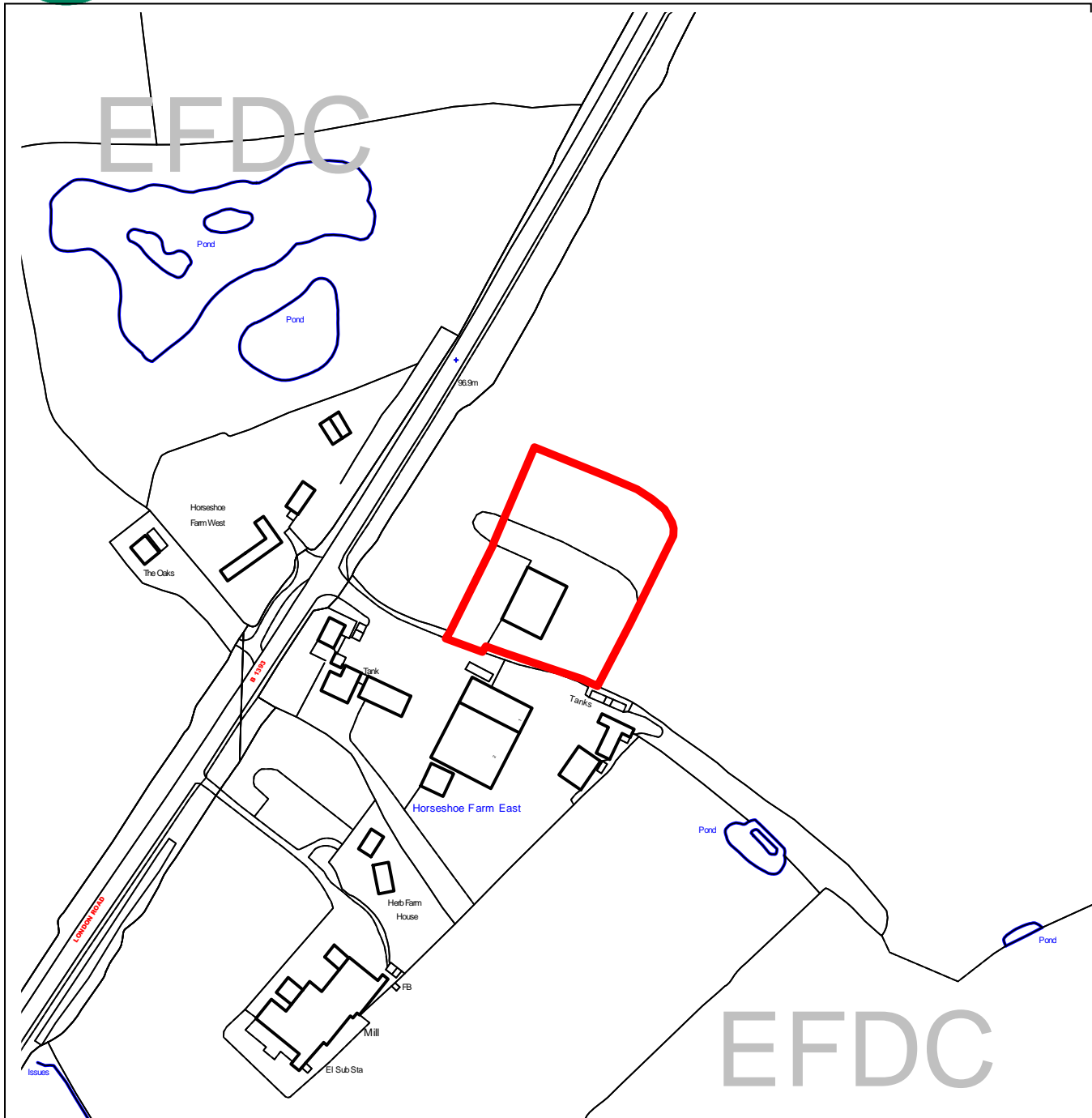




Epping Forest District Council



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Application Number:	EPF/1290/20
Site Name:	Land Adjacent Horse Shoe Farm London Road North Weald Harlow CM17 9LH
Scale of Plot:	1:2500

Report Item No: 9

APPLICATION No:	EPF/1290/20
SITE ADDRESS:	Land Adjacent Horse Shoe Farm London Road North Weald Harlow CM17 9LH
PARISH:	North Weald Bassett
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Padfield
DESCRIPTION OF PROPOSAL:	Agricultural Barn
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=638219

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: JS-2018 001 Rev C; Supplementary Planning Statement 9th October 2020; Design & Access Statement
- 3 The building shall be used solely for the purposes of agricultural as defined in Section 336(1) of the Town and Country Planning Act 1990 and for no other purpose.
- 4 No development including site clearance shall take place until details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

- 6 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 8 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council) and since it is for a type of development that cannot be determined by Officers if five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site is located to the east of London Road known as the B1393 which is a main route connecting Epping to the M11, Harlow and beyond. The site is accessed via an existing vehicular access to Horseshoe Farm from London Road.

The site lies to the northeast of Horseshoe Farm and comprises of a large steel agricultural grain barn with a turning area and a steel agricultural store to the west boundary of the site. The site is afforded by existing landscaping along the northwest boundary of the site which partly screens the site from London Road.

The former farm complex is located to the southeast and is now occupied by a haulage business not owned by the applicant. There are dwellings to the far west on the other side of London Road.

The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of Proposal:

The application seeks consent to construct a steel portal frame agricultural storage barn clad in plastisol coated sheeting to the far northeast of the site with arable farmland beyond adjoining the existing agricultural building. The structure is of the same footprint and follows the same height and design as the existing adjoining agricultural building. The proposal would involve extending the existing earth banking to the north which separates it from arable with the addition of tree planting.

The submitted statement confirms that the size of the agricultural unit has increased by 550 acres and the barn is required to facilitate the increased greater tonnage of associated arable crop management plan and equipment. The size and height of the barn is required to adequately store, and segregate produce farmed on the land and to accommodate the modern efficient agricultural handling machinery and portable agricultural equipment to meet required regulations.

The proposed barn capacity is key to the storage problems that they currently have where some machinery and crops are presently transported and stored off site at regular intervals which increases during harvest time.

Relevant History:

EPF/0996/20 - Application for Prior Approval for a steel portal frame side extension to the existing barn. - Refused

- Due to its floor area and height within 3km of an aerodrome, the proposed development does not comply with the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 6, Class A, A1(E and F).

EPF/2716/15 - To erect a steel portal framed agricultural chemical sprayer cover and chemical store. Lean-to off one end. - Refused 16/03/2016

- Advice received indicates that the building is excessive in size for its proposed purpose, in addition due to its size, bulk, height and position adjacent to the road, the proposal will be visually prominent and harmful to the openness of the Green Belt and the character and visual amenity of the area. The development is therefore contrary to policies GB11, GB7A and LL2 of the Adopted Local Plan and Alteration.
- The proposed development, due to its position, bulk, massing and size will result in an excessive loss of amenity for neighbouring properties contrary to policy DBE9 of the Adopted Local Plan and Alterations.

Allowed on Appeal - 24/01/2017

EPF/1818/15 - Agricultural chemical sprayer and chemical store as a steel portal frame with a lean-to off one end. – Refused - 18/09/2015

- It has not been demonstrated that the new agricultural building is necessary for the purposes of agriculture within the unit and therefore it is contrary to policy GB11 of the Adopted Local Plan and Alterations, which is consistent with the objectives of the National Planning Policy Framework.

EPF/0528/13 - Additional grain storage facilities and extension to existing area of hardstanding - Refused 24/05/2013 - allowed on appeal 07/11/2013

EPF/2547/11- Extension to existing grain storage facilities. - Refused 10/04/2012

- The proposed development, due to its size and position within the landscape on raised land, results in a conspicuous development with an unacceptable impact on the open character and visual amenity of the Green Belt, contrary to the aims and objectives of GB11 and GB7A of the adopted Local Plan and Alterations.
- The applicant fails to demonstrate that the proposed development would not result in an increase in heavy vehicular traffic movements to and from the site from general agricultural use and is unwilling to accept a condition restricting the use to grain storage alone. As

such the proposal is likely to result in increased noise and disturbance outside usual business hours to the residence adjacent to the access contrary to the aims and objectives of policies DBE9 and GB11 of the Adopted Local Plan and Alterations.

Dismissed at Appeal 07/12/2012

EPF/1313/10 - Extension to existing agricultural building - Refused -09/09/2010

- The proposals fail to satisfactorily demonstrate that they are necessary for the purposes of agriculture within the identified unit and are therefore contrary to the aims and objectives of policy GB11 of the Adopted Local Plan and Alterations.
- The proposals fail to satisfactorily demonstrate that they are necessary for the purposes of agriculture within the identified unit and are therefore contrary to the aims and objectives of policy GB11 of the Adopted Local Plan and Alterations.
- The applicant fails to demonstrate that the proposed development would not result in an increase in vehicular traffic to and from the site. The proposals would likely result in increased noise and disturbance outside of usual business hours to the residence adjacent the access contrary to the aims and objectives of policy DBE9 of the Adopted Local Plan and Alterations.
- The applicant has failed to demonstrate that the proposals would not result in an increase in vehicular traffic to and from the site. The existing hard surface is insufficient to provide for the turning of vehicles within the site and would therefore result in vehicles turning and waiting on the shared access and likely cause overspill on the adjacent highway to the detriment of highway safety and contrary to the aims and objectives of policy ST4 of the Adopted Local Plan and Alterations.

EPF/0111/09 - New grain store incorporating extension to existing grain store at Horseshoe Farm - Refused - Dismissed at appeal

EPF/0713/07- Erection of agricultural storage building - Prior approval required and approved.

Applied Policies

DEVELOPMENT PLAN

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

Epping Forest Local Plan and Alterations (1998/2006):

CP2 Protecting the Quality of the Rural and Built Environment
GB2A Development in the Green Belt
GB7A Conspicuous Development
GB11 Agricultural Buildings
DBE1 Design of new buildings
DBE9 Loss of amenity
DBE2 Effect on Neighbouring Properties
DBE4 Design in the Green Belt
LL1 Rural Landscape
LL4 Agricultural/Forestry related development

RP5A - Adverse environmental impacts
ST1: Location of development
ST2: Accessibility of Development
ST4 Road Safety
ST6 Vehicle Parking
NC1 SPA's, SAC's and SSS1's

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 80 & 85
Paragraph 133- 135 and 145

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight Afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM4 Green Belt	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High Quality Design	Significant
DM21- Local environmental impacts, pollution and land Contamination	Significant
DM22 - Change in air quality management area	Significant
T1 Sustainable transport choices	Significant

Consultation Carried Out and Summary of Representations Received

NORTH WEALD PARISH COUNCIL: Objection on mass and bulk

8 neighbours were consulted, and 5 objections have been received that raise the following concerns:

- The siting of the proposed agricultural building is currently undeveloped Green Belt.
- Development creeping into the Green Belt in the name of agricultural Piecemeal development with the height and size having an impact on the openness of the Green Belt
- Result in additional; vehicle movements with the increased storage.
- Insufficient justification or need
- Other agricultural units are rented out on a commercial basis

The Main issues and Considerations:

The main issues to be considered in this case are the:

- Appropriateness of the development and impact on the Green Belt and the character and appearance of the surrounding area,
- Impact on neighbour's amenities
- Environment Protection and Drainage
- Impact on the Epping Forest Special Area of Conservation

Metropolitan Green Belt:

The proposal is for a purpose-built agricultural building, to be used for accommodating produce farmed on the land and to accommodate the modern efficient agricultural handling machinery and portable agricultural equipment to meet required regulations as the existing buildings cannot support the required amount of storage required. The design and size of the barn is to match that

of the existing adjoining steel barn and blend in with the rural back drop. Any removed building spoil will be sympathetically redistributed within the area of the immediate agricultural unit and be used to re-form the bund to the north elevation along with additional tree planting, reducing any visual or environmental impact.

National Planning Policy Framework states that "*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*". The site lies within the Green Belt.

Paragraph 145 of the Framework states that new buildings in the green belt are inappropriate, with a number of exceptions. One of the exceptions are buildings for agriculture and forestry.

The proposed development would constitute an agricultural building and use and by its very nature is not regarded as harmful either to the openness or the Green Belt or to the purposes of including land in the Green Belt and falls within the exception to inappropriate development as laid out in the National Framework and complies with Policy GB2A and GB7A of the adopted Local Plan and DM4 of the Local Plan Submission Version, 2017.

The agricultural barn is to align with the existing barn sited well back from the highway and which would not be visible from the entrance of the site or when travelling northwards from London Road.

Policy GB11 of the adopted Local Plan relates to agricultural buildings and states that planning permission will be granted for agricultural buildings provided that the proposal meets the following requirements:

- i) That the proposals are demonstrably necessary for the purposes of agriculture within that unit.
- ii) Would not be detrimental to the character or appearance of the locality or to the amenities of nearby residents
- iii) Would not have an unacceptable adverse effect on highway safety, or with regard to water quality and a supply, any watercourse in the vicinity of the site.
- iv) Would not significantly threaten any sites of importance for nature conservation.

The construction of a new agricultural barn is within an existing agricultural unit and farmyard setting. The barn is primarily required due to an increased turnover of crop and due to the lack of storage space and would reduce the need to store and move crop and machinery "off-site". Currently all the excess grain crop is moved to a storage facility at Camgrain in Linton, Cambridgeshire some 26 miles away resulting in grain being double handled with unnecessary road miles of some 100 miles from the farm to Linton with the grain then coming back past the Farm to its final destination of the ports.

The proposed building is considered of an appropriate scale and form in association with and in context with its setting amongst other agricultural barns and therefore not considered incongruous or harmful to the character or appearance of the countryside. The barn is to be incorporated within an earth banking with native planting to help screen the development when viewed from the north boundary of the site. The planting proposed can be adequately dealt with by the imposition of appropriate landscaping conditions.

The proposal is not considered harmful to the character and appearance of the surrounding area and accords with Policy GB11 of the adopted Local Plan

Neighbouring Amenity

The proposed agricultural barn is well set back into the site from the main highway which is mainly screened from the London Road by existing high mature hedgerow and vegetation and by an existing agricultural building just sited inside of the hedgerow owned by the applicant.

Having regard to the nature of the proposed use and its surroundings, it is not considered that the size of the barn and the activities associated with such a use would give rise to any significant demonstrable harm to neighbour's amenity in the form of noise, disturbance or overbearing impact. Appropriate conditions would be imposed at any approval ensuring that the building is only for agricultural use and for no other purposes. The proposal is sited at some distance from the nearest residential property and therefore not give rise to any significant impact on residential amenity in the surrounding area. Overall, the proposed use is considered to comply with the requirements of policies DBE9 and DM9 of the adopted Local Plan and emerging Local Plan.

Comments on Representations received.

Some of the issues raised have been addressed in the above comments. The main function of the barn is for agricultural purposes which is to be conditioned as such.

Environment Protection and Drainage

The Environment Protection team have no objection to the application in principle, but the size and location of the structure requires a Flood Risk Assessment to be submitted to demonstrate it complies with DM15 and U2B of the Local Plan and emerging Local Plan, 2017. Further details are also required to be submitted to the Local Planning Authority of the disposal of surface water and drainage prior to preliminary groundworks commencing in accordance with the appropriate policies which are considered reasonable and necessary.

Impact on the Special Area of Conservation.

As a significant proportion of the Epping Forest Special Area of Conservation (EFSAC) lies within the Epping Forest District Council administrative area. The council has a duty under the Conservation of Habitats and Species Regulations 2017 (as Amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so, the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version, 2017.

In terms of the net increase in traffic using roads through the EFSAC. The application has been accompanied by supplementary planning statement dated 09/10/20 re: traffic and transport movements which states that agricultural traffic movements will be reduced on public roads by the proposal primarily due to the reduced need to store and move crop and machinery "off-site"

The main issue is that no additional vehicles/plant or highways traffic or traffic journeys are required. The lack of storage at the site means that the grain is double handled with unnecessary road miles of some 100 miles from the farm to Linton with the grain then coming back past the Farm to its final destination of the ports.

The applicant has used 'Camgrain', an agricultural storage firm based in Cambridge to provide for the shortfall in storage space within the holding. The lack of storage means that all the excess grain crop is moved to a storage facility at Camgrain in Linton, Cambridgeshire some 26 miles away from Horseshoe farm. Taking into account just the grain crop, the double movements of this crop equates to just over 1500T that was stored off site at Camgrain in 2019 & 2020. This equates to - 70 lorry loads covering an additional and unnecessary 140 journeys @ ~50 miles / Journey. Just on the grain crop this equates to -7,000 road miles that would be saved per year if the grain crop was stored on site at Horseshoe Farm.

The additional agricultural barn is seen as reducing the overall amount of traffic movements using London Road / public roads for transporting and storing off site crops & materials that they currently undertaken, and no additional labour / resources or parking requirements are required.

Consequently, the Council is satisfied that the proposal development will not have any greater detrimental impact on the capacity of the highway network at this location. resulting in a likely significant increased effect on the integrity of the EFSAC as a result of atmospheric pollution. Having undertaken this first stage screening assessment and reached this conclusion there is no requirement to undertake an 'Appropriate Assessment' of the application proposal.

Conclusion

The proposed agricultural barn has been supported by information regarding the requirement and need for the additional storage within the farm unit. The agricultural building is considered to be both appropriate and necessary for the purposes of agriculture and therefore would not unduly harm the openness of the Green Belt. The design, scale and location of the proposed barn would ensure that there would be no detrimental harm to the character and appearance of the wider countryside setting or the amenities of nearby residents and as such it is considered that the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and is therefore recommended for approval subject to the conditions

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made please

email: contactplanning@eppingforestdc.gov.uk