

**ITEM NUMBER: 5c**

<b>21/01829/OUT</b>	<b>Construction of an Agricultural Barn for the storage of hay and maintenance of farm machinery.</b>	
<b>Site Address:</b>	<b>Marshcroft Farm, Marscroft Lane, Tring.</b>	
<b>Applicant/Agent:</b>	<b>Mr Ben Taylor</b>	
<b>Case Officer:</b>	<b>Robert Freeman</b>	
<b>Parish/Ward:</b>	<b>Tring Town Council</b>	<b>Tring East</b>
<b>Referral to Committee:</b>	<b>The application is referred to committee in view of the contrary recommendation of the Town Council.</b>	

**1. RECOMMENDATION**

That planning permission be **GRANTED**

**2. SUMMARY**

- 2.1 The principle of constructing an agricultural building upon the application site is considered to be acceptable in accordance with Policy CS5 of the Core Strategy and should, regardless of scale be considered as being an appropriate building in the Green Belt as set out within the National Planning Policy Framework.
- 2.2 Although all matters are reserved in this case (scale, layout, appearance, access and landscaping) indicative plans have been submitted to demonstrate the overall appearance, height, siting and scale of the building. As such, I am satisfied that the construction of an agricultural building in this location and of the scale illustrated, would not result in significant visual harm to the character and appearance of the area and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS12 and CS24 of the Core Strategy.

**3. SITE DESCRIPTION**

- 3.1 The site is located on the northern side of Marshcroft Lane and is located at the edge of 3.7 ha of grassland to the rear of the Farmhouse (Marshcroft Farm) and The Granary, Marshcroft Lane. This land extends between the Grand Union Canal and the railway and lies within the Chilterns Area of Outstanding Natural Beauty.
- 3.2 The land within the applicant's ownership also extends to the residence and gardens of 'The Farmhouse' and the range of outbuildings associated with the property. The outbuildings are used in association with the business of Marshcroft Energy Ltd. On the southern side of Marshcroft Lane and opposite The Granary are a number of agricultural storage buildings within separate ownership. The applicants have stated that they rent some of this space (approximately 207 square metres) for storage.

**4. PROPOSAL**

- 4.1 The proposals seek outline planning permission for the construction of an agricultural building on the site with all matters reserved.
- 4.2 The proposals therefore seek to establish the principle of constructing a 20m x 10m building for the storage of hay and farm machinery at the site and associated with their agricultural smallholding. It is indicated that this building would have an eaves height of 3.6m and a ridge height of 4.48m and would be sufficient for the storage of two tractors, baler, mower, tedder, topper, harrow, three feed bins and between 300-500 hay bales.

- 4.3. The proposed building would be a typical steel framed agricultural building clad in green.
- 4.4. The building would be located adjacent to an existing beech hedge forming the boundary of the residential curtilage of 'The Farmhouse' and extending to the rear boundary of 'The Granary'. The building would also be located adjacent to a number of chicken sheds upon this boundary. The building would not extend beyond the south western boundary of the residential curtilage adjacent to which there are a number of solar panels.

## **5 PLANNING HISTORY**

- 5.1 The Farmhouse at Marshcroft Farm has been substantially extended since planning permission was granted in 2008 (4/01075/08/FHA) and 2009 (4/01106/09/FHA) for two storey and single storey extensions to the dwelling.
- 5.2 An application for agricultural permitted development on the same site was refused under 4/00775/14/AGD in 2014. The case officer in this instance was concerned with a number of conflicting statements made within the associated supporting information and was not satisfied that the building was needed for agricultural purposes. As such, it was considered that a building for agricultural purposes would require planning permission and could not be constructed under permitted development at that time.
- 5.3 The Planning Enforcement team have visited the site in relation to the alleged use of the garages associated with the Farmhouse for commercial purposes but could not identify a breach of planning control (E/20/00323/NPP) This case has since been closed.

## **6. PLANNING POLICIES**

### **6.1 National Policy**

National Planning Policy Framework (February 2021) (NPPF)  
National Planning Policy Guidance (NPPG)

### **6.2 Dacorum Borough Core Strategy 2006-2031**

NP1 - Supporting Development  
CS1 - Distribution of Development  
CS5 – Green Belt  
CS8 – Sustainable Transport  
CS12 - Quality of Site Design  
CS24 – Chilterns Area of Outstanding Natural Beauty  
CS26 – Green Infrastructure  
CS29 - Sustainable Design and Construction  
CS31 – Water Management  
CS32 – Air, Soil and Water Quality  
CS35 – Infrastructure and Developer Contributions

## **7. REPRESENTATIONS**

### **7.1 Consultation responses**

These are reproduced in full at Appendix A.

### **7.2 Neighbour notification/site notice responses**

2 comments have been received in relation to this case. One in favour of development and one in opposition. These are reproduced in full at Appendix B.

## **8. CONSIDERATIONS**

### Principle of Development

- 8.1 The application site is located within the Green Belt, wherein accordance with the National Planning Policy Framework (NPPF) and Policy CS5 of the Core Strategy the construction of new buildings would generally be regarded as inappropriate development. This does not extend to the construction of agricultural buildings within the Green Belt which are an exception under paragraph 149 of the NPPF. It should be noted that such buildings are appropriate regardless of scale.
- 8.2 The site is located within the Chilterns Area of Outstanding Natural Beauty (AONB) and as such it would still be important to assess whether the proposals may result in visual harm to the character and appearance of the AONB in accordance with Policy CS24 of the Core Strategy and having regard to the Chilterns Building Design Guide.

### Quality of Design / Impact on Visual Amenity

- 8.3 The application, in this instance, has been submitted in outline and with all matters to be reserved. As such the elevation and scale plans provided in relation to the appearance of the proposals should be treated as indicative. It is clear however that a building constructed to the dimensions provided and located adjacent to the hedgerow at the rear of the Farmhouse and the existing poultry sheds would be appropriate in terms of the overall layout of the site and would have a limited visual impact from outside the application site. The siting is such as to minimise any adverse impact upon the visual amenities of the AONB. Based on the outline nature of the application and indicative plans, it is considered that the overall appearance and siting of a building in this location would be acceptable in accordance with Policy CS24 of the Core Strategy. Consent would need to be granted at reserved matters stage to ensure the finalised design is consistent with the judgement made above.

### Scale

- 8.4 Although scale is a reserved matter, it is considered appropriate in the context of this decision to comment upon the indicative elevations and floor plans for the property in light of the objections submitted. The proposed building is indicated to cover an area some 10m deep by some 20m and would have a roof with an eaves height of some 3.6m. It is no doubt a large building in this location, but in my opinion would be commensurate in scale with a number of other agricultural buildings that are seen in the locality. The applicant clearly owns a large amount of agricultural machinery which is significant in size. I also accept that the height and depth of the building is necessary to allow appropriate access by farm vehicles and for a reasonable amount of hay storage to occur over winter months. As such, it is demonstrated that the scale of the building is reasonably necessary and proportionate with the agriculture use. This is in accordance with Policy CS12 of the Core Strategy.

### Impact on Residential Amenity

- 8.5 The proposed building is located a significant distance from the neighbouring property, The Granary, and as such there would be no physical impact upon them in terms of a loss of daylight, sunlight or privacy. Any noise would be that associated with agricultural activity within the area and should be expected in this locality. There would be very limited planning

reasons to object to this proposal by reason of noise and nuisance therefore under Policy CS12 of the Core Strategy.

#### Other Material Planning Considerations

##### *Impact on Landscaping*

- 8.6 The building is to be located in a natural gap in the coverage of trees adjacent to this site boundary and would be set away from the existing beech hedge at the edge of the residential curtilage in order to minimise any harm to the existing soft landscaping features on the site. As such, I consider that there is unlikely to be any material harm to trees or landscaping features of significance and as such find no conflict with Policy CS12 of the Core Strategy.

##### *Agricultural Activity and Need*

- 8.7 Both the Town Council and a neighbouring property have expressed concern as to whether there is a legitimate need for an agricultural building on the site and whether said building needs to be of the scale indicated. This is a matter for planning judgement.
- 8.8 The applicant has indicated that the use of an existing agricultural building has been lost as a result of a separate landowners requirements and an alternative needs to be provided.
- 8.9 From my observations on site, the land is considered to be in agricultural use given the rearing of animals, grazing and growing of crops, albeit on a small scale and interspersed with non-agricultural activity (for example the grazing of horses, the generation of solar power etc) This activity has certainly increased since an application for an agricultural building was last considered in 2014 and a more acceptable design approach has been adopted in indicative material. It is not unreasonable therefore to expect it to be served by an agricultural barn or other building. There is clearly a need to store farm machinery as observed at my site inspection. I also find that the hay production levels are not unfeasible given the extent of land owned by the applicant and that the building is not oversized for the storage of said material together with large farm equipment.

#### Response to Neighbour Comments

- 8.10 A number of the comments raised in objection by the neighbouring party are not of direct relevance to the determination of this case. It is acknowledged that the applicant has a large complex of buildings but despite the assertions regarding the nature of use, the associate enforcement investigation (E/20/00323/NPP) concluded that “the activities taking place in the building(s) are associated with the ongoing refurbishment works to the property”. The officer noted that two businesses are registered to the address, but this is not a planning breach nor is it inappropriate to run a business from home within the current climate providing that it does not result in a material change in use.
- 8.11 I find no reason whilst activities that are incidental to the use of the house need cease within the garage and as such there is little evidence to suggest that the proposed building will be utilised for business purposes. In such circumstances, the benefit of doubt should be afforded to the applicants.
- 8.12 Whilst I understand there have been concerns with noise generated by the applicants at the property; the correct mechanism to address this is through the Environmental Health section. Such requirements should not prejudice the determination of applications for planning permission on this site.

## 9 RECOMMENDATION

9.1 That planning permission be **GRANTED** subject to the following planning conditions

### Conditions

**1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**2. The development hereby permitted shall begin no later than 2 years from the date of approval of the last of the reserved matters to be approved.**

Reason: To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

**3. The details of appearance and layout to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- Full elevations of the proposed building
- Finished slab, eaves and ridge heights in relation to existing and proposed site levels and
- Samples of the materials to be used in the construction of the building hereby approved.

**The development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance and functioning of the development in accordance with Policies CS5, CS12 and CS24 of the Dacorum Core Strategy September 2013

**4. The footprint of the development hereby approved shall not exceed 200 square metres.**

Reason: To ensure that the proposed development has a satisfactory impact upon the visual amenities of the Green Belt and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS12 and CS26 of the Dacorum Core Strategy 2013.

**5. The height of the building hereby approved shall not exceed 4.5m.**

Reason: To ensure that the proposed development has a satisfactory impact upon the visual amenities of the Green Belt and Chilterns Area of Outstanding Natural Beauty in accordance with Policies CS12 and CS26 of the Dacorum Core Strategy 2013.

**6. The details of landscaping to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:**

- Details of any tree protection measures to be erected prior to works to construct the building hereby approved and to be maintained for the duration of construction.
- Soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass

- establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- proposed finished levels or contours;

The approved landscape works shall be carried out in accordance with the agreed programme of implementation. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policies CS12 and CS26 of the Dacorum Core Strategy September 2013.

**7. The building hereby approved shall only be used for the storage of agricultural equipment and machinery, hay or other animal feed.**

Reason: To ensure the adequate protection of the countryside in accordance with Policies CS5 and CS26.

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

**MB21-0001A and  
MB21\_0002**

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

**APPENDIX A: CONSULTEE RESPONSES**

Consultee	Comments
Tring Town Council	<p><u>AMENDED COMMENTS</u></p> <p>Tring Town Council re-considered this application on 11th October 2021. The Council recommended REFUSAL on the grounds of it being out of keeping and overdevelopment of the locality.</p> <p><u>ORIGINAL COMMENTS</u></p> <p>The Council recommended REFUSAL as there is an existing barn on site. The need for another building in the AONB is questioned</p>
Chiltern Society	<p>The Chiltern Society has no objection to this application.</p> <p><u>ADDITIONAL COMMENTS</u></p> <p>By way of further comment, this is to say that the comments already made by the Chiltern Society are based upon the assumption that this is a genuine farm and that there is an agricultural need. This is a matter of fact and degree, which the planning authority must assess. If</p>

	it is found that it is not a farm or that the agricultural need is not there, the Chiltern Society would object.
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## APPENDIX B: NEIGHBOUR RESPONSES

Address	Comments
The Granary, Marschcroft Lane	<p>We wish to object to this 2021 planning application on the grounds that this agricultural barn is not needed. In this planning application Mr Taylor claims he needs the barn for storing and maintaining his farm machinery and storing his hay which he sells. Mr Taylor already has a garage for storing and maintaining his farm machinery and his hay, because he built it in 2010 under Planning Application no 4/01106/09/FHA which was granted.</p> <p>Furthermore, in 2014 Mr Taylor also applied for Planning to build an Agricultural Barn to store and maintain his farm machinery and store his hay which (he said) he sold as a business (Planning Application no 4/00775/14/AGD). This planning application was refused as he had given incorrect information and the planning officer felt that Mr Taylor had no need for an agricultural barn. Since 2014 Mr Taylor has added a flock of sheep to graze his land as well as his donkeys, hens, geese, ducks and turkeys so there is even less need for hay storage. In the last 30 years we have never seen evidence of Mr Taylor either selling his hay or letting this land for grazing. In passing it is worth noting that as far as we are aware Mr Taylor's "farm machinery" just comprises a tractor and trailer which is (and was) well able to fit into his new garages. The details are as follows:</p> <p>Mr Taylors 2010 Planning Application no: 4/01106/09/FHA to extend his house and garages.</p> <p>In July 2010 Mr Taylor received planning permission to extend his house and build a second garage (equivalent to housing 4 cars) and a small workshop in The Farmhouse courtyard. As he already had a 2-car garage and large courtyard, this second garage was to be used to store his tractor and trailer and animal feed, with a small workshop to maintain his equipment. The second garage and workshop have been completed externally and internally 10 years ago. The outside of the house extension was also completed 10 years ago but the internal construction work of the house extension is still a building site and is uninhabitable according to your Building Regulations Department who visited in April 2021. Both the second garage and small workshop have been provisioned as a large well-equipped workshop with industrial-scale machine tools and has been operating</p>

full time since 2010. We fail to see what the continuous work in the workshop has been doing over the last 10 years because it has not been renovating his property. He must have been using it for his design and building business Marshcroft Energy Ltd ([www.marshcroft.co.uk](http://www.marshcroft.co.uk)). This is run by skilled tradesman and operates 5 days a week, 8am-5pm in the workshop according to his internet site. Mr Taylor claims that the renovation of his property stopped in 2020. This was confirmed by your Building Inspector in April 2021. Yet we have supplied your Planning Enforcement and Environmental Health Officer with documentation of noise evidence which showed that throughout 2020 there was continuous use of the industrial scale equipment. This supports our contention that Mr Taylor operates a business in his workshop.

Mr Taylors 2014 Planning Application no: 4/00775/14/AGD

In April 2014 Mr Taylor sought planning permission for an agricultural Barn at the same location as for this 2021 planning application. In his 2014 planning application Mr Taylor stated that :

- Marshcroft Farm was a working farm whose land was used for agriculture for the purpose of trade and business for 100 months.
- He needed the new barn for the storage of harvested hay and associated farm machinery.
- Some land was cropped for hay which was used by his animals and the surplus sold to private clients with some land let for grazing.
- Mr Taylor omitted to say that he had horses and donkeys grazing his land.

In 2014 The Farmhouse as it is known as (not Marshcroft Farm) did not and still does not trade as a farm and it was not a farm business. Mr Taylor is an orthopaedic surgeon who works privately part time. His partner is a part time nurse. A lot of his land was grazed by his horses and donkeys and his hens, geese, ducks and turkeys. The poultry was used for their eggs and as meat for their own consumption. They have never had a licence to sell their agricultural products. They only sell their eggs to local people which does not need a licence. In 2014 any spare hay was temporarily stored together with their tractor in the leased buildings opposite our kitchen window.

In 2014 we never saw vehicles going up and down the lane laden with hay and as far as we are concerned he has never sold hay on a commercial basis and as far as we are concerned he has never let this land for grazing. We have only ever seen his domestic animals and pets graze the land.

After a site visit by the Planning Officer in 2014 the application for an Agricultural Storage Barn was refused because '.....the application was not deemed as reasonably necessary for the purposes of agriculture within the unit. Also insufficient information has been submitted to demonstrate that the building is reasonably necessary for the purposes of agriculture. It is noted that the information provided with the application is incorrect and has not taken account

that part of the holding that appears to be used for the keeping horses'.

Mr Taylor's current (4/5/2021) Planning Application: 21/01829/OUT

Mr Taylor has once again applied for an Agricultural Barn for the storage and maintenance of farm machinery. His Design and Access Statement states it is also for storage of hay that is sold to private clients.

In the last few years Mr Taylor has also acquired a flock of sheep to graze his land and produce meat for his own consumption, so it is even less likely that there is any surplus hay for him to sell. The land shaded as Managed Agricultural Land in his application is grazed by his domestic animals (sheep, horses, donkeys, hens, geese, ducks and turkeys). In the last few years since he has acquired his sheep, we have seen no evidence of hay being stored in the leased buildings let alone being sold to private customers. The Farmhouse is not a working farm. Mr Taylor has very little farm machinery and he does not need a large agricultural barn for his domestic activities. The large garage and small workshop in his courtyard that he built in 2010 should be housing and maintaining his tractor and trailer and domestic animal feed.

The situation in 2021

In 2020 we complained to Planning Enforcement, Building Regulations and Environmental Health about Mr Taylor's misuse of the second garage. He has no planning permission to use his garages as a commercial enterprise and the continuous noise that we have endured from his workshop for 10 years was preventing us from enjoying our property. Your officers visited the Farmhouse 8 weeks ago. The Environmental Health Officer served Mr Taylor with a Community Protection Warning Notice on 13/4/21. Mr Taylor now has to give the Environmental Health Officer a Schedule of Works and a Completion Date for the renovation of his house. Planning Enforcement have stipulated that when the renovating work on the Farmhouse is finished, Mr Taylor must dismantle his workshop and turn it back into a garage and small workshop. In the next few months

Mr Taylor will therefore have a place to store and maintain his tractor/trailer and a place to keep his feed for his domesticated animals which is more than adequate for his needs.

Our fear is when Mr Taylor is forced to dismantle his industrial workshop where is he going to put it? Even though he claims in Question 11 of the Application form that he will not be carrying out industrial or commercial activities and processes Mr Taylor has a history of giving incorrect information to the Planning Officers. If he is given permission for an Agricultural Barn (which he does not need or qualify for) he could well install his workshop in it

ADDITIONAL COMMENTS

We wish to object to this planning application on the grounds that

this agricultural barn is not needed. We dispute the fact that he stores 300-700 bales of hay and sells part of it. We do not believe he needs an Agricultural Barn, let alone one of this scale.

Marshcroft Farm Ltd (the business associated with the Farm House farming activities) was only recently registered on 26/8/20 and has no published accounts yet. In his earlier 2014 submission for an Agricultural Barn, Mr Taylor stated he had used the land as trade or a business for 100 months ie since 1996. He stated that he sold approximately half of his hay. The amount of hay harvested in July 2021 would hardly feed his animals let alone be sold. We live next door and have never seen 300-700 bales of hay and we have never seen him sell this hay. In fact the outbuildings that he rents for his agricultural machinery and hay look like a builder's yard and half of the storage is used for his building firm Marshcroft Energy that he runs illegally from his garages in the last 10 years.

Only 2 people live in the Farm House, yet he has since 2010 increase the footprint of his house and outbuildings by 40%. We do not see why he should be given even more rights to increase the size of his buildings and whether planning should be supporting a building of this scale

In 2010 Mr Taylor renovated and extended his Farm House by nearly 40%. He was increasing his outbuilding space by 100% and in the initial planning request (attached) was building a tractor shed. This subsequently changed to a garage for cars, maintenance and storage. After he built his garages they were never used for his cars or for storage or to maintain his farming equipment. Since they were built he has used the garages and storage building as an illegal industrial-scale carpentry workshop for his building company. He has not purchased any more land since 2010 and has indeed added a flock of sheep. In 2010 why did he not construct a tractor shed instead of a workshop if he did not own any agricultural barns and was dependent on renting them?

In April 2021 the Environmental Health Officer served Mr Taylor with a Community Protection Warning Notice for Noise Nuisance from his industrial-scale carpentry workshop and he has to give a date when he will be closing his workshop/garages down. Since he has not needed a garage for his cars for over 10 years, he can change the frontage to his garages-ie apply for planning permission to add a gable end to the garages to allow his tractor access and to house his agricultural machinery and store his feed and hay. If he does put his cars in the garage we do not see why he also cannot store hay and feed next to his cars. By the way he already has an existing 2 car garage which he does not use as a garage. He does not need a great deal of space for his farm equipment and storage as the agricultural buildings he rents out are used mainly as a builder's yard to store for his carpentry business ( see attachments)

We think another site visit should be done by the planning officer to see how much of the rented barn is used for Mr Taylor's farming business and how much is used for his carpentry business.

	<p>Also the amount of hay he says he produces should also be assessed. Since Mr Taylor increased his outbuilding footprint in an AONB by 100% then the workshop/garages should be re-assessed to see if it is big enough for his farm equipment and storage (we have only seen one tractor) He obviously does not need garages for his cars as in the last 30 years they have been kept outside.</p> <p>Mr Taylor has a history of getting planning approval for one use and using it for something quite different. In our view Mr Taylor would most likely move his illegal industrial-scale carpentry workshop, his builders yard building materials and his building business into this oversized agricultural barn.</p> <p>In Mr Taylor's email to the planning officer in June 2021 he states he has a very strong motivation to preserve the unspoilt and rural nature of the lane. We therefore suggest that he removes his broken down wind turbine which has not been maintained and has not turned for nearly 2 years and is just rusting in his field.</p>
<p>Marshcroft House, Marshcroft Lane</p>	<p>I am supportive of this well thought out proposed development - it is replacing agricultural storage that is no longer viable with a more practical approach which will be more secure, have better visual amenity and will be safer for the general public by moving machinery operations away from the existing right of way. The proposed building will fit well with the surrounding agricultural features and structures in the immediate vicinity. It is important to encourage and support small scale agricultural use of green belt land, including the farmed areas of the AONB, to avoid it falling into a state of disrepair.</p>