

<b>4/02935/17/FUL</b>	<b>CONSTRUCTION OF TWO POLYTUNNELS AND BARN FOR AGRICULTURAL PURPOSES</b>
<b>Site Address</b>	<b>UPPER BOURNE END LANE, HEMEL HEMPSTEAD</b>
<b>Applicant</b>	<b>BOURNE END LTD, UPPER BOURNE END LANE</b>
<b>Case Officer</b>	<b>Robert Freeman</b>
<b>Referral to Committee</b>	<b>The application has been referred to Committee in view of the objections from Bovingdon Parish Council.</b>

## **1. Recommendation**

1.1 That planning permission be **GRANTED**

## **2. Summary**

2.1 The proposed development will result in a small agricultural holding for which the use of Green Belt land and construction of modest buildings is appropriate in accordance with the NPPF and CS5 of the Core Strategy.

2.2 The scale of the agricultural use of the site and the buildings will not result in significant harm to the character and appearance of the Green Belt nor would it be detrimental to use of the adjacent highway.

## **3. Site Description**

3.1 The application site extends to some 4.2 acres (1.7 ha) of gently sloping agricultural land accessed via an unmade track off Upper Bourne End Lane. This land is classified as good quality, grade 3, agricultural land, although this may have been subject to some ground contamination as a result of imported spoil.

## **4. Proposal**

4.1 The application is for the erection of two steel framed polytunnels and a modern agricultural storage barn. The application also seeks consent for engineering works; namely the laying of tracks around the site to facilitate access to the buildings and prevent damage in wet weather.

4.2 The applicants intend to use the land as follows:

- 0.513 hectares of land for berries (30%),
- 0.766 hectares of land for grapes (45%),
- 0.054 hectares would be covered in polytunnels and used for the growth of strawberries (3%),
- 0.015 hectares would be covered by the barn building and used for storage (0.8%), and
- approximately 800 trees would be planted

4.3 The polytunnels would measure some 30m in length and some 9m in width providing a footprint of 270 square metres in each case. The polytunnels are of a traditional design and would extend up to 3m in height. These polytunnels will provide a protected growing environment for a variety of crops; but primarily for the production of soft fruit.

4.4 The proposed agricultural barn would extend to 24m in length and would be 6.1m in depth providing a footprint of 148.84 square metres divided in four bays. The barn would have a single pitched roof falling from 3m at its front to some 2.5m at the rear. The barn will be used for the storage of machinery and tools required to maintain the holding and specialist equipment relating to the agricultural enterprise. This building would be clad with a dark green plasti-coated box profile steel.

4.5 It is proposed that the internal access track will be dressed with compacted chalk to create a weather proof track suitable for year round use. The agent has subsequently clarified that such

dressing will be within existing tracks to repair ruts. This material is stated to maintain a natural look to the track. A number of raised beds will also be created extending to a maximum height of 400mm and being reduced over time to 200mm.

4.6 The agricultural operation of the site is stated to require three members of staff.

4.7 A perimeter deer proof fence would be constructed around the edge of the application site at some 2m in height.

## **5. Relevant Planning History**

5.1 The site is part of a much larger field brought by a private company and sold off as smaller plots. Permitted development rights for fencing and other means of enclosure have been removed through the serving of an Article 4 Direction on the overall field.

5.2 A number of previous applications have been submitted for the development of this site for agricultural purposes and as summarised below:

5.3 The applicants submitted an initial planning application for two polytunnels and a storage barn to the Council in July 2016 (4/01856/16/FUL). This application was withdrawn on the 26th August 2016, following concerns over its appropriateness, the scale of development and its impact on the character and appearance of the Green Belt. The applicants were encouraged at this time to submit further and more comprehensive information regards the use of the site and need for new buildings.

5.4 A new application (4/03270/16/FUL) was duly submitted to the Council for its consideration in December 2016. This was subsequently withdrawn on the 29th September 2017 following lengthy discussions with the case officer. The case officer had removed her substantive objections regards the inappropriateness of the development in this Green Belt location and provided direction as to an appropriate resubmission.

5.5 The applicants have provided topographical information and evidence of need for the building as part of the latest submission and have crucially located the proposed structures further south and parallel to the south western boundary of the site; thereby reducing their visual impact in accordance with officer advice. Officers have indicated a willingness to support this approach at a pre-application stage and subject to additional landscaping to reduce any visual impact.

5.6 To the north east of the site there is a separate land parcel (plot B3A) extending to some 10 acres. Planning permission has been granted for the construction of two sheds measuring some 2.4m x 6.1m for the purposes of agricultural storage associated with a forestry/horticultural operation (4/01379/13/FUL). Whilst planning permission was also granted for the use of this land as a poultry farm incorporating a building some 2.4m x 3.6m and run, some 30m x 30m enclosed by a 2m high mesh fence (4/00093/12/FUL).

## **6. Policies**

### **6.1 National Policy Guidance**

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### **6.2 Adopted Core Strategy –**

NP1, CS1, CS5, CS8, CS12, CS14, CS25, CS29 and CS32.

### **6.3 Saved Policies of the Dacorum Borough Local Plan**

Policies 13, 51, 54, 58, 63, 79, 99 and 108.  
Appendices 5 and 9

#### 6.4 Supplementary Planning Guidance / Documents

- Accessibility Zones for the Application of car Parking Standards (July 2002)
- Landscape Character Assessment (May 2004)

#### 7. Constraints

- Article 4 Direction
- Green Belt

#### 8. Representations

Consultation responses

8.1 These are reproduced in full at Appendix A

Neighbour notification/site notice responses

8.2 These are reproduced in full at Appendix B

#### 9. Considerations

##### Procedural Matters

9.1 A new land ownership notice was submitted under Certificate B during the course of the application and in relation to concerns raised by neighbours. The application is considered to be a valid planning submission and may be determined accordingly.

Main issues

9.2 The main issues to consider are:

- Policy and principle
- Impact on Green Belt and the
- Impact on Highway Safety

##### Policy and Principle

9.3 The application site is located within the Green Belt and the Government's policies for the Green Belt are set out in paragraphs 79-92 of the National Planning Policy Framework (NPPF). Decisions on planning applications are largely made in accordance with Paragraph 89 and this is reflected in Policy CS5 of the Core Strategy. Policy 89 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt with a number of exceptions. This includes buildings for agriculture and forestry amongst other uses.

9.4 The High Court and the Court of Appeal, have in the case of *R(Lee Valley Regional Park Authority) v Epping Forest District Council and Valley Grown Nurseries Ltd* [2016] ruled that the "category of exemption in paragraph 89 with which we are concerned, "buildings for agriculture and forestry", is entirely unqualified" Thus "all such buildings are, in principle appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt and regardless of their size and

location"

9.5 The decision of the courts also highlights that the NPPF and other development plan policies may be relevant and either support or protect against any harmful visual and other adverse impact on the countryside. These policies will also need to be considered and afforded appropriate weight in the decision making process.

9.6 There is a presumption in favour of development in accordance with the Core Strategy and NPPF unless material planning considerations indicate otherwise. This is clearly set out at Policy NP1 of the Core Strategy.

9.7 Policies CS1 and CS14 of the Core Strategy are both positive towards development which supports economic growth with those proposals supporting the rural economy and sustainable tourism particularly encouraged.

9.8 The size and bulk of the building, its siting and use of materials should be judged under Policy CS12 (Quality of Site Design). The site is not subject to protection under Policy CS24 (Chilterns AONB) and is of low significance in terms of Policy CS25 (Landscape Character) It comprises good quality agricultural land upon which the reinstatement and intensification of agricultural uses could deliver substantial benefits to the rural economy.

9.9 Further support for agricultural uses is provided through the Countryside Place Strategy notably at paragraphs 26.9 and 26.10.

#### Layout, Design, Scale

9.10 The application site is located some distance from the public highway at Upper Bourne End Lane and is only accessible from an unmade gated track. This track is unsuitable for domestic vehicles and as such the applicants are proposing to provide a crushed chalk access track to serve a modest on-site parking area. Such works are considered necessary to sustain the agricultural use of the site; particularly given the need for staff to access the proposals. The provision of a crushed chalk track is considered to be an appropriate approach to providing access to the site.

9.11 The layout of the site provides for a number of growing areas towards the north eastern end of the site with the associated barn and polytunnels located between the centre of the site and its southern margin. These buildings would be located on the lower section of the site with growing areas for trees forming a screen to the public footpath network. Such an arrangement of buildings on the site seeks to minimise the visual impact of the site within the wider countryside setting.

9.12 The design of the proposed buildings is typical of any number of agricultural buildings found in and around the local area. They are modest in size, and of usual construction and design. These single storey buildings would be limited in height to some 3 metres and would not have a significant adverse effect on the agricultural character of the landscape.

9.13 The applicants have provided supporting statements justifying their storage needs and need for the barn. The barn will primarily be used for the storage of farm equipment and produce however it will also provide shelter for staff and workspace associated with the sale of fruit including circulation space for palleting. The applicant has provided indicative yield and space requirements for a variety of intended crop and based on similar agricultural enterprises. The machinery and associated equipment results in a fixed storage requirement of some 68 square metres per month. The application also sets out that approximately 2000 kg of strawberries would be cultivated annually within 400 square metres of polytunnel, with a further 6700 kg of berries cultivated on 0.5 ha of land and 12,300 kg on 0.7664 ha of land. This is stated to add a seasonal fluctuation of between 15 square metres and 95 square metres of storage. The storage

space is thus only likely to be sufficient for three quarters of the year with a net deficit in the period August to October (14 square metres) when production is at its peak. In practical terms, it is unlikely that the building will solely be used to its full extent for storage given the need to move produce and pallets and this is reflected in the size of the proposed building.

#### Access, Parking and Impact on Highway Safety

9.14 The applicants have not provided a detailed transport assessment given the scale of the proposed enterprise, but have indicated in their Design and Access Statement (paragraph 3.8) that the site will provide parking for three members of staff associated with the agricultural operation. It is also indicated that the proposals make provision for delivery vehicles providing material and collecting produce but suggests that such movements will be limited with service trips likely to take place around twice a week. These will inevitably take place before morning peak traffic flows given the nature of the use.

9.15 A number of neighbours have queried the amount of vehicle movements and suggest that given the nature of produce, this is likely to be a more frequent activity. Even if one is to accept that such conclusions are reasonable; the scale of activity, its yield and the nature of the access is such that only modest vehicles could or would need to enter the site. There is no reason why daily movements of produce should result in unacceptable highway conditions contrary to Policy CS8 of the Core Strategy.

9.16 This conclusion would be supported by the County Council as highway authority who have advised that the proposed development is likely to generate a small number of vehicle movements to and from the site. They have concluded that there would be no demonstrable harm to the safe and efficient use of the public highway in accordance with Policy CS8 of the Core Strategy.

9.17 In order to facilitate access to the application site, it is intended to undertake works to the current access track to provide a compacted chalk surface. Such a track can be constructed without significant harm to the appearance of the site.

#### Other Material Planning Considerations

9.18 Although the site is subject to an Article 1(4) Direction removing the rights to construct fencing and means of enclosure without the need for planning permission it is important to note that the purpose of the direction is not to restrict appropriate fences and those necessary to support genuine agricultural operations. The proposed fencing to the perimeter of the site is considered necessary to protect produce and given its open nature would be acceptable as part of the agricultural use of the site.

#### Neighbours Comments

9.19 A number of representations have queried the suitability of the soil for agricultural purposes and as such the veracity of the application. It is not for the local planning authority to question such matters although should this be of concern then the use of the buildings could be safeguarded by conditions. The land in question is identified as being good to moderate quality agricultural land (grade 3) in the Agricultural Land Classification Maps as published by Natural England albeit it is recognised that the importation of spoil may have degraded such land. This land is protected from permanent loss and alternative uses under saved Policy 108 of the Dacorum Borough Local Plan 1991-2011. Given that there are no objections to the proposals on grounds of contamination by the Scientific Officer and that there is clear scope to improve soil quality as part of the agricultural operation, such matters are not considered to be appropriate grounds for objection to this proposal. Indeed, the proposals clearly seek to optimise conditions for the growth of fruit or crops.

10. **RECOMMENDATION** – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

No	Condition
1	<p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.</p> <p>Reason: To ensure a satisfactory appearance to the development in accordance with Policy CS12 of the Core Strategy.</p>
3	<p>No development shall take place until full details of landscape works shall have been submitted to and approved in writing by the local planning authority. These details shall include:</p> <p>a complete topographical survey of the site including the access track  full details of the existing and proposed levels to the access track and extent of any new hard surfacing;  details of the proposed slab, finished floor and ridge levels of all the buildings in relation to the existing and proposed levels of the site and the surrounding land;  means of enclosure;  full details and elevations of any irrigation tanks or associated structures  car parking layouts and other vehicle and pedestrian access and circulation areas;  and  proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.);</p> <p>The approved landscape works shall be carried out prior to the commencement of the use hereby permitted.</p> <p>Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS5, CS12 and CS25 of the Core Strategy.</p>
4	<p>The buildings hereby approved shall only be used for agricultural purposes including the storage and distribution of agricultural produce</p> <p>Reason: To safeguard and maintain the strategic policies of the local planning authority as expressed in the Core Strategy and saved Policies of the Dacorum Borough Local Plan 1991-2011 and for the avoidance of doubt.</p> <p>The developer should be advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p>
5	<p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <p>HHBF 0001 REV 1  BRHH 0223 REV 1  BRHH 0224 REV 1</p>

200-03	<p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>Article 35</p> <p>Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which lead to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.</p> <p>INFORMATIVE - The developer is advised to keep a watching brief during ground works on the site for any potentially contaminated material. Should any such material be encountered, then the Council must be informed without delay, advised of the situation and an appropriate course of action agreed.</p>
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## Appendix A

### Consultation responses

#### **Bovingdon Parish Council**

- 1) The proposed barn and polytunnels are disproportionate in size to the small plot of 4 acres.
- 2) Both the polytunnels and barn are 3m in height and 30m and 24.4m respectively, in length and thus will have a detrimental effect on the openness of the greenbelt.
- 3) Despite the design and access statement, that the application requires a maximum space of 68m<sup>2</sup>, the proposed barn is more than double at 148m<sup>2</sup>.
- 4) The application has a number of inaccuracies, including the assertion that there are currently 3 full time employees on site with no mention of the fact that access to the site is across land owned by Greywolf Farm
- 5) The proposed agricultural use is unsustainable on this small plot of land, due to its soil (alkaline) and its exposed position.
- 6) This land was previously used to dump rubble and the D&A statement makes reference to adding more chalk into the soil. Christmas trees require acidic soil, which leads to the Planning Committee to question the veracity of the application.

#### **Hertfordshire Ecology**

We do not consider there to be any ecological constraints to these proposals and ecological surveys are unnecessary.

#### **Hertfordshire Highways:**

Hertfordshire County Council as Highway Authority considers that the proposal would not have an increased impact on the safety and operation of the adjoining highways and does not object to the development, subject to the informative notes below.

#### INFORMATIVES

1. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public

highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047.

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertfordshire.gov.uk/services/transtreets/highways/> or by telephoning 0300 1234047

## COMMENTS

This application is for Construction of two polytunnels and barn for agricultural purposes.

The application also seeks consent for engineering works, namely laying of agricultural tracks within the site.

### Parking

Four on site parking spaces will be provided for members of staff.

### Access

The site is accessed from Upper Bourne End Lane via an existing access. No new or altered vehicle crossover is required and no works are required in the highway.

The internal tracks will be dressed with compacted chalk to prevent run-off onto the highway.

### Trip Generation

The Design, Access and Planning Statement submitted with the application states that vehicles delivering materials or collecting produce will do so from the top eastern corner of the site and are most likely to be done early in the day, before peak traffic flow times. It is anticipated that these 'service' trips will take place around twice a week.

## CONCLUSION

HCC as highway authority considers that the proposals would not have an unreasonable impact upon highway safety or capacity, subject to the informative notes above

### Environmental Health

The site is located within the vicinity of potentially contaminative former land uses (old chalk pits and Bovingdon Airfield – military land). Consequently, there may be land contamination issues associated with this site; there is the potential that the pits were infilled with putrescible material capable of producing ground gas, which could migrate to and affect the application site, although this is unlikely. Due to the nature of the application, a full contamination assessment would seem too onerous. Provided the design of the agricultural building is such that it allows good ventilation to enable any ground gas present to dissipate, no specific design amendments or remedial works will be required. We would advise the developer to keep a watching brief during ground works for potential contaminative material.

### Rights of Way

This site is crossed by Bovingdon public footpath 29. This development will not adversely affect the use of the public footpath

## Appendix B

### Neighbouring Comments

#### **Bourne End Village Association (BEVA)**

The plot is part of what was originally one large field, now subdivided into small units. In addition to its location as an area of Green Belt it is the subject to an Article 4 Direction. With the planned construction of 45 houses in Bourne End and the proposed 900 home development at LA3, this forms a particularly sensitive area of Green Belt Land.

- Given the current openness of the area, the buildings proposed would be incongruous and unsightly and intrude onto the openness of the area

- The site was subject to two earlier applications, which were both withdrawn given concerns over the impact of development on openness of the Green Belt.

- The proposed structures are not consistent with the expectation required of this area as defined in the local Landscape Character Assessment, which makes it clear that the distinctive character of rural settings should be conserved by use of traditional materials and designed to reflect the traditional character of the area.

- The fencing is proposed to be of height 2 metres. This would severely impact on the openness and appearance of the Green Belt land and would be inconsistent with the Article 4 Direction for the site.

- The application includes a large area of terraced vineyard. Other than the mention of vines in the introduction and as screening along with the Christmas trees, there is no other reference to this in the application Design and Access Statement. This is surprising given that the terraced vineyard is expected to occupy some 7,600 m<sup>2</sup>. Furthermore, the proposed vineyards are situated in an area where the demolition and excavation waste referred to above has removed much of the natural slope.

- The plans show a mix of terraced vineyards and raised beds with some detail on the nature of the raised beds and the need for chalk. It is unclear how this mix will be accommodated. It would appear that the only common factor is the need for raising the land level. We find it particularly difficult to understand how this arrangement can be serviced by machinery. The barn for machinery would appear to be disproportionately large.

- The intention would be to bring further material into the site, on top of the existing unapproved importation. This must not be allowed.

- The applicant refers to the existence of an access track and its poor state. Prior to the importation of the demolition and excavation waste referred to above, there was no track. The track was formed and damaged by the importation operation which took place over a period of several weeks.

- There is doubt about the ownership of the land on which the track is currently situated. This issue would need to be clarified.

- We note that the applicant refers in several places to the use of chalk to create a track, but in plans refers to hard-core.

- The size of the tracks within the site would appear to be disproportionately wide and would give the site a more industrial / commercial appearance, inconsistent with the rural appearance and feel of the area.

- The site abuts the public footpath from Upper Bourne End Lane to Lower Farm. This path is well used, passing through very attractive countryside leading into open views of the Chilterns.

The view of the site is currently obscured by self-seeded ash saplings. Behind them the demolition and excavation waste, largely chalk, is exposed as a steep slope. The application does not show the footpath.

- The proposed Water Cisterns would abut the footpath, making them the most publicly visible part of the site. No detail is given of these.

- The proposed planting would not shield the views of the polytunnels and barn. The rural nature of the footpath would be destroyed.

- There is no provision in the plan for remodelling of the land contours in this area following the earlier deposition.

-The plan includes Water Cisterns referred to above, but there is no reference to the water supply for those Water Cisterns.

- Reference is made to the current employment of three employees. This is not the case. Were it to be the case, the claim of increasing local employment would not be valid. We find it hard to believe that employing three on this operation would be realistic.

- We note that the expectation is that there will be a maximum of three employees working on the site at any one time with a maximum of three cars on site, which should be made a condition on any planning permission the local authority may grant.

- In addition we note that there is no reference in any part of the application to facilities for those working on the site. If the intention is to provide facilities, their nature, scope and location need to be made clear so that an assessment can be made as to the commercial / industrial feel which could be engendered.

- The application refers to the delivery of materials to the site and to collection of the produce from the site. While there is reference to there being vehicles and the anticipation that this will be about twice a week, there is no indication of the type/weight of vehicle. This is important to know since the track the applicant wishes to install would be unsuitable for vehicles over a certain weight and size, for example a TIR lorry would be unsuitable but a Transit van would be. Other than the limited information there does not appear to be a comprehensive traffic approach, as was identified by Dacorum's Officers Report on the withdrawn application, on Upper Bourne End Lane and its users.

- The collection of produce appears not to have been considered carefully. Fresh produce of the kind described requires regular, even daily collection and this generally takes place early in the morning to reach markets. Alternatively, the applicant may have in mind a 'pick your own' operation. This would not be acceptable given the access and the parking facilities required.

- While we are not experts on horticulture or arboriculture we have a number of doubts regarding technical aspects of the proposals. As examples we note:

a) The very different conditions favouring cultivation of Christmas trees and growing vines.

b) The apparent lack of appreciation of the distinction between the chalk already deposited on the site and chalky soil.

c) We have already raised the relationship between raised beds and terracing.

Given these points we would urge the council to look further into the economic and agricultural robustness of the application. The land has already suffered considerable damage. Were a project such as this to fail it, would be further degraded. We oppose this application and strongly urge you to reject it.

## **Greywolf Farm**

I wish to object to this application for the following reasons. I am the owner of Greywolf Farm, which the land the agent is acting for is accessed via. The land in question is directly adjacent to mine in a south west direction. The land is set approximately 250-300m back from Upper Bourne End Lane, and is accessed via an 8m wide easement through the edge of my land.

The owner of the land in the application has the legal right, within the deeds, to lay a road along the easement at their own expense- SUBJECT to any necessary permission. In this case, the necessary permission would be planning permission. It is my current understanding that should this planning permission be granted, I can not legally prevent the road or track from being built. It is crucial that the council understands that any grant of permission will immediately green light this road being built on my land with no way of me stopping it- despite me absolutely not wanting it at all, and should not assume that it will not happen even if they do grant permission as the applicant does not own the land in question.

In terms of the road/ track itself- the council will obviously consider the effects of this on the greenbelt and local area without any extra request from myself, however I do want to question the necessity of it and draw attention to the repercussions if the track was to be built. The application is to continue the agricultural use of the land (albeit in a more substantial way). Any agricultural vehicle or machinery required for the applied use of the land is perfectly capable of accessing the land in the application down the easement without any changes being made or any track being built. The only vehicles that could potentially have difficulty from driving down the access easement would be road vehicles, and only then during the wet winter months. There is surely no requirement for a road vehicle to be able to access the land in question, for agricultural operations of any level to take place. No farmer creates tracks across their land for his or her passenger vehicle to gain access to each field or storage area. It is clear that the only reason someone would wish to create access for road vehicles would be to drive and park within the land. This in itself has a significant impact on the openness of the green belt which the council must consider as part and parcel of the grant of any access track or road. Indeed, the land that I own and which the track would run through- Greywolf Farm, has a condition on it that prevents any parking anywhere within it of any vehicles apart from on our carpark which is located next to Upper Bourne End Lane and is heavily screened with landscaping. If the council were to grant permission for a track into the open field away from the lane to enable parking on site, it would render the efforts they have gone to with our neighbouring land pointless. The same reasons that were used to enable this condition to be put on our planning permission can be used to prevent parking on their land and thus aid the rejection of at least the track element of the application.

Further to this, is the fact that the entirety of the Greywolf Farm site - including the easement which the applicant wishes to lay a track on, has a condition (4/00816/16/FUL) which prevents any further hardstanding being built on the site for the following reasons: To safeguard the open character of the Green Belt, the character and appearance of the countryside, and residential amenity in accordance with Policies CS5 and CS12 of the Dacorum Core Strategy (September 2013). It is assumed that the same reasons would apply for any hardstanding no matter who the applicant.

In regards to the agricultural building that is being applied for; with my own application for an agricultural building, I was required to justify the size of building with the agricultural use on the site. Eventually a 12 x 24m building was approved however this was on the basis of agricultural activities taking place over 16 acres of land for a variety of agricultural activities including the growing and storing of hay, fruit and osier. Hay is one of the most 'volume large' agricultural activities i.e. more space would be required and justified for this activity than other agricultural ones. Notable is the size of building applied for within this application (24.4 x 6.1m) and the clear lack of any justification for this size. The agricultural activities proposed on the site are 'volume low' and it is questionable why any barn would be needed if the poly tunnels were approved. The requirement of my justification was despite the fact I had permitted development rights for a

building as my site was over 5 hectares. The field that the applicant owns was originally part of a 12.4 acre site which was subdivided into 3 and sold individually by the previous owner. At the time of sale, potential purchasers were clearly made aware of the Article 4 direction, the fact that their land would be accessed through Greywolf Farm and that there was zero likelihood of permission for any track to be granted to improve the access, and that once the plot was split the rights to erect a building via prior approval would be lost and that the likelihood of any building being granted on the smaller plots was minute. Although multiple permanent buildings have been granted via prior approval on what was previously a 55 acre (approx) field, the minimum size of plot to gain permission to erect a permanent building (as opposed to moveable shelters) should be held at the threshold for permitted development rights or else it opens the whole wider site up to the option of dividing it into 3 or 4 acre plots and erecting a building on every one of them using the same justification as in this application- whatever that may be. If requirement for a building is needed, it would be better for moveable shelter to be used, as it has been elsewhere on the wider site.

### **The Paddock**

The planning history of this site should be taken into account. Enforcement had to stop non permitted importing of sub soil. A series of plans have gone in for over intensification of use of the site, disproportionate built footprint and construction of a roadway within the field. Amendments to the plans do not address my previously expressed concerns especially as they contain factual inaccuracies such as number of people currently employed and an unrealistic business plan that lacks credibility, especially regarding traffic flow in a narrow lane. Enforcement officers have a difficult task getting compliance to conditions in Upper Bourne End Lane, for example condition 4 re openness and fencing. We walk the lanes and footpaths in this area regularly using the green belt for exercise and enjoyment as, we hope, the increasing population of Bourne End will do when Mears complete their houses on the former saw mill site. The proposed development does not fit with the agreed local plan.

### **Wayside**

The piece of land in question was made derelict by the applicant when he imported tonnes of rubble and subsoils from a local building site last year. The only thing that will grow on the land now are weeds. In the Design, Access and Planning Statement point 3.8 states that there are currently three members of staff working on the site. This is completely untrue as there is no one working on the site which we can clearly see from our land. There would be no point in any staff working there as nothing of any value is growing there.

The applicant states that he proposes to grow fruit and grapes on the site. However, as the site is open to the elements on all sides and the applicant has destroyed the land by dumping bricks, rubble, sand, pieces of metal and plastic on it, it is hard to see how this will be accomplished.

In points 3.4 and 3.5 in the Design, Access and Planning Statement it is proposed that compacted chalk will be required to weather proof the tracks and raise the planting beds. This suggests that the applicant intends to import yet more rubble and subsoils in order to take money on the gate, as he did last year.

The building and polytunnels will still be highly visual on the site no matter which direction they face and they are still very large for this relatively small piece of land.