

**ITEM NUMBER: 5c**

<b>20/00884/FUL</b>	<b>Construction of a general purpose agricultural building</b>	
<b>Site Address:</b>	<b>Glendale Farm, Flaunden Bottom, Flaunden, Hertfordshire. HP5 1GA</b>	
<b>Applicant/Agent:</b>	<b>Mr John Robb / Mr Christopher McNally</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Flaunden Parish Council</b>	<b>Bovingdon/ Flaunden/ Chipperfield</b>
<b>Referral to Committee:</b>	<b>The application has been referred to the Development Management Committee given the recommendation of Flaunden Parish Council and at the request of Cllr Riddick. Cllr Riddick is concerned that the proposals constitute inappropriate development and are by definition harmful to the Green belt.</b>	

**1. RECOMMENDATION – That planning permission be GRANTED.**

**2. SUMMARY**

2.1 The proposed agricultural building would be an appropriate form of development in this countryside location as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The proposed building is considered to be appropriate in scale, siting and design and will not result in significant harm to the character and appearance of the area nor the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with Policies CS5, CS12 and CS24 of the Core Strategy.

**3. SITE DESCRIPTION**

3.1 The application site is located on the eastern side Flaunden Bottom and between the village of Flaunden and Latimer. The site extends to an existing access onto Flaunden Bottom.

3.2 Glendale Farm extends to approximately 7.2 hectares of grassland adjacent to Long Wood and outlined in blue upon the site location plan. Glendale Farm has been primarily used for equestrian purposes. The wider site is occupied by two small lawful loose boxes associated with the equestrian use of the land.

3.3 An unlawful extension to these buildings is subject to an Enforcement Notice and is required to be removed from the site.

**4. PROPOSAL**

4.1 The proposals involve the construction of an agricultural building measuring some 18m in length, 9m in width and with an eaves height of 3.6m and an attached secure store measuring some 7m x 3m. The main building would be open fronted but otherwise enclosed on three sides by timber.

4.2 The proposed building is required in association with a livestock enterprise based on the development of young beef cattle (weanlings) and subsequent sale 10-12 months later. This will be based on a minimum of 30 cattle being resident throughout the year.

- 4.3 The building is needed to provide a protective and secure 180 day supply of high quality hay and straw for cattle upon the site. The total store requirement for 30 cattle will be some 54 tonnes of hay with an additional bedding requirement of a further 27 tonnes of straw. This equates to a storage requirement of 213 six string quadrant bales each being 0.7m in height, 1.2m in width and 2.4m in length. These will be stored in three bays with the fourth bay to the building being used for the parking of a tractor, trailer and hard feed (rolled barley) and mixing additives.
- 4.4 The proposed lean to secure store will be utilised for the storage of medicine, spray chemicals, clothes, boots and tools associated with the enterprise.

## **5. PLANNING HISTORY**

- 5.1 The site is subject to an Article 4 Direction removing the rights to form enclosures within the site without the specific grant of planning permission.
- 5.2 The site has been subject to previous application history which is relevant in the consideration of the current proposal. These applications include:
- Application 4/02083/13/FUL for demolition of existing stables and field shelter and construction of replacement stables, which was refused on 6 January 2014 and establishing the site's use for breeding and training of horses which would not constitute agriculture;
  - Earlier prior approval application 4/01410/13/AGD for replacement stables which discounted the use of the site for agricultural purposes;
  - The most recent prior approval application 4/02336/14/AGD for livestock shelter, refused on 8 October 2014, where it was noted that there was no evidence to suggest that a genuine agricultural trade and business had been carried out at the farm unit and
  - Application 4/02642/17/RET for the retention of a barn and the extension of farm buildings was refused on the 5<sup>th</sup> November 2018 given concerns as to the use of the site for agriculture and given the impact on the visual amenity of the Green Belt and Chilterns Area of Outstanding Natural Beauty in this location.
- 5.3 Pre-application advice was sought in relation to the current proposals (19/03000/PREE). It is evident from the response to this request that there was no objection in principle to a bona-fide agricultural building in this location however it may be more appropriate to site the building adjacent to the highway.

## **6. REPRESENTATIONS**

### Consultation responses

- 6.1 These are reproduced in full at Appendix A.

### Neighbour notification/site notice responses

- 6.2 No representations have been received from third parties in relation to this proposal.

## **7. PLANNING POLICIES**

### Main Documents:

National Planning Policy Framework (February 2019)  
Dacorum Borough Core Strategy 2006-2031 (adopted September 2013)  
Dacorum Borough Local Plan 1999-2011 (adopted April 2004)

### Relevant Policies:

#### Core Strategy

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS8 – Sustainable Transport  
CS12 - Quality of Site Design  
CS24 – The Chilterns Area of Outstanding Natural Beauty  
CS25 – Landscape Character  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
The Countryside Place Strategy

#### Local Plan

Policy 13 – Planning Conditions and Planning Obligations  
Policy 51 – Development and Transport Impacts  
Policy 54 – Highway Design  
Policy 97 – The Chilterns Area of Outstanding Natural Beauty.  
Policy 99 – Preservation of Trees, Hedgerows and Woodlands

### Supplementary Planning Guidance/Documents:

Accessibility Zones for the Application of Car Parking Standards  
Chilterns Building Design Guide  
Energy Efficiency and Conservation  
Water Conservation

## **8. CONSIDERATIONS**

### Policy and Principle

- 8.1. The application site is located within the Green Belt. The Council will apply national planning policy in relation to the Green Belt in accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. Paragraph 145 of the NPPF makes it quite clear that the construction of new buildings within the Green Belt should be considered as inappropriate development. Exceptions to this include the provision of buildings for agriculture and forestry amongst matters.
- 8.2 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] concluded that the exemption in the NPPF for agriculture and forestry is “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”

- 8.3 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.
- 8.4 The proposals are therefore still expected to have a high quality design. They are also expected to be conserve the natural beauty of the Chilterns Area of Outstanding Natural Beauty in which the buildings would be located. This does not necessarily preclude the construction of buildings but places a greater emphasis on the design and siting of them.
- 8.5 Further support for agricultural uses of land is provided in the Countryside Place Strategy notably at paragraphs 26.9 and 26.10 of the Core Strategy.

#### Layout, Scale and Design

- 8.6 The Council will still expect a high quality design to be pursued in this location in accordance with Policy CS11 and CS12 of the Core Strategy. The site occupies a prominent location within the Chilterns Area of Outstanding Natural Beauty (AONB) and forms part of an attractive landscape enjoyed from the lane of Flaunden Bottom and public footpaths to the east and south of the site.
- 8.7 Policies CS24 and CS25 of the Core Strategy seek to conserve the special qualities of the landscape and designated AONB with the slope protected from development which would have a negative impact on the skyline. Saved Policy 97 of the Local Plan sets out that new buildings and other development must be sympathetically sited and designed, having regard to natural contours, landscape, planting and other buildings.
- 8.8 The applicants have provided a supporting statement clearly justifying the storage needs and need for the building in relation to an agricultural use of the land. They have registered the land, have been allocated a County Parish Holding (CPH) Number by the Rural Payments Agency at DEFRA (CPH 18/047/0137) and the application site is also registered with the British Cattle Movement Service. You are require to have a CPH number prior to placing any cattle upon the land.
- 8.9 The agent has demonstrated that the site is capable of accommodating significant numbers of weanlings and that the building meets the minimal storage requirements associated with the scale of activity described. The John Nix Pocketbook for Farm Management, 50<sup>th</sup> edition, 2020 has been used to calculate both the herd capacity and estimated storage needs at a recognised industry standard.
- 8.10 Glendale Farm has a total site area of 7.2ha of which 0.89 ha (just of 2 acres) is required for the lawful equestrian use of the site and in accordance with the grazing requirements of the British Horse Society. The remaining land is to be stocked with 30 weanlings (0-1 year olds) at the recommended livestock unit (LU) of 0.34 per head. This provides a total of 10.2 livestock units (30 x 0.34) or 1.595LU per hectare. This would increase to a stocking density of 1.838LU per hectare when cattle are 1-2 years old.
- 8.11 This is within the recommended stocking rates of between 1-1.5LU/ha (Low Stock) and 2-2.5LU/ha (High Stock) as set out within the Better Returns Programme, Beef and Sheep Manual (Version 8)
- 8.12 The stocking density of the site has also been discussed with an independent consultant who suggests that to accommodate 30 weanlings you would require between 5.8 ha and 6.4 ha of grazing land depending on a range of factors including land grade and nutrient

value. The remaining site area is at the upper end of this range indicating a sufficient area of land for the proposed agricultural operation.

- 8.13 The applicants supporting statement goes onto explain that it is standard practice for a cattle/livestock enterprise to have a secure 180 day supply of hay. The building is thus required to have a storage capacity for 54 tonnes of hay and 27 tonnes of straw (for dry bedding) based on the expected weight of cattle. Based on the average weight of hay and straw bales, this means that approximately 213 six-string quadrant bales are required to meet the storage requirements. The three bays of the proposed building are capable of accommodating 211 bales and would be within an accepted range.
- 8.14 In this context the building is considered to be appropriate in size and scale and is functional for its intended use and the use of land.
- 8.15 The proposed building heeds the advice in the Chilterns Building Design Guide and utilises traditional materials in its construction. The building would be sympathetically sited adjacent to the highway and at a relatively low point in the landscape. The applicants are also proposing landscaping immediately to the south of the building screening the proposed development from the rights of way to the south of the site. This will be secured by a planning condition.
- 8.16 Overall the proposals are considered to result in limited harm to the overall character and appearance of the AONB and as such no objection would be raised under Policies CS11, CS12, CS24 and CS25 of the Core Strategy.

#### Impact on trees and landscaping

- 8.17 The proposals will not have any adverse impact upon any existing landscape features including Long Wood, a designated wildlife site to the east and running parallel to the land. There are no objections to the proposals from a landscaping or ecology perspective.
- 8.18 Additional planting will be undertaken to the west and the south of the proposed building to mitigate the visual impact of the building from Flaunden Bottom and supplementing the boundary hedge with the road. This could support the objectives under Policy CS26 of the Core Strategy. This will be secured through a planning condition to this approval.
- 8.19 The comments of the County Ecologist are noted in relation to the potential use of the site by badgers and as suggested an Informative has been added to ensure their protection.

#### Access, Parking and Highway Safety

- 8.20 The proposed building would be accessed from an existing field entrance on Flaunden Bottom with additional hard standing being provided for access to the building. This hardstanding is not considered to be excessive in scale and would not detract significantly from the overall character and appearance of the area. As such there would be no objection under Policies CS8, CS12 and CS24 of the Core Strategy or Saved Policy CS51 of Local Plan 1991-2011.

## **9 CONCLUSION**

- 9.1 The proposed agricultural building would be an appropriate form of development in this countryside location as set out in the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy. The proposed building is considered to be appropriate in scale, siting and design and will not result in significant harm to the character and

appearance of the area nor the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB) in accordance with Policies CS5, CS12 and CS24 of the Core Strategy.

## **10 RECOMMENDATION**

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

### **Condition(s) and Reason(s):**

- 1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.**

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.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

Drawing Nos 19-30-01 Revision B (Site Plan),  
19-30-02 Revision A (Site Location Plan) and  
19-30-03 Revision B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Please do not send materials to the Council offices. Materials should be kept on site and arrangements made with the Planning Officer for inspection.**

Reason: To ensure satisfactory appearance to the development and to safeguard the visual character of the area in accordance with Policies CS11 and CS12 of the Dacorum Borough Core Strategy (2013).

- 4. No construction of the superstructure shall take place until full details soft landscape works has been submitted to and approved in writing by the Local Planning Authority. These details shall include a planting scheme with the number, size, species and position of trees, plants and shrubs and details of the finished floor level in relation to existing topographical information.**

**The planting scheme must be carried out within one planting season of completing the development.**

**Any tree or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity.**

Reason: To improve the appearance of the development and its contribution to biodiversity and the local environment, as required by Policies CS11, CS12 and CS26 of the Core Strategy and Saved Policy 99 of the Dacorum Borough Local Plan (2004)

## INFORMATIVE

### BADGERS

*Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.”*

## APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
Flaunden Parish Council	<p>Flaunden Parish Council objects to the proposal as it does not believe that as presented it is a viable scheme for the following reasons:</p> <p>a) The Council maintains that the 7.2ha site is not large enough for a viable agricultural holding to include cows and horses on the scale outlined in the proposals. The field is poor quality, low grade pasture barely able to sustain horses without adding further livestock. The site is generally in a poor state with existing buildings representing a danger to animals.</p> <p>b) The Council does not believe that a case has been made for further buildings on the site</p> <p>c) The Parish Council maintains that the comparison with the field on the other side of the valley is not valid. That field is verdant lush pasture maintained for many years. In addition the cattle within the field only graze for a few spring/summer months before returning to their home farm.</p> <p>d) The proposals fail to have regard to the purposes of conserving and enhancing the natural beauty of the area.</p> <p>The Parish Council considers it imperative, in view of the sensitivity of the site, that an independent report is obtained from BIAC or a similar organisation to confirm the viability of the proposals.</p> <p>We would recommend that this application is refused.</p>
Hertfordshire County Council Ecology Unit.	<p>The proposed site is adjacent and below “Long Wood &amp; Hanging Croft (Flaunden)” Local Wildlife Site, which is an area of ancient semi-natural woodland. I have no reason to consider this will be affected by the proposal. The fields adjoining where the proposed building will be sited have, according to the supporting information, been used mostly as horse pasture and consequently I have no reason to consider they</p>

support uncommon habitats and species. The area comprising the immediate site seems from photos on Google Street View to have been used for access and parking.

The siting of the barn will result in the loss of an area of grassland. However, the proposal includes the planting of a native hedge between the barn and the road and the addition of some native trees as a screen at the end of the proposed building. This will compensate for the area of grassland lost to the building and provide a measure of biodiversity net gain.

There are records of badgers from the area and I recommend a precautionary approach to the works should be adopted. I advise the following **Informative** is added to any consent granted.

*“Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.”*

I do not consider there to be any other ecological issues with this proposal.