

**3/09/1066/FP - Erection of cattle housing and hay barn with siting of temporary residential mobile home and retention of landscaped bunds (amended siting) at Clements Farm, Brickendon Lane, Brickendon, SG13 8FG for A. T. Bone & Sons Ltd.**

---

**Date of Receipt:** 13.07.2009

**Type:** Full

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**Reason for report:** Contrary to Policy

### **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions:-

1. Three year time limit (1T12)
2. Materials of construction (2E12)
3. No external lighting (2E26)
4. All works, including vehicle movements, materials and waste shall be kept within the development site and shall not impact upon the adjacent County Wildlife Site.

**Reason:** To ensure the protection of the Wildlife Site in accordance with Policy ENV14 of the East Hertfordshire Local Plan Second Review April 2007.

5. All on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside the highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

**Reason:** In order to minimise danger, obstruction and inconvenience to users of the highway.

6. All areas for parking, delivery and storage of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

**Reason:** In the interest of highway safety and free and safe flow of traffic.

7. The use of the land for the siting of a mobile home hereby permitted shall cease on or before 23rd September 2012 and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is a temporary expedient only having regard to the amenities of the area.

8. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality, in agriculture or forestry, or a widow or widower of such a person, and any resident dependants.

Reason: The mobile home is situated in the Green Belt wherein the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfill an essential agricultural need, in accordance with Policy GBC6 of the East Herts Local Plan Second Review April 2007.

### Directives

1. Other legislation (01OL)

### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC6, GBC7, GBC14, TR2, TR7, TR20, ENV1, ENV2, ENV14, ENV16. The balance of the considerations having regard to those policies, and the very special circumstances evident in this case, is that permission should be granted.

\_\_\_\_\_(106609FP.HS)

## **1.0 Background**

- 1.1 The application site is shown on the attached OS extract. The site comprises an existing farmstead with 2 no. large grain store buildings, hard standing and existing landscaped bunds. The site is located on Brickendon Lane, opposite Clementsbury, the original Clements Farmstead now converted to residential accommodation. The site lies in the Green Belt with open fields to the north, east and south, and mature woodland along the road boundary.

## **3/09/1066/FP**

- 1.2 This application proposes to erect a 36.5m by 13.7m suckler house, a 22.8 by 13.7m hay store, and a temporary mobile home. It is also proposed to rectify existing landscaped bunds which were re-positioned following the previous consent due to the presence of a high pressure mains gas line.

### **2.0 Site History**

- 2.1 Members may recall that a large grain store was granted permission on this site in 2008 under reference 3/07/2464/FP. This is now complete, and the landscaped bunds which formed part of that permission have also been completed, albeit in a slightly different location, hence forming part of this current application. There is a second existing storage building on site that was granted permission in 2000 (under reference 3/00/1481/FP).
- 2.2 The applicant, A. T. Bone & Sons Ltd, acquired the site in late 2006 from the Vigus family, and have proceeded to develop the site as a hub of their farming operations in Hertfordshire.
- 2.3 The site has emerged as a farm following the residential conversion of the original Clementsbury 'model' farm buildings on the opposite side of the road (under reference 3/97/1385/FP).

### **3.0 Consultation Responses**

- 3.1 County Highways do not wish to restrict the grant of permission. The proposal will not lead to a material increase in traffic movements and sufficient on-site space exists for parking and maneuvering for both private cars and agricultural vehicles.
- 3.2 The Council's Landscape Officer recommends consent.
- 3.3 Herts Biological Records Centre state that there are known records of bat roosts and Great Crested Newts at Clements Farm; however the application is for development on land on the opposite side of the road from the farm itself. As such, the proposed development will not impact on any bat roosts and should not harm Great Crested Newts as the road should act as a barrier to their terrestrial movements.
- 3.4 Herts & Middlesex Wildlife Trusts advise that the site is adjacent to an identified Wildlife Site (Brickendon Lane Road Verges and Pond), and a condition is recommended to protect this Wildlife Site.

### **3/09/1066/FP**

3.5 Natural England raise no objection to the proposal.

3.6 The National Grid advise that a high pressure gas mains crosses the site. The contractor is therefore required to contact the National Grid to discuss safe working practices and any restrictions and regulations.

#### 4.0 Town/Parish Council Representations

4.1 Brickendon Liberty Parish Council raise no objection, but Members would like assurance that access to the development will be through the existing access and no other access will be constructed. There are also a number of freight containers on the southern boundary which have no relevance to the farming activities and should be removed.

#### 5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

#### 6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

GBC1	Appropriate Development in the Green Belt
GBC6	Occupancy Conditions
GBC7	Agricultural Development
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV14	Local Sites
ENV16	Protected Species

In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 (Green Belts) and Planning Policy Statement 7 (Sustainable Development in Rural Areas) are considerations within this application.

## **7.0 Considerations**

### **Principle of Development**

- 7.1 The site lies within the Green Belt wherein permission will only be granted for new buildings that fall within the categories set out in policy GBC1, which includes buildings for agriculture and forestry. This application proposes to construct a cattle housing building, and a hay store, which are both considered to be required for a genuine agricultural use. This aspect of the development therefore constitutes appropriate development in the Green Belt.
- 7.2 However, the application also proposes a temporary mobile home to provide on-site accommodation for an experienced stockman. This amounts to a material change of use of the land rather than operational development. Policy GBC1 states that the material change of use of land will be inappropriate unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. The siting of a mobile home would, by reason of providing residential accommodation conflict with those purposes and is therefore considered to constitute inappropriate development. Very special circumstances must therefore be demonstrated to override this policy objection, and in assessing these circumstances, consideration is given to the guidance set out in Annex A of PPS7 for temporary agricultural dwellings.

### **Cattle Housing & Hay Barn**

- 7.3 The applicant intends to establish a suckler herd on site as an expansion of the existing farming business of A. T. Bone & Sons Ltd. The site has already been used for beef cattle since 2007, and these cattle are currently accommodated within the existing lean-to of the existing building. A business case has been put forward to now establish a herd of 70 suckler cows, with approximately 35 calves born on a seasonal basis. A full Agricultural Appraisal has been submitted by Reading Agricultural Consultants which sets out the required space standards for this cattle, and justifies the size of buildings proposed.
- 7.4 The new buildings are proposed to be sited within close proximity of the existing buildings, and will therefore not encroach into the rural area. Although large, the buildings are designed to be appropriate for their agricultural use and will therefore not appear out of character in their surroundings. Full details of materials and paint colours will be required by

way of condition. The proposal is also accompanied by a full landscape scheme, which will be discussed in more detail below. Overall, the proposed suckler housing and hay store are considered to comply with policies GBC1 and GBC7.

### **Temporary Mobile Home**

- 7.5 The application proposes to site a mobile home to the north of the existing building in order to provide accommodation for an experienced stockman. This is considered to constitute inappropriate development in the Green Belt; however consideration is given to PPS7, which sets out the criteria under which temporary agricultural accommodation should be assessed.
- 7.6 The first criteria is that there is clear evidence of a firm intention to develop the enterprise concerned. In this case, the significant investment in construction of new buildings is considered to represent a clear indication of the applicant's intentions.
- 7.7 Second, a functional need must be identified, and this relates to the care and security of the cows. An on-site presence would be required during calving in order to assist in calving difficulties, to ensure new born calves suckle within 3-4 hours, to prevent bullying from other cows in the herd, and to react to any injuries. Officers note that the proposal is similar to a previous application to site a temporary mobile home to support a new cattle breeding unit at Brown's Corner, Wyddial (our reference 3/07/2177/FP), which was allowed at appeal. Significant weight is therefore given to the identified need for on-site support, and this is considered to amount to a functional need in accordance with paragraph 4 of Annex A, PPS7.
- 7.8 Thirdly, the proposed enterprise must be based on a sound financial basis. The submitted Agricultural Appraisal sets out a clear Business Plan and a thorough cost assessment of expected profit, which sets out that the enterprise is budgeted to achieve a net profit of £8,377 per annum. Officers therefore consider that the business has been based on a sound financial basis.
- 7.9 The fourth criterion is to ensure that the functional need cannot be fulfilled by any existing dwelling on the unit or by accommodation in the area. There is no existing accommodation on site as this is a new farmstead, which emerged following a residential conversion of the previous farm at Clementsbury when the land was owned by the Vigus family. Clements House is positioned opposite the access to the site, and would be ideal in

### **3/09/1066/FP**

terms of providing accommodation for Clements Farm. However this dwelling is not under the ownership of the applicant; it is believed to be retained by the Vigus family. A local search has not identified any other suitable accommodation within the vicinity.

- 7.10 Finally, other planning issues must also be satisfied in allowing a temporary agricultural dwelling. The mobile home will be situated to the north of the existing building, screened by mature trees along the western boundary and also by new bunding with planting to the north. The visual impact of this mobile home is therefore considered to be acceptable. Access remains as established from Brickendon Lane, and adequate parking exists on site.
- 7.11 The proposed mobile home is therefore considered to comply with the criteria set out in Annex A of PPS7, and given that such a need has been identified, this is considered to amount to a very special circumstance to override Green Belt policy. A condition is recommended nonetheless to restrict the permission for the mobile home to a period of three years in order to ascertain whether the business succeeds. Any future application for a permanent dwelling must be assessed on its own merits, having regard to the further criteria set out in PPS7. A condition to restrict occupation of this mobile home to those employed in agriculture is also essential in this case.

#### **Landscaping**

- 7.12 The application also proposes to regularise the existing landscaped bunds on site, which were re-sited following the earlier consent (3/07/2464/FP) due to the presence of a high pressure gas line which runs under the site to the adjacent sub-station. The bunding has been re-sited further north and east and has already been planted with woodland and shrub planting which will mature over time. The Council's Landscape Officer has recommended consent on the basis that the existing and proposed structures will eventually be fully enclosed and screened by woodland trees.

### **8.0 Conclusion**

- 8.1 The proposed suckler housing building and hay store are required for a genuine agricultural need and therefore constitute appropriate development in the Green Belt. The buildings are appropriate in scale, style and design and will not intrude beyond the existing farmstead, thereby complying with policies GBC1 and GBC7.

### **3/09/1066/FP**

- 8.2 The proposed temporary mobile home cannot be considered as appropriate development in the Green Belt given the wording of policy GBC1. However, the proposal is considered to comply with the criteria for temporary agricultural workers' dwellings as set out in PPS7, and given the identified need; this is considered to amount to a very special circumstance to override Green Belt policy.
- 8.3 Finally, the amended bund and landscaping is acceptable and will serve to screen the development for the future.
- 8.4 The application is therefore recommended for approval subject to the conditions set out above.