DELEGATED FILE NOTE

CASE OFFICER: ...Tom Donovan.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01008/FP	Erection of grain store	Land West Off Chantry Lane Todds Green Hertfordshire

Submitted Plan Nos

Location plan Site plan Elevations

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with alterations**

Policy 2 - Green Belt
Policy 55 – Car Parking Standards

1.2 **National Planning Policy Framework**

Chapter 7 - Requiring good design
Chapter 9 - Protecting Green Belt land
Chapter 11 - Conserving and enhancing the natural environment

1.3 **North Hertfordshire Draft Local Plan 2011-2031**

The policies of relevance in this instance are as follows:

Strategic Policies
SP5 - Countryside and Green Belt
SP9 – Design

Development Management Policies
T1 – Assessment of transport matters
D1 – Sustainable design
D3 – Protecting living conditions

2.0 **Site History**

2.1 Planning permission was refused for an identical proposal on land owned by the applicant elsewhere in Todds Green.

3.0 **Representations**

3.1 **Public Notice/ Local Residents**
Mr G Seller, 'Birchwood', Todds Green
Objection based on the following:
--The site is in the Green Belt and is not near to any other developed or existing farmyard sites.
--There are no special or extenuating circumstances justifying the Green Belt Status to be overturned.
--I understand that this farm has not farmed grain crops for very many years and therefore storage is not needed.
--There are existing sites previously developed for farming owned by this farm in Todds Green which could be used for the construction of a grain store.

3.2 **Wymondley Parish Council**
Objection as follows

"I am writing on behalf of Wymondley Parish Council to object to this application for full planning permission to erect a grain store on land West of Chantry Lane, Todds Green.

The Council's objections to this application are set out below - and reflect the views of residents as expressed at the Full Council meeting held in Little Wymondley on 14 May 2018; and in correspondence submitted beforehand to the Parish Council's

Planning Group.

Information received from Bayles Chartered Surveyors in connection with this application, (on behalf of their client), was also circulated to councillors prior to the meeting to help inform their decision.

Mr Bayles advised that the new grain store was an indispensable and urgently-needed facility for the applicant's expanding farming business on land between Norton Green and the eastern outskirts of Hitchin; and that it was closely connected to an earlier application for a grain store at Shangri La Farm, which was made in August 2017 (Case Reference 17/01852/1) – and refused by NHDC on the basis that the earlier (preferred site) was not sufficiently agricultural in character.

Conflict with Government Green Belt Policy and the National Planning Policy Framework

This application is apparently for the same building and purpose, but on a different site - which is located some way from Shangri La Farm and is on open Green Belt land.

As you know from past correspondence, Wymondley Parish Council has repeatedly aired its concerns regarding the way in which development of the land in and around our Parish is being taken forward without due regard to the Government's Green Belt policy, or the detrimental impact on the local environment and residents' health of inappropriate proposals to locate industrial and large-scale residential developments in an area which lacks the infrastructure to support them, would have its character and identity destroyed by their creation, and its inhabitants quality of life downgraded due to increased traffic, noise, flood risk and air pollution.

For many years, the Council has resisted further unlawful development on the redundant poultry and pig farm area of Shangri La Farm; still awaits the outcome of related retrospective applications for buildings' change of use from agricultural to industrial, (outstanding since 2015); and notes that it is some 12 years or so since grain crops were last grown on the applicant's land.

Not wishing to be viewed as overly suspicious, and fully understanding that each case must be considered on its own merits, I would nevertheless suggest that where there is a history of non-compliance with planning legislation, that fact can justifiably be regarded as a key issue when considering the likely outcome of deciding in favour of an application.

In the Council's view, the applicant has failed to demonstrate exceptional, or even very special, circumstances which would allow national Green Belt and planning policies to be over-turned.

The Council therefore takes the view that the proposed grain store is wholly inappropriate for Green Belt land, and that the application should be refused.

If planning permission is granted, the consensus is that it should be conditional on the building being used for agricultural purposes for a considerable period, (e.g. 25 years), to help to ensure the application is genuine in its intent; and to help preserve the rural character of the Todds Green area - which is slowly being eroded by stealth, due to ongoing conversion of agricultural buildings to industrial units; and increasing numbers of licensed heavy goods vehicle operators in the vicinity."

NB. In line with the Council's Constitution, Ward Councillors have been consulted on the application. However, neither Cllr Tyler nor Cllr Henry expressed a desire for the application to be 'called-in' in support of the objection from the Parish Council.

3.3 **HCC Highways**
No objection subject to conditions.

3.4 **Environmental Protection: Contaminated Land and Air Quality**
No response received.

3.5 **Environmental Protection: Noise and other nuisance**
No response received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site located to the west of Chantry Lane. Present on the site currently is a ménage and various other equestrian related buildings and paraphernalia. The site is in the Green Belt.

4.2 **Proposal**

4.2.1 Erection of grain store. The building is proposed to be positioned on a vacant part of the site located within the southern complex of buildings. It is proposed to measure 25m in width, 42m in length, 6.2m to eaves height and 9.6m to ridge height. The building is proposed to have a steel frame with concrete grain retaining panel walls, plastic finish profile steel cladding with a corrugated fibre cement roof and PV panels. Roller shutter doors are proposed for the front elevation.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:
--Whether the proposal would be inappropriate development in the Green Belt and whether any harm by reason of inappropriateness (if it is found to be so), and any other harm, would be clearly outweighed by other considerations.;
--The effect on the character and appearance of the area;
--The effect on the living conditions of neighbouring properties.
--The effect on the safe operation of the highway.

4.3.2 Green Belt: Inappropriate development
Paragraph 89 of the NPPF (the Framework) states that new buildings in the Green Belt are inappropriate development, with certain exceptions including 'buildings for agriculture and forestry'. Policy 2 of the saved Local Plan states that development will be granted for proposals that are appropriate in Green Belt and which do not result in 'significant visual impact'. Emerging Policy SP5 largely defers to the provisions of the Framework.

4.3.3 *The Framework*
The proposed grain store would be an exception to normal national Green Belt policy as it would be a building for agriculture. In line with bullet-point of paragraph 89 of the Framework the proposal would therefore not be inappropriate development. As the proposal would not be inappropriate there is no requirement to consider the impact that the proposed development would have on the openness or purposes of the Green Belt.

4.3.4 *Saved Local Plan*
Policy 2 of the Saved Local Plan states that permission will be granted for proposals that are 'appropriate' in the Green Belt and if 'significant visual impact'

would not result. In line with the conclusions made in paragraph 4.3.3 of this report, it is deemed that the proposal would not be inappropriate development and would thereby be appropriate. The proposal would clearly have some visual impact due to the sheer size of the building. However, I would have to argue that this aspect of Policy 2 is not particularly consistent with the Framework, at least not in a case like this where the proposal is not inappropriate. As such, I attach limited weight to the application of this aspect of Saved Policy 2.

4.3.5 *Emerging Plan*
The Emerging Plan has yet to be adopted but the Examination in Public has been undertaken and the site is proposed to remain in the Green Belt. Policy SP5 is largely consistent with the aims of the Framework and therefore I consider that the proposal is not inappropriate development in accordance with the provisions of SP5 and the Framework.

4.3.8 Rural diversification
The Framework is supportive of development proposals which support economic growth in rural areas. It is noted that the applicant currently has a requirement for a grain store and I consider that support for the rural business should be advocated in line with paragraph 28 of the Framework.

4.3.7 Visual impact
The application site is not in a particularly visually sensitive area. Clearly the proposal would lead to some visual impact as the building would be very large and not set amongst any other built form of any significance. However, buildings required for agricultural purposes are often very large and I do not consider that it is appropriate to restrict them in rural areas other than in exceptional circumstances. In terms of this particular proposal, in the absence of any particular landscape value and the limited public vantage points from which the building could be viewed, I do not consider that the proposal would cause significant visual impact.

4.3.8 Impact on neighbouring properties
The site is some distance from the nearest residential properties and therefore I am satisfied that neighbouring properties would not be negatively affected by the proposal.

4.3.9 Highway safety
The highway authority has considered the application and considers that the proposal would be acceptable impact subject to a condition relating to visibility. I therefore raise no objection on highway grounds.

4.3.10 Use
Concerns have been highlighted that the building may eventually be used for a purpose not related to agriculture. However, the Council would retain control over the situation due to the fact that any change of use of the building would require planning permission. As a further layer of control I recommend a condition that restricts the use of the building for agriculture purposes. This would enable the Council to consider the use of a Breach of Condition Notice were an unauthorised change of use to occur.

4.4 **Conclusion**

4.4.1 The erection of an agricultural building in the Green Belt is not inappropriate development. The building would have some visual impact but this is somewhat unavoidable given the very nature of agricultural buildings. Moreover there would

be noted benefits in terms of supporting a rural business. In the absence of material planning reasons to the contrary it is my view that planning permission should be **GRANTED**.

4.5 **Alternative options**

4.5.1 Not applicable.

5.0 **Recommendation**

5.1 Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

   Reason:To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the first occupation of the building hereby permitted, a visibility splay measuring 2.4 x 43 metres shall be provided to each side of the access where it meets the highway carriageway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

   Reason: In the interests of highway safety.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

HIGHWAY INFORMATIVE:
Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

Storage of materials:
The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx or by telephoning 0300 1234047.

Mud on highway :
It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047.

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 4 June 2018	