

SITE PLAN ATTACHED

**05. LAND TO THE EAST OF WARLEY HALL MAGPIE LANE LITTLE WARLEY
ESSEX CM13 3DT**

CONSTRUCTION OF AGRICULTURAL AND FORESTRY BUILDING.

APPLICATION NO: 15/01004/FUL

WARD	Warley	8/13 WEEK DATE	16.09.2015
PARISH		POLICIES	GB14 GB1 GB2 CP1 T2 C3 C8 C16 NPPF NPPG
CASE OFFICER	Kathryn Mathews	01277 312616	
Drawing no(s) relevant to this decision:	01; 02; 03; SUPPORTING LETTER; APPENDIX B - APPLICANTS LETTER; APPENDIX C - REPORT ON NEED; APPENDIX E - X- GRID;		

This application was referred by Cllr Tee for consideration by the Committee. The reason(s) are as follows:

The Applicant has made a strong case for need, also for the position of the barn in relation to the use and the design and size is good. The applicant is proposing purchasing more woodland as well. My concern is that it might be refused on size, design and position - all are justified. The design is outstanding and the size is needed for the dry keep of wood from woodland soon to be purchased. A similar application was made that I missed the deadline to refer.

1. Proposals

Proposed store building: 21m in width x 9.8m in depth and 9.8m in height (maximum dimensions), pitched roofs. The materials to be used to construct the external surfaces of the building would consist of black featheredged boarding above a brick plinth for the walls and clay, plain tiles for the roof. It is stated that the building would accommodate 165sq.m. of floorspace.

The application site measures approximately 75m along its road frontage with Childerditch Lane and 90m in depth.

The application is accompanied by a Report on the Need for an Agricultural and Forestry Building (July 2015) which provides the following information:-

- The applicant purchased Warley Hall and around 12ha of adjacent land in 2009, they have since purchased 6ha of woodland adjacent to their property and they anticipate that they may be able to purchase further areas of adjacent woodland in the future. The grassland extends to a total of 9.25ha.
- Since the purchase of the adjacent woodland, the applicant has felled and removed a number of dead, dangerous or dying trees and logged up fallen timber which is stacked awaiting sale or disposal primarily as firewood
- The applicant intends to take a hay crop bi-annually from 6ha of grassland and that the woodland would benefit from selective thinning but there is insufficient storage for the resulting produce (hay and timber) and machinery. The applicant's agent calculates that, on 6ha, 2250 bales of hay could be produced per year with a storage requirement of around 375-400sq.m. and that if a proportion of the timber being processed is also stored indoors (some 50 tonnes) a further storage capacity of approximately 75sq.m. would be required.
- Grass cutting and hay making can continue to be carried out on contract but space would be required for an additional tractor and hedge flail attachment, a 10 tonne trailer for movement of hay/timber and an area for ancillary goods.
- A fully enclosed building is necessary from a functional point of view and for security reasons (fire risk and valuable machinery/equipment)
- A traditionally designed building is proposed due to the sensitive Green Belt location of the site.
- Reference is made to the need to provide services to the building (water and electricity) and an area of hard standing for the turning and movement of vehicles in front and to the side of the building which would be required.
- The location has been chosen as it would utilise an existing access on Childerditch Lane, would read as part of the group of buildings with Home Farm but also would be well situated for the future management of the grassland and woodland
- On the basis of the above, it is stated that a building measuring 20m x 6.5m x 5m to eaves is required

A letter from the applicant also accompanies the application which advises that:-

- they have a total of 44 acres of land (woodland and grassland) to look after and very few existing buildings to use.
- the building is the minimum size required to store the hay crop coming off the grassland, timber from the woodland (which would be stored and dried as firewood), large machinery (e.g. another tractor, trailer and attachments) and other equipment and materials needed to maintain the land
- a more traditional designed building would be more expensive to build but would be much more attractive in this Green Belt location

The applicant's agent advises that hard standing would be provided through ground reinforcement grills for the new drive and yard areas, with grass growing through the grids, and makes reference to a similarly designed building granted planning permission by Epping Forest District Council in 2011.

2. Policy Context

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 judgement 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). The National Planning Practice Guidance (NPPG) is a material consideration in the determination of this application.

On 6th March 2014, the government published Planning Policy Guidance (NPPG) which, along with the NPPF, is a material consideration in the determination of planning applications. The NPPG 'Design', 'Conserving and enhancing the historic environment', 'Noise' and 'Housing and economic land availability assessment' are of particular relevance to the current application. The NPPGs have been taken into account, where relevant, in the following assessment.

Relevant Local Plan Policies

GB1 - New Development

GB2 -Development Criteria

GB14 - Agricultural Buildings

CP1 -General Development Criteria

T2 - New Development and Highway Considerations

C3 - County Wildlife Sites, Local Nature Reserves and Other Habitats and Natural Features of Local Value

C8 - Ancient Landscapes and Special Landscape Areas

C16 - Development within the Vicinity of a Listed Building

3. Relevant History

- 14/01504/FUL: Construction of Agricultural and Forestry building -Application Refused
- 12/00187/FUL: Proposed new machinery and plant storage building -Application Permitted
- 12/00187/NON/1: Non Material Amendment application for proposed new machinery and plant storage building -Application Permitted

- 12/00187/COND/1: Discharge of condition 1 (building materials) for planning application 12/00187/NON/1 -Application Permitted

4. Neighbour Responses

A site notice was displayed at the site. One letter of notification was sent out. No letters of representation have been received.

5. Consultation Responses

- **Arboriculturalist:**
No response at the time of writing report.
- **Essex Wildlife Trust:**
No response at the time of writing this report.
- **Highway Authority:**
From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.
- **Environmental Health & Enforcement Manager:**
No objections.

6. Summary of Issues

The application site is located on the western side of Childerditch Lane, close to its junction with Home Farm Road. The site is located within the Metropolitan Green Belt and a Special Landscape Area. The site adjoins a County Wildlife Site and is within the grounds associated with Warley Hall which is a Grade II listed building.

Planning permission was refused for the same proposal (reference 14/01504/FUL) for the following reason:-

1. The proposed building, as a result of its position, height, size and bulk, would significantly reduce the openness of the Green Belt and, along with the hard standing required, would be contrary to one of the five purposes of the Green Belt i.e. to assist in safeguarding the countryside from encroachment, and would be harmful to the character and appearance of the area, which is also a Special Landscape Area. As a result, the proposal is contrary to the NPPF (paragraph 17 and section 7), and Policy GB2, Policy CP1 (criteria i and iii), Policy GB14 and Policy C8 of the Brentwood Replacement Local Plan.

The current application is for the same building in the same location but with revised/additional supporting information.

The main issues which require consideration as part of the determination of this application are the impact of the development on the Green Belt, the impact of the building on the character and appearance of the area which is also a Special Landscape Area and within the grounds of a listed building, any impact on the amenity of the occupiers of Home Farm, highway safety and ecology.

The Core Planning Principles which form part of the NPPF (paragraph 17) include a requirement to protect the Green Belts around our main urban areas and to recognise the intrinsic character and beauty of the countryside.

Section 9 of the NPPF refers to 'Protecting Green Belt land' as part of which it is stated that the Government attaches great importance to Green Belts and that the aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are stated as being their openness and their permanence (paragraph 79). Paragraph 87 and 88 refers to the need for very special circumstances to exist before inappropriate development is approved.

Policy GB14 states that the design, external appearance and colour of new buildings for use in connection with agriculture shall be appropriate within their setting. All new development shall be sited so as to have the minimum impact and must take account of the provisions of GB2.

Principle

The NPPF states that new buildings are normally inappropriate development in the Green Belt. Agricultural and forestry buildings are one of the exceptions to this. The information submitted with the application explains how the building would be used and that there is a need for a building with dimensions of 20m x 6.5m and an eaves height of 5.5m. However, whilst there would appear to be a need for building to accommodate the uses referred to, the proposed building is larger than this with a footprint of up to 21m x 9.8m. The eaves height of the building would be 5.5m but its overall height would be nearly 10m and the irregular footprint of the building would limit its versatility. On this basis, it is not considered that a building of the size and height proposed is justified, especially as this building would be in addition to the store building (to include a tractor) elsewhere within the grounds of Warley Hall granted planning permission in 2012 (reference 12/00187/FUL).

Green Belt Openness

Whilst the proposed agricultural/forestry store building may not be inappropriate development in the Green Belt, it is considered that the development as a result of its position, height, size and bulk, would significantly reduce the openness of the Green Belt and would be contrary to one of the five purposes of the Green Belt i.e. to assist in safeguarding the countryside from encroachment, contrary to the NPPF (section 9), Policy GB2 and Policy GB14. Details of the location and extent of the

hard surfacing required is not included as part of the application but manufacturer's details of the ground reinforcement grid system to be used has been provided. On the basis that this system would allow grass to grow through the grids, it is considered that this element of the proposal is unlikely to result in material encroachment into the countryside.

Character and Appearance

There are existing buildings to the south. However, the application site itself is currently an undeveloped field. As a result of the position, height, size and bulk of the building proposed, it is considered that the development proposed would be harmful to the character and appearance of the area, which is also a Special Landscape Area. As a result, it is considered that the proposal is contrary to the NPPF (paragraph 17 and section 7), Policy CP1 (criteria i and iii) and Policy C8. Details of the location and extent of the hard surfacing required is not included as part of the application but manufacturer's details of the ground reinforcement grid system to be used has been provided. On the basis that this system would allow grass to grow through the grids, it is considered that this element of the proposal is unlikely to result in material harm to the character and appearance of the area.

The proposed building would be located within the grounds of Warley Hall which is Grade II listed building but, at over 300m away, it is considered that the development would not have any impact on the setting of the listed building and, therefore, Policy C16 is not applicable.

Impact on Neighbours

On the basis of the scale and nature of the use of the building proposed, it is considered that the development is not likely to cause demonstrable harm to the occupiers of the adjoining Home Farm, in compliance with the NPPF (paragraph 17) and Policy CP1 (criterion ii). The Environmental Health Officer supports this view.

Highway Safety and Parking

Given the area which would be available for parking within the site and as an existing vehicular access could be utilised, it is considered unlikely that the proposal would materially harm highway safety, in compliance with the NPPF (paragraph 17), Policy T2 and Policy CP1 (criteria iv and v). The Highways Officer supports this view.

Ecology

The application site adjoins a County Wildlife Site but, given the nature and scale of the use of the building proposed, it is considered that the development is unlikely to cause harm to local ecology, in compliance with Policy C3.

7. Recommendation

The Application be REFUSED for the following reasons:-

R1 U11117

The proposed building, as a result of its position, height, size and bulk, would significantly reduce the openness of the Green Belt, would be contrary to one of the five purposes of the Green Belt i.e. to assist in safeguarding the countryside from encroachment, and would be harmful to the character and appearance of the area, which is also a Special Landscape Area. As a result, the proposal is contrary to the NPPF (paragraph 17 and section 7), and Policy GB2, Policy CP1 (criteria i and iii), Policy GB14 and Policy C8 of the Brentwood Replacement Local Plan.

Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: GB1, GB2, GB14, CP1, T2, C3, C8, C16 the National Planning Policy Framework 2012 and NPPG 2014.

2 INF20

The drawing numbers listed above are relevant to this decision

3 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.

BACKGROUND DOCUMENTS

DECIDED: