

SITE PLAN ATTACHED

**07. CALCOTT HALL FARM ONGAR ROAD PILGRIMS HATCH ESSEX CM15 9HS
EXTENSION TO EXISTING FARM BUILDING, CHANGE OF USE TO FARM
SHOP/CAFE, AND EXTENSION TO EXISTING CAR PARK**

APPLICATION NO: 14/00799/FUL

WARD	South Weald	8/13 WEEK DATE	18.08.2014
PARISH		POLICIES	NPPF NPPG GB1 GB15 GB19 GB2 CP1 T2
CASE OFFICER	Ms Sukhi Dhadwar		01277 312604
Drawing no(s) relevant to this decision:	01; 02; 03; 04;		

This application was referred by Cllr Mrs Coe from Weekly Report No 1658 for consideration by the Committee. The reason(s) are as follows:

The development is appropriate for the Green Belt. It would not detract from the openness of the Green Belt. There are special circumstances which would outweigh the harm created to the Green Belt. There is no harm to visual amenity, neighbouring residential amenity or highway safety.

Update since publication of Weekly List 1658

None

1. Proposals

Permission is sought to extend the existing farm building and change its use to a cafe and an extension to the existing car park. An extractor fan is proposed for the northern end of the building to extract kitchen fumes and provide ventilation.

An additional 60sqm is being proposed for car parking as a result of the extension displacing the existing 10 car parking spaces eastwards. This would involve hardstanding where there is currently grassed area.

The L shaped extension measures 6.1m wide, reducing to 1.8m wide after a depth of 3m. It has a total length of 19.1m and will raise the maximum height of the current building from 4m to 4.7m at the ridge of the proposed gable roof.

External finishes include black painted weatherboarding for walls, red clay pan tiles for the roof and 'neo-Georgian' style windows and doors.

The proposed hours of operation are between 8:30 and 16:30 on Mondays to Saturdays and 10:00 through to 14:00 on Sundays and Bank Holidays

The application indicates that the cafe will employ the equivalent of 8 full time staff. (2 full time and 2 part-time per shift).

The Planning Statement submitted with the application states that the building would be extended by 43 sqm (Gross internal floor area) and the extended building would be used as a cafe, principally for existing farm shop customers, specialising in dishes made from food produced on the farm.

It goes on to state that the cafe chef will be encouraged to use as much of the farm grown produce as possible, however to what extent that this will actually be the case is not quantified, as that it is dependent on the season and the success of the cafe. The applicant has a list of 50 food producers based in East Anglia from whom he currently sources non-home grown foods for the farm shop, and these sources would also supply the cafe.

The applicant asserts that the vast majority of customers will be "joint trippers" and there will be two deliveries a week in a small van.

2. Policy Context

The National Planning Practice Guidance (NPPG) was published by the Government on 6 March 2014. The Guidance supports the National Planning Policy Framework and provides users of the planning system with a specific body of advice and reference. All decisions upon planning applications must now have regard to NPPG as a material consideration.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and is now a material consideration in planning decisions. The weight to be given to it will be a matter for the decision makers planning judgment in each particular case. This Framework replaces all the national planning guidance documents as stated in the NPPF, including Planning Policy Guidance Notes and Planning Policy Statements. Notwithstanding this, the NPPF granted a one year period of grace for existing adopted Local Plan policies which has now ended, but, the NPPF advises that following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework, (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 14 of the NPPF sets out that there is a presumption in favour of sustainable development ; in decision making, this means approving proposals that accord with the development plan without delay, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefit or; specific policies within the Framework indicate that development should be restricted.

Chapter 9 of the Framework sets out the policy criteria for protecting the Green Belt; the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.

Paragraph 89 states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt with some exceptions. The extension or alteration of a building may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Chapter 7 of the NPPF Requiring Good Design makes clear that good design is a key aspect of sustainable development. Design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area. Permission should be refused for development of poor design.

The development plan is the Brentwood Replacement Local Plan adopted in 2005.

Local Plan Policy CP1 (General Development Criteria) requires that development should

(i) Not harm character and appearance of an area;

- (ii) Not harm neighbouring residential amenity;
- (iii) Be of an acceptable design;
- (iv) Raise no significant parking or highway issues; and
- (v) Not give rise to pollution

Relevant Green Belt policies are:

Local Plan Policy GB1 (New Development); planning permission will not be given except in very special circumstances, for the extension of buildings, for purposes other than those appropriate to a Green Belt.

Local Plan Policy GB2 (Development Criteria); development should not conflict with the purposes of including land within the Green Belt, nor should it harm openness. Consideration will also be given of the effect on public rights of way; the impact on existing landscape features and whether it is satisfactorily located in respect of the surrounding landscape and any adjoining buildings.

Local Plan Policy GB15 (Re use and adaptation of rural buildings for small scale employment, tourism, Leisure and community uses): There is a presumption in favour of the re-use or adaptation of rural buildings for small scale employment, tourism, leisure or community uses provided

- (i) There is no greater impact than the original use upon the openness of the Green Belt;
- (ii) The building does not require major reconstruction.
- (iii) The new use should not require an extension of the building or additional open elements which might conflict with the openness of the Green Belt and purposes of including land within it.
- (iv) There is no unacceptable harm to surrounding countryside, landscape or wildlife.
- (v) The use would be unlikely to give rise to future requirements for further substantial areas of open land and operational development to be added to the re-used building and its immediate surroundings for inappropriate development.

Local Plan Policy T2 (New Development and Highway Considerations)

Planning permission will not be granted for proposals where the proposal (i) indicates an unacceptable detrimental impact on the transport system which cannot be resolved by agreed mitigation measures; and (ii) the proposal does not comply with County Highway Authorities guidance.

3. Relevant History

- 07/00004/AGR: Agricultural Determination For The Erection Of An Agricultural Building -Prior Approval is Not Required
- 08/00305/FUL: Extension To Existing Farm Shop -Application Refused

- 10/00688/FUL: Alteration To Entrance And Exit Arrangements Together With The Addition Of A New Covered Porch And Other Associated Works -Application Permitted
- 10/00755/FUL: Fitting Photovoltaic Cells To Roof Of Farm Shop As Well As To General Storage Barn -Application Permitted
- 11/00928/FUL: Use of agricultural building for brewing beer and associated parking area (falling within Class B2). -Application Permitted

4. **Neighbour Responses**

A site notice was displayed. At the time of the writing of this report no responses had been received

5. **Consultation Responses**

- **Highway Authority:**

The Highway Authority would not wish to raise an objection to the above application, subject to the following condition being attached to any approval, given

The existing use of the site, the location and the area to be available for parking within the site, which complies with Brentwood Borough Council's adopted parking standards for the proposal.

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- **Environmental Health & Enforcement Manager:**

I have looked at the plans submitted and it would appear that the proposed extract ventilation to the extension is located at a distance from any residential property and therefore I would have no objections to this installation.

6. **Summary of Issues**

Background

A site visit confirms that although the northern corner of the building the subject of this application is physically attached to the farm store, it is of a lower height and there is no internal connection between the two. The application as submitted indicates that only the agricultural building is the subject of the proposal. It is considered that the farm shop and the agricultural unit are two separate planning units for the purposes of determining this application.

Pre-application advice was sought by the applicant (ref 13/06102/PREAPP). Officers responded that the proposed extension to the existing agricultural building would result in an extension which was a 62% increase in size. This together with the additional height and additional space required to maintain current parking provision would be an inappropriate development within the green belt and as such is by definition inappropriate development and contrary to Paragraph 89 of the NPPF.

Site

The proposal site is situated within the Calcott Hall Farm complex. The application building comprises a rectangular shaped interwar building currently used for agricultural storage and accommodation for seasonal workers. It is situated within a farm buildings complex which includes a shop (to which it is partially attached), a bungalow, other agricultural buildings and a brewery. The site is accessed from a long drive south west from the Ongar Road.

The site is designated as being within the Metropolitan Green Belt

The main issues which are relevant to the determination of this application are:

- (a) Impact on the Green Belt
- (b) Character and appearance
- (c) Sustainability
- (d) Highway considerations

Green Belt

The site is within the Metropolitan Green belt. The National Policy for Green Belts is within Chapter 9 titled "Protecting Green Belt Land". The NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes that Green Belt serves are set out at paragraph 80 of the NPPF:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal involves both operational development (extension to building) and a change of use of the extended building.

Paragraph 90 of the framework indicates that within Green Belts the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction, the openness of the Green Belt is preserved and the use

does not conflict with the purposes of including land in the Green Belt. In this case the building is permanent and substantial but an extension is proposed, including raising the height of the entire ridge line. New development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 89 and 90 of the NPPF.

Local Plan policies GB1 and GB2 are broadly in compliance with the aims and objectives of national green belt policy. The NPPF (paragraph 89) states that one of the exceptions to inappropriate development within the Green Belt is the extension or alteration to a building provided that it does not result in disproportionate additions over and above the size of the original building. The NPPF provides no guidance on how the "proportionality" of a proposal should be assessed. However it is considered that a number of factors should be taken into account when determining whether an extension is disproportionate, such as floor space, mass, height and volume.

The application site as submitted refers only to the agricultural building adjoining the farm shop. The existing building has a floor area of 70sqm; the extended floor area totals 113sqm bringing the resulting floor area to 113sqm; this represents an increase in floor area of 62%. In terms of height, the ridge line would be raised for the full length of the building by 700mm and finished with a gable end; the building would be extended both in length and sideways. Overall the extension would be disproportionate to the original building and harmful to the openness of the Green Belt, which is "inappropriate development" within the Green Belt.

In terms of the hardstanding extension, openness would be affected by the presence of additional parked vehicles which would be likely to be greater in numbers than would be attracted to the existing uses. This state of affairs would however, not be a permanent feature of the use.

The proposal would result in urban based uses (cafe) and activity encroaching into the countryside. The use of premises within the countryside for urban based activities may result in those uses being displaced from urban based venues. It is however, considered unlikely that this would detract from the recycling of urban land. Overall it is considered that the proposed use would not materially detract from openness; however, it would result in the encroachment of urban based uses and activity into the rural green belt and it would therefore be "inappropriate development".

As inappropriate development it would conflict with Policies GB1 and GB2 of the Brentwood Replacement Local Plan. Policy GB15 (re-use and adaptation of rural buildings for small scale employment, tourism, leisure and community uses) is the only relevant Local Plan policy that specifically considers the change of use of buildings in the Green Belt and therefore the provisions of the policy are helpful in assessing the application proposal. GB15 indicates a presumption in favour of the re-use of rural buildings for small scale employment, and sets out criteria against which proposals are to be considered. The Local Plan does not define "small-scale",

the applicant has not indicated how many tables or covers the café would serve but given the relatively limited floor area it is considered that the use would fall within that definition.

The first criterion indicates that the proposal should not have a materially greater impact on the openness of the Green Belt than the original use. This aspect of policy GB15 does not however, refer to the requirement to judge the proposal against the purposes of including land in the Green Belt and therefore in this respect it is not consistent with the NPPF or with policy GB2. It is considered that when determining proposals that fall within the scope of policy GB15, it is necessary to have regard to the purposes of the Green Belt.

As already indicated, the proposal would result in the encroachment of urban based use and activity into the green belt ; the proposal therefore fails this criterion.

The second criterion of policy GB15 considers the nature of the building. It indicates that it must be permanent and substantial and capable of conversion without major reconstruction or alteration. The building would satisfy this criterion.

Criterion 3 indicates that the use should not require the extension of the building or additional "open elements" which might conflict with the openness of the Green Belt and the purposes of including land within it. The proposed extension would materially detract from openness; the more intensive use of the car parks and the general activity associated with the use would result in an encroachment of a use that would be serving an urban based population into the rural Green Belt area and in this case, that encroachment would extend beyond the parts of the site already used (and into the field to the east) and would fail this criterion.

Overall it is considered that the proposal would be inappropriate development that would conflict with Local Plan policies GB1, GB2 and GB15.

Character and Appearance

This proposed extension which will remove the existing corrugated fibre cement sheets on the roof and replace with red clay pan tiles is sympathetic to appearance of the farm building.

The proposal would however increase the level of activity on the site and this would be evident by the number of vehicles parking on the site, traffic flows to and from the site, including general activity, and this would further detract from the character of the rural area and would conflict with policy CP1 of the Brentwood Replacement Local Plan.

Sustainability of location

The site is close to the built up area of Pilgrims Hatch and Brentwood Town Centre, however, the site is not served by public transport and can only be accessed by a 400m private road. It is therefore likely that the customers visiting the proposed cafe will do so by car. One of the core planning principles of the NPPF is the requirements that the Council should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The proposed use would materially increase the level of activity on the site and would be likely to result in an increased number of vehicles being parked on the site.

Overall it is considered that this is not a sustainable location for a cafe and that the general presumption in favour of sustainable development within the National Planning Policy Framework does not apply to this proposal and also conflicts with Policy CP2 of the Brentwood Replacement Local Plan.

Are there any very special circumstances which would clearly outweigh the harm to the Green Belt?

The Town and Country Planning (Use Classes) Order 1987 (as amended) would allow the temporary change of use of the building to a cafe for a single period of up to two years. Given the investment required to achieve this temporary change use, it is considered highly doubtful that the applicant would pursue this option and this is not therefore a valid 'fallback' position. There are no suggestions that the use would be required to assist the already economically viable diverse use of the wider Calcott Farm site. No 'very special circumstances' exist to outweigh the harm that the proposal would cause to the Green Belt.

The Planning Balance

It has been identified that the proposed use is inappropriate development within the Green Belt and would cause harm to the Green Belt by encroachment of urbanisation as well as detracting from the character of the rural area. Although the Framework states that planning policies should support economic growth in rural areas, development should be undertaken in a sustainable way and respect the character of the countryside. In this instance, officers do not consider that the 'very special circumstances' put forward outweigh the harm caused by the inappropriate use or the other harm to the rural countryside that would arise.

Conclusion

The NPPF states that the starting point for decision making at local level is the development plan which is the Brentwood Replacement Local Plan and that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The aims of the general Green Belt policies within the

Plan (GB1 and GB2) are consistent with those of the NPPF and therefore they still carry significant weight. Local Plan Policy GB15 is worthy of consideration in relation to the proposal and it is considered that its objectives, as regard both the Green Belt and the countryside, are generally consistent with the NPPF.

It is considered that the proposal would be inappropriate development in the Green Belt. In addition to the Green Belt considerations the proposal would detract from the character and appearance of the countryside thereby conflicting with Brentwood Replacement Local Plan CP1 (i).

The site is also remote from public transport and is not in a sustainable location. The use would involve the movement of people by primarily private vehicle use. It is therefore considered that the proposal would conflict with the Local Plan Policy CP2 (i) and (ii) and the objectives of the NPPF in supporting sustainable transport choices.

Only those proposals which jointly achieve economic, social and environmental gains can be considered to be sustainable development which the NPPF and local plan policies promote. The proposal fails to take account of the social and environmental dimensions of sustainable development and in this instance, there are no material considerations that would indicate that any other benefits of the scheme would outweigh the significant harm caused to the Green Belt and to the character of the countryside.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U08592

The site lies outside the areas allocated for development in the Brentwood Replacement Local Plan 2005 and is located within the Metropolitan Green Belt where there is a presumption against inappropriate development. The proposed development constitutes inappropriate development in the Green belt and would result in significant and demonstrable harm to the openness of the Green Belt. There are no very special circumstances which would justify the granting of planning permission for the café development and as such the proposal is contrary to Chapter 9 of the National Planning Policy Framework (NPPF) and Policies GB1, GB2 and GB15 of the Brentwood Replacement Local Plan 2005.

R2 U08645

The proposed level of use of the land, buildings and hardstanding would result in the further encroachment of urban based uses and activity into the rural green belt and constitute inappropriate development. It would therefore be contrary to one of the five purposes of Green Belt according to National Planning Policy Framework paragraph 80 and Local Plan Policies GB1 and GB2.

R3 U08899

The proposed use would result in an increase in urban based uses on a site that is not in a sustainable location which would detract from the character and appearance of the countryside, therefore conflicting with the Brentwood Replacement Local Plan CP1 and the core principles of the National Planning Policy Framework.

Informative(s)

1 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

2 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, GB1, GB2, GB15, GB19, T2 the National Planning Policy Framework 2012 and NPPG 2014.

3 U02114

The Local Planning Authority has acted positively and proactively in determining this application by clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

BACKGROUND DOCUMENTS

DECIDED: