the amenities of the area in accordance with Policies DP2 and SP15 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019).



NEW FOREST
NATIONAL PARK

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