

COMMITTEE REPORT

Reference:
16/01733/FUL

Site:
Crown Corner
Ongar Road
Kelvedon Hatch
Essex
CM14 5TB

Ward: Brizes & Doddinghurst
Proposal: Construction of building for the storage of hay and straw products in connection with the adjacent retail use

Parish:
Kelvedon Hatch

Plan Number(s):

DESIGN AND ACCESS STATEMENT;
SITE PLAN;
BLOCK PLAN;
01;
02;

Applicant:
Mr S Bird

Case Officer: Mr Nick Howard

Application referred by Cllr Parker on the grounds 'the site needs a purpose building to do away with the ramshackle array of sheds that are being used at the moment'

1.0 DESCRIPTION OF PROPOSAL

The proposal is to erect a steel portal-framed building with a floor area of 221 square metres to be used for the storage of hay and straw for sale from the adjacent retail use.

2.0 SITE DESCRIPTION

The site comprises part of a field adjacent to an animal feed shop. Access is off Crown Road close to the junction with Ongar Road, Kelvedon Hatch. The rear western boundary comprises mature trees and the frontage of the site, adjacent to Ongar Road, is open with a low post and rail fence, marking the boundary of the site.

3.0 RELEVANT HISTORY

- 07/00004/S191: Section 191 Application For Certificate Of Lawfulness In Respect Of A1 Use. -Application Permitted

4.0 SUMMARY OF CONSULTATION RESPONSES

Detailed below is a summary of the consultation responses, if any received. The full version of each consultation response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

- **Parish Council-**

The Planning Committee of Kelvedon Hatch Parish Council has considered the proposal number 16/01733/FUL with regard to the new building at Crown Corner animal food stuffs shop and would like to register our objections. We think that the proposed use, although for storage of hay and straw etc. is, in fact storage for the use of the retail business already existing at the premises. and therefore not an agricultural building, If one's imaginings could stretch to allowing that it might be considered an agricultural building then there are no permitted development rights for new agricultural buildings on a holding of less than 5 hectares (GB14 and para 7.48). Produce sold at farm shops should be grown on the holding not on the farm at South Weald (GB19 and para 7.70). GB19 also states new buildings for retail will not be permitted. The siting of the proposed building would be highly visible from the Ongar Road no matter what finishes are used. The numbers in parenthesis are the relevant references from the Adopted Plan 2005.

- **Environmental Health & Enforcement Manager-**

No comments in respect of this application.

- **Highway Authority-**

From a highway and transportation perspective the Highway Authority has no comments to make on this proposal; given the proposal will not intensify use, and the area available

for parking within the site which complies with Brentwood Borough Council's adopted parking standards remains unchanged.

5.0 SUMMARY OF NEIGHBOUR COMMENTS

This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby.

Detailed below is a summary of the neighbour comments. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link: <http://publicaccess.brentwood.gov.uk/online-applications/>

One letter of objection summarised as follows:

- Application is not in keeping with permitted development on Green Belt land
- Will be an eyesore on the perimeter of Crown Corner.
- The site has had so much development it resembles an industrial park and this will add to it.

6.0 POLICY CONTEXT

The starting point for determining an application is the development plan, in this instance, the Brentwood Replacement Local Plan (RLP) 2005. Applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the following RLP policies, the National Planning Policy Framework (NPPF) 2012 and National Planning Policy Guidance (NPPG) 2014.

Relevant RLP Policy:

GB1- New Development (in the Green Belt)

GB2 - Development Criteria (in the Green Belt)

GB19 – Farm Shops and retailing

CP1 – General Development Criteria

Local Development Plan:

The Local Development Plan is currently at the Draft Stage (Regulation 18) and as there are outstanding objections to be resolved, only limited weight can be given to it in terms of decision making, as set out in paragraph 216 of the National Planning Policy Framework. As the plan advances and objections become resolved, more weight can be applied to the policies within it. Nevertheless the draft Local Plan provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. The next stage of the Local Plan is the Pre-Submission Draft (Regulation

19) which is currently anticipated to be published in 2017. Following this, the Draft LDP will be submitted to the Secretary of State for an Examination in Public. Provided the Inspector finds the plan to be sound it is estimated that it could be adopted in late 2017 or early 2018.

7.0 ASSESSMENT

The Key Issues for Consideration:

- Is the development appropriate for the Green Belt?
- Is there any harm to the openness of the Green Belt?
- If so, what considerations, if any, would amount to very special circumstances to clearly outweigh that harm?
- Impact on character and appearance of the area
- Any other issues

Background:

The site comprises a collection of buildings with an open storage to the rear and an adjacent field to the south of the buildings located on Crown Corner where the Ongar Road meets Crown Road.

The buildings, yard area and the open storage area to the rear was subject to a Lawful Development Certificate in 2007 which allowed a retail use within this area. This consent was for an open A1 retail use and the applicant sells animal feed from the site.

To the south of the site is an adjacent field. The proposal is for a storage building to be used in storing straw and hay in association with the retail use. The building is to be sited outside the lawful retail use area and is for storage purposes in connection with the retail use.

It should be noted that this use and the associated building and open storage was not granted specific permission by the Council but became lawful through the passage of time, it becoming immune from Enforcement Action.

Green Belt:

The site is situated in the Green Belt. Policy GB19 of the Brentwood Replacement Local Plan (BRLP) refers to farm shops and retailing. The policy purely relates to a change of use of existing buildings for retail use within the Green Belt. It states proposals involving the construction of new buildings will not be allowed. The proposal is therefore contrary to Policy GB19.

Paragraph 89 of the Framework states that the construction of new buildings is inappropriate in the Green Belt and lists a number of exceptions, one of which is buildings

for agriculture and forestry. Although the applicant states the building is for the storage of an agricultural produce, i.e. hay and straw, officers consider the building is not for agricultural purposes. The building is to be used in connection with the adjacent retail use and not for agricultural purposes. Therefore, the proposed building is inappropriate development in the Green Belt and as Paragraph 87 states inappropriate development is by definition harmful to the Green Belt, permission should not be granted unless there are very special circumstances that clearly outweigh this harm.

Harm to Openness:

The building would be of a significant size and highly visible from the Ongar Road. The building is to be placed adjacent to the retail premises and within the field. The building would extend to 24 metres with a width of 9 metres and an eaves height of 4.25 metres and an overall ridge height of 5.4 metres. The applicant has stated that the building would be situated to the rear of the retail business and would provide a shield to the external storage area. From the Ongar Road travelling north, the outside storage area would be concealed, however the building would be highly visible in the rural location, given its size and close proximity to the road. The building would also be visible from Green Lane, together with the open storage area. The proposal represents a significant reduction in the openness of the Green Belt and would result in an encroachment into the countryside which is one of the purposes of the Green Belt as set out in Paragraph 80 of the Framework. It is therefore in conflict with Local Plan Policies GB1, GB2 and Chapter 9 of the NPPF.

Other considerations:

In line with government policy, planning permission should only be granted if it can be clearly demonstrated that very special circumstances exist to outweigh the harm identified. The applicant owns 600 acres of farmland in the Brentwood area. He operates the retail premises as a diversification to his main farming income. The applicant states that the proposal would support his agricultural business and the retail business. Furthermore the proposal is required to enable significant cost savings by creating less movement between the farm business and the site. The proposal would enable one or two movements at harvest time compared to smaller loads throughout the year.

Officers consider that fewer movements of straw and hay between the farm and the site, which it is accepted would save costs, are matters of convenience and efficiency in the running of the two businesses rather than an essential need for the building. No viability information was submitted with the application. Therefore it is not considered there are very special circumstances in support of the proposal.

Impact on the Character and Appearance of the Area;

The utilitarian design of the building is considered acceptable, per se. Although the proposed siting and large scale of the building would be at odds with the smaller scale of the adjacent buildings, overall the building would not be harmful to the character and appearance of the area.

Other matters:

Based on the comments from the Highway Authority it is not considered that the proposal would give rise to any highway safety issues.

The matters raised by the neighbour consultation response are covered in this report.

Ward Member Councillor Parker has referred the application on the grounds the proposal would result in replacing existing buildings and tidying the site up in general. However the existing buildings and the outside storage area are retained and the proposal adds to the existing retail site.

8.0 CONCLUSION

The proposed storage building would be an ancillary building to the adjacent retail use, it would represent inappropriate development in the Green Belt and have a significant impact on the openness of the Green belt. The details submitted by the applicant do not constitute very special circumstances. The proposal is therefore contrary to Policies GB1, GB2 and GB19 of the Local Plan and the Framework.

9.0 RECOMMENDATION

The Application be REFUSED for the following reasons:-

- 1.The proposal would be inappropriate development in the Green Belt that would materially detract from openness and would represent an encroachment of development into the countryside. It would therefore conflict with Brentwood Replacement Local Plan Policies GB1, GB2 and GB19 and the objectives of the Framework as regards development in the Green Belt.
2. Other matters that may weigh in favour of the proposal have been considered but collectively they do not clearly outweigh the harm to the Green Belt or the other harms identified. Therefore very special circumstances to justify inappropriate development in the Green Belt do not exist.

Informative(s)

- 1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2 & GB19 , the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.brentwood.gov.uk/planning