

<b>Location</b>	<b>SweetTree Fields Marsh Lane London NW7 4EY</b>	
<b>Reference:</b>	<b>17/7627/RCU</b>	Received: 30th November 2017 Accepted: 14th December 2017
Ward:	Hale	Expiry 8th February 2018
Applicant:	Mr Barry Sweetbaum	
Proposal:	Use of agricultural land for care farming with retention of ancillary buildings, structures and pathways (RETROSPECTIVE APPLICATION)	

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 01 Rev B; Drawing no.02 Rev D; Drawing no. 30 Rev P3; Drawing no. 31 Rev P3; Drawing no. 32 Rev P3; Drawing no. 33 Rev P3; Drawing no. 34 Rev P3; Drawing no. 35 Rev P3; Drawing no. 36 Rev P3; Drawing no. 37 Rev P3; Drawing no. 38 Rev P3; Drawing no. 39 Rev P3; Drawing no. 40 Rev P3; Drawing no. 46 Rev C; Drawing titled "Landscape and Visual Analysis"; Green Belt Statement received 3rd January 2018; Arboricultural Report by The Mayhew Consultancy Ltd Ref AR/56217 dated January 2018; Existing Drainage Provision by CD Gray dated January 2017; Farm Management Plan V05.2018; Preliminary Ecological Appraisal by Ecosulis Ref J006379; SFFA Activities Overview.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 The infirmary shall be relocated away from the woodland to the area indicated on the hereby approved Drawing no.02 Rev D within three months of the date of approval and permanently retained as such thereafter.

The area of woodland identified on drawing no.02 Rev D shall at no time be used for any activities associated with the care farming use.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to woodland and biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan, Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), and Policies 7.19 and 7.21 of the London Plan (2016).

- 3 The details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped as detailed in the hereby approved Farm Management Plan V05.2018 shall be implemented in full in accordance with the approved details within 12 months of the approval.

Reason: To ensure that the development represents high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan (2016).

- 4 No activity relating to care farming shall be carried out at any time within the area identified as woodland as indicated on hereby approved drawing no. 02 Rev D.

Reason: To ensure that the development represents high quality design and protects the woodland and the ecology of the site in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan (2016).

- 5 The premises shall be used for care farming (sui generis) and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

No activities other than those listed on hereby approved document titled "SFFA Activities Overview" and activities relating to farming shall be carried out on the site.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 6 The care farming use hereby permitted shall be used only by clients, workers, volunteers and others explicitly listed on the hereby approved Farm Management Plan V05.2018, and shall not be used by the general public or corporate entities.

There shall be no more than 55 people on site at any one time.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and nearby residents, in accordance with Policy DM01 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 7 The site shall not be open to clients and carers before 8am or after 6pm Mondays to Fridays, before 8am and 5pm Saturdays, and before 10am and after 2pm on Sundays and Bank Holiday.

No deliveries, works by external contractors or use of power tools shall be carried out before 8am or after 6pm Mondays to Fridays, before 8 am and after 2pm on Saturdays, and not at all on Sundays or Bank Holidays.

Reason: To ensure that the use does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 8 The number of animals under the control of the applicant on the site shall be no more than 40 sheep, 22 lambs, 26 chickens, 3 rabbits, 4 ducks, 2 goats, 2 donkeys and 3 pigs as listed on the Farm Management Plan V05.2018.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area and nearby residents, in accordance with Policy DM01, DM04 and DM16 of the Local Plan Development Management Policies DPD (adopted September 2012), and policies 5.11 and 7.19 of the London Plan (2016).

- 9 a) Within six months of this approval a parking management plan/ statement and service/ delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The service/delivery management plan shall detail how to prevent multiple vehicles servicing the site at once and how it will be ensured that the impact of service vehicles in the future will be minimised.

b) The development shall thereafter be implemented in accordance with the details approved.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

#### **Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The applicant is advised that this application and permission is limited to the structures shown on the hereby approved plans. The application does not grant consent for the existing yurt or any use associated with this structure or any other, which do not benefit from planning permission.
- 3 The applicant is advised that in accordance with the site being a SINC (Site of Importance for Nature Conservation), an animal welfare plan shall be adhered to, as stipulated in the hereby approved Farm Management Plan.
- 4 The applicant is advised that this permission does not grant consent for the accommodating corporate events or any other uses other than care farming.
- 5 The applicant is advised to provide journey planning advice on their website; this journey planning advice should also contain a few details on the lay out and operation of the access and the site to ensure the efficient use of the site continues.
- 6 One of the key elements of the reserve is the pasture herbs within the fields, these plants are at risk from form over grazing and trampling by livestock. The applicant is advised that the stocking levels and stock management must make active management decisions to ensure that these herbs are allowed to thrive on the site. For example Pigs should be avoided as they will root up plants and destroy the herbs and grass in the fields; the use of chemical (salt based) fertilisers and herbicides are detrimental to these plants and water courses, their use must be strictly limited or band from the reserve. Pesticides should also be avoided at all times as they will affect the bio-diversity of the insect populations effecting bat foraging, feeding birds and water courses.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the north of Marsh Lane, behind the rear of properties on this road. The site is mainly enclosed by residential development along Marsh Lane to the South and Glenwood Road to the West, and covers 6.42 hectares.

To the northeast, the site abuts another farm which operates independently. The area towards to the northeast forms part of the Mill Hill Conservation Area. The only area of the site which lies within the Conservation Area is a relatively small section of the entrance of the site

The site has a single access point which is secured by metal gates, in between the Rising Sun pub (statutory listed building) and York Lodge, Highwood Hill, NW7 4HA.

The site is located on land which is designated as Green Belt.

The site benefits from two certificates of lawfulness applications which confirm the lawful use as agricultural land.

The site levels fall significantly from South to North, the site is predominantly open with some field enclosures but is also subject to substantial tree cover.

The applicant has stated that SweetTree Fields Farm was established in 2013 and used for farming where care farming programmes are offered to those with "learning disabilities, brain injuries, dementia and mental health needs living in the local community". The site and its use was initially sponsored by SweetTree Home Care Services and after 2014, SweetTree Farming for All, a new Community Interest Company (CIC) was established which combined the care farming expertise of Farming for All CIC and the community care and support experience of SweetTree Home Care Service.

### **2. Relevant Site History**

**Reference:** 15/02578/FUL

Address: Sweet Tree Fields Farm Marsh Lane London NW7 4LG

Decision: Withdrawn application

Decision Date: 29.09.2015

Description: Erection of single storey outbuilding

**Reference:** H/00483/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

**Reference:** H/00484/13

Address: Sweet Tree Fields Farm, (Formally Bruno's Field), Land At Rear Of Glenwood Road And Marsh Lane, London, NW7

Decision: Lawful

Decision Date: 13.03.2013

Description: Continued use as agricultural land.

### **3. Proposal**

The applicant seeks planning permission for the retention of the agricultural land for care farming including the retention of ancillary buildings, structures and pathways.

The ancillary buildings (all structures are single storey in height) relating to the care farming are as follows:

- An infirmary for the sick lambs with an area of 20sqm. At present this is located within the area identified as woodland however the application seeks to relocate this close to the lambing pens;
- Farm shelter with an area of 176.4sqm;
- Toilet with an area of 3.3sqm;
- Woodchip store with an area of 36.4sqm;
- Shed 2 with an area of 8.3sqm;
- Shed 2 with an area of 7.3sqm;
- Shed 3 with an area of 3.4sqm;
- Store with an area of 27.4sqm including a covered walkway;
- Stable with an area of 25.8sqm including a 5.2sqm covered walkway;
- Pigsty with an area of 22sqm.

The applicant has provided details of the activities that take place on site including daily horticultural therapy for those attending the site, and daily animal husbandry programmes involving sheep and lambing, rabbits, donkeys, chickens and goats. The applicant has stated that the diversity in the attendees including referrals from special needs schools, families, Barnet Social Services, third party referrals and those discharged from hospitals. The care farming activities operate 7 days a week.

The submitted Farm Management Plan details that the visitors on the site include SFF clients, support workers, carers/ parents, volunteers and workers including those servicing the farm. The applicant has stipulated that there are normally between 15-20 clients at any one time, arriving at 10am and leaving between 3:30 and 4:40pm. In addition, there are approximately 15 support workers (normally 1 or 2 support workers per client) and 10 volunteers on the site. There are between 6 and 10 members of staff employed by SweetTree Farming for All.

On average, there are 15 non-farming related vehicles accessing the site and 5 additional vehicles for servicing.

The animal inventory detailed in the Farm Management Plan stipulates the following animals:

- 40 sheep including (18 ewes and 22 lambs);
- 26 chickens;
- 3 rabbits;
- 4 ducks;
- 2 goats;
- 2 donkeys;
- 3 pigs.

### **4. Public Consultation**

Consultation letters were sent to 415 neighbouring properties.

95 responses have been received, comprising 72 letters of objection, 19 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

#### Green Belt

- Green belt destruction/ inappropriate development in the Green Belt;
- Green Belt should be protected;
- Concern for long term effects of overdevelopment;
- Opening floodgate to further unwanted development such as housing;
- Other areas where this work could be carried out;
- No case for very special circumstances;
- Proposal hinges on social benefit however there is a nearby farm which provides a similar social benefit/ the same outcome can be achieved in a different location (city farms);
- Use incongruous with Green Belt.

#### Use

- Mill Hill Neighbourhood Forum opposes to any use of the land that is not purely agricultural.
- Out of town location in an unsustainable location;
- Unlawful structures are unsightly.

#### Conservation Area

- Impact the proposed development will have on the area as a site of interest for nature conservation through the suggested changes in character and setting;
- Impact on the character and setting of conservation area.

#### Amenity

- Strong concern regarding the impact on the beauty and serenity of the site due impacts on views;
- Loss of privacy and opportunity to overlook including the enjoyment of green space;
- Dangerous of trespassing to neighbours gardens;
- Loss of views;
- Noise- disturbance created through increase in noise and public footfall;
- Noise from animals;
- Activity early in the morning/ late in the evening;
- Unhygienic conditions;
- Increase in activity on the site.

#### Ecology

- Loss of wildlife/ site is designated Site of Borough Importance for Nature Conservation. Every effort should be made to conserve wildlife.
- Protected species on the site;
- Restriction on the use of pesticides;
- Ecological appraisal does not consider the habitats already lost or degraded by the structures or the introduction of the roads;
- Introduction of pigs would be detrimental to habitats;
- The need for some structures has not been justified;
- No measure to prevent surface water flooding.

#### Highways

- Traffic congestion; concern for traffic increase and parking facilities;

- A transport statement should be provided to assess impact;
- Effects on pedestrian movement and safety.

#### Other

- Small step towards more development on the site/ intention to construct housing;
- Works carried out without consent;
- What will happen to the site if the Sweet Tree cannot operate on the land;
- Problems of sewage due to the number of animals;
- Restriction on any lighting.

Representations received can be summarised as follows:

- Social benefits; provides an important social purpose offering the local community the chance to meet, mix and socialise in a neutral environment;
- Farm allows students to mix with animals and learn transferable skills;
- Increases employment;
- Small scale relative to the site;
- Educational benefits; opportunity for all ages and abilities to develop valuable life-skills e.g. cooking and gardening.
- Biodiversity benefits; enhance & preserve biodiversity habitats (wetland, woodland and grass).
- Prevention; prevents land from becoming derelict and unsightly.
- No similar facilities in the area;
- Many of the objections focusing on the possible further development of the site however this is not relevant;
- Farm itself is a carefully constructed and environmentally sympathetic facility which takes every care to minimise environmental impact.

The Mill Hill Conservation Area Advisory Committee provided the following comments:

"This application is to regularise developments on the land which have taken place without planning permission. The owner of the land has without permission used the land as an educational and rehabilitation centre and erected structures such as an infirmary, stable, pig sty, toilet shed, wood chip store and a farm shelter. In addition to these unpermitted buildings he has built a road accessing these buildings and for which planning permission has not been obtained. The committee felt that if these structures were granted permission, the owner would be in a better position to apply for permission to build houses associated with his "care farming" activity, an activity he clearly wishes to develop. The committee believed that the land was originally unspoilt Green Belt and has been designated as an area of Borough Importance for Nature Conservation. They felt that if the Green Belt status and nature conservation qualities of the land were to be protected the existing structures should be removed and this application refused."

The Council's Adult Social Services were consulted however no comments were received.

In addition, the Council's Highways and Arboricultural Consultant were consulted and involved in lengthy discussions. Following clarifications, the proposal was considered by both to be acceptable subject to conditions. The report will detail below the highways and arboricultural assessment separately.

## **5. Planning Considerations**

### **5.1 Policy Context**



### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS11, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM15, DM16, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Mill Hill Character Appraisal

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the use is appropriate for the Green Belt;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality including the Mill Hill Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to traffic and parking
- Whether harm would be caused to existing trees, landscaping and ecology.

## **5.3 Assessment of proposals**

### Principle of care farming and impact on the openness of the Greenbelt

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

Paragraph 79 of the NPPF indicates that openness is an essential characteristic of the Green Belt. Furthermore, paragraph 80 stipulates that the Green Belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, the NPPF outlines in Paragraph 89 that new buildings in the Greenbelt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach.

The NPPF advocates that inappropriate development should not be approved except in very special circumstances, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt and exceptions of appropriate buildings include buildings for agriculture.

London Plan policy 7.16 states that the strongest protection should be given to London's Green Belt, in accordance with national guidance. Inappropriate development should be refused, except in very special circumstances. Development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where they are essential facilities for appropriate uses which do not have an adverse impact on the openness of the Green Belt. The Council's Policy (DM15) also states that the construction of new buildings within the Green Belt, unless there are very special circumstances, will be inappropriate, except for...agricultural purposes. The supporting text to the policy confirms that appropriate development in the Green Belt includes development for agriculture.

As detailed above, the lawful use of the site is as agricultural land (this has been established by two certificates of lawfulness applications). There are several structures across the site and it must be noted that some of these existing structures do not relate directly to farming on the site; these have not been included as part of this application for retention and are subject to separate enforcement investigations. The structures that the applicant is seeking to retain are listed in section 3 above and include farm shelter, infirmary for the sick lambs (which is proposed to be relocated), 3no sheds, stores, woodchip storey, stable and pigsty. It is considered that these structures are reflective of and required for the agricultural. The toilet, whilst not directly essential for the agricultural use of the land, is an essential facility for workers on the land. Considering all of this, it is not considered that these structures would constitute unacceptable development within the Green Belt.

In terms of the impact of the proposal on the openness of the area, the NPPF makes it clear that an essential characteristic of Green Belts is their openness. Open means the absence of development, irrespective of the degree of visibility of the land in question from public vantage points. When considering the proposed development, the scale of the structures is relatively modest and reflective of the agricultural use. The siting of these is generally across the site, apart from the farm shelter, store and sheds towards the south of the site. On balance however, it is not considered that the structures have a material impact on the openness of the site and the site retains views to the large number of trees, meadows, pastures and cultivated areas.

In terms of the paths, whilst these have formalised the land to some degree, the applicant has demonstrated that these are required for the operation of the farm. There are two types of access across the site; the main route for non-farming vehicles on a "hardstanding" type route; the second paths are woodchip paths of varying width which facilitate access across the site for the farming vehicles and tractors. On balance, the paths, whilst formalising the land are reflective of the agricultural use, would retain the openness of the site.

The care farming use utilises the agricultural activities to educate clients with special needs and mental health issues, and the immersive programme allows clients to develop everyday skills. The application does not propose the retention of any structures other than those reflective of the agricultural use. It is considered that the care farming, given the links to the agricultural use is appropriate for the site and is acceptable in principle.

The Council acknowledges that the proposed use would have positive benefits in creating opportunities for vulnerable citizens, with protected characteristics under the Equality and Disabilities Act, and weight should be given to these circumstances.

Considering all of the above, the use, structures and paths are considered to reflect the character and openness of the Green Belt and officers consider that the proposal is acceptable in this regard.

#### Impact on the character of the area and on the character of the Conservation Area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council "will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design". In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that "development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".

Although not all, the entrance of the site is located within the Mill Hill Conservation Area. The proposed buildings are low level and of an agricultural nature in keeping with the land use. Furthermore, there is no public visibility of the buildings from the streetscene given the setting, access and topography and therefore in this regard the existing structures, which are proposed to be retained as part of this application, are considered to have an acceptable impact on the rural character of this section of Mill Hill.

#### Impact on the amenities of neighbours

Any scheme will be required to address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The structures are arranged generally around the centre and south of the site, adjacent to the boundaries with no.115 and 117 Marsh Lane. As mentioned, the structures are single storey in height and given the topography and distance are not considered to result in direct overlooking into the gardens of neighbouring occupiers. Similarly, whilst there would be up to the 55 people on site, it is not considered that this is unacceptable to the visual and aural amenities of neighbouring occupiers; the size of the farm has been considered as well as the dispersion of the structures and activities across the site.

Whilst it is accepted that there is an increase in the level of activity compared to the lawful use as agricultural land, it is not considered that this is a material increase in the comings and goings adjacent to neighbouring properties to warrant refusal of the application. The number of people on site at any given time has been conditioned to no more than 55 and the hours of operation have also been restricted. It is considered that this will prevent unacceptable levels of noise and disturbance to neighbouring occupiers.

The access road adjacent to York Lodge and the Rising Sun Pub is the sole access road into the site. Whilst the level of activity has increased from the lawful position by virtue of the care farming use and the requirement to drop off/ collect clients, it is considered that this impact is intermittent and on balance not considered to result in unacceptable levels of noise and disturbance to neighbouring occupiers.

The occupiers on Glenwood Close and Worcester Crescent (to the west and northwest of the site respectively) are situated a considerable distance from the general farming activity. The woodland area has been removed from the care farming use (as detailed on drawing no.02 Rev D) offers a visual and acoustic barrier to these residential properties.

There is no planning restriction that can be placed on the number of animals on site under the lawful use, however given that the application is for a sui-generis use encompassing agricultural activities, it is considered to be appropriate to attach a condition restricting the number of animals to limit the noise (in addition to the impact on the ecology and land).

The applicant has provided details with regards to the number of occupiers, vehicular movements within the site and the number and type of animals; several of these details have been conditioned to allow a suitable level of control over the activity on the site. On balance, it is considered that the level of activity when controlled by the recommended conditions, would ensure that the use does not result in unacceptable levels of noise and disturbance to neighbouring occupiers.

#### Traffic and parking

The Council's Highways officers have reviewed the information submitted and considers that subject to conditions requiring a parking management plan and service management plan, the use is acceptable on highways grounds. The comments provided by the Highways officer are provided below.

The applicant's information has detailed that there are normally between 10-15 cars parked on the site at any one time. Cars servicing or delivering goods to the farm access the site within working hours.

Non-farming vehicles are restricted to hard-standing roads as shown on Drawing no. 46 Rev C.

The applicant has detailed that most clients (between 15 and 20 at any one time) travel by car and are dropped off by carers or support workers, most of which do not star on the site. The hours of arrival are approximately 10am and between 3:30 and 4:40pm for departure.

#### *Site Operation/ Road Safety & Parking*

The information submitted shows that the existing situation is well monitored and considered. There are passing bays and a well monitored and managed site access and car park. Which ensures pedestrian vehicle conflict is kept to a minimum around the site and around and in the access. In terms of road safety within the site, in the access and on the immediately surrounding highway network, it is considered that the use based on the total number of people is acceptable.

As stated above, the parking area is well thought out and operates well. It is suggested that going forward a parking management plan/ statement is conditioned to ensure that this continues throughout the usage of the development/ site; this has been attached to the recommendation.

#### *Delivery/ Servicing*

Officers consider that suitable details have been submitted on this matter. The level of trip generation by the types of vehicles associated with the agricultural and care farming use are unlikely to impact on the surrounding highway network. However to ensure this practice remains going forward a service/ delivery management statement will be conditioned. This should capture a number of principles to will reduce the likelihood of multiple vehicles servicing the site at once and ensure the impact of service vehicles in the future will be minimised.

### *Journey Planning Advice*

Using information displayed on trip generation data bases to assess the level of trips associated with the existing use and given the small size of the development (in agricultural terms) the level of trip generation would be minimal.

It has been recommended that to ensure minimal disruption to the local highways network, the applicant is advised to provide journey planning advice on their website; this journey planning advice should also contain a few details on the layout and operation of the access and the site to ensure the efficient use of the site continues. This has been added as an informative to the recommendation.

### *Summary*

Highways officers consider that the applicant has provided sufficient information to ensure the continuation of use will not generate a significant impact on the performance and safety of the surrounding highway network, the proposed conditions will ensure the site continues to operate in an efficient manner in the future. Given the lawful use of the site as agricultural land and the relatively modest size of the farm, it is reasonable to assert that this application does not represent an intensification of use in terms of highways activity. Subject to conditions, the use is considered to be acceptable on Highways grounds.

### Trees and Ecology

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

Trees make an important contribution to the character and appearance of the borough. Trees which are healthy and are of high amenity value can be protected by the making of a Tree Preservation Order (TPO) under the Town and Country Planning Act 1990. Tree Preservation Orders can help to protect trees from inappropriate treatment and prevent their removal, as permission must first be sought from the council to carry out most types of tree surgery.

Several of the trees are covered by a Tree Preservation Order (TRE/HE/49).

The Council's tree officer has undertaken a site visit and has reviewed the submitted information and raises no principle objection to the proposal. The Council's Arboriculturalist has been involved in extensive discussion with the applicant and commented on the various revisions of the Farm Management Plan.

No trees are proposed to be removed. The Arboricultural Report provided by the applicant was reviewed by the Council's Arboriculturalist. The report noted that there are no proposed specific tree protection measures required for the use and as such the use and agricultural activities would not have any future impact on protected trees; the findings have been agreed by the Council's Arboriculturalist. Works on the site will be based on risk management principles to prevent damage to trees.

The NPPF advocates that the planning system should contribute to and enhance the natural and local environment including "protecting and enhancing valued landscapes" and "minimising impacts on biodiversity".

Policy 7.19 of the London Plan advocates that on Sites of Nature Conservation, development proposals should "give sites of borough and local importance for nature conservation the level of protection commensurate with their importance". In addition, policy 7.19 E states:

"When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:

1. avoid adverse impact to the biodiversity interest
2. minimize impact and seek mitigation
3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation."

Policy DM16 stipulates that "when considering development proposals the Council will seek the retention and enhancement, or the creation of biodiversity". In addition, "where development will affect a Site of Importance for Nature Conservation and/or species of importance the council will expect the proposal to meet the requirements of London Plan Policy 7.19E."

In terms of ecology, Sweet Tree Farm formally known as Bruno's Field is designated a Site Of Borough Importance for Nature Conservation (SINC) the citation for the nature reserve is briefly described as:

"This steeply sloping site has a varied topography. On higher ground there are dry areas, while lower down there are areas of bog crossed by several small streams. The field has typical pasture herbs, a scattering of mature trees and a wide variety of birds."

SINCs support a wide variety of fauna that may commute to and from the site. Bird and invertebrate species are particularly important in most of the sites. The flora is also species-rich.

One of the key elements of the reserve is the pasture herbs within the fields, these plants are at risk from over grazing and trampling by livestock. The stocking levels and stock management must make active management decisions to ensure that these herbs are allowed to thrive on the site. For example Pigs should be avoided as they will root up plants and destroy the herbs and grass in the fields; the use of chemical (salt based) fertilisers and herbicides are detrimental to these plants and water courses, their use must be strictly limited or banned from the reserve. Pesticides should also be avoided at all times as they will affect the bio-diversity of the insect populations affecting bat foraging, feeding birds and water courses. This has been added as an informative as part of the recommendation.

The applicant has submitted a preliminary ecological appraisal which evaluates the ecological value of the site and assesses the ecological impacts of the scheme, including identifying possible ecological enhancements that could be incorporated into the development. The document details that the site has been divided into seven habitats, which could support opportunities for particular habitat species. The document states :

"The proposals for the site will not affect any woodland on site or opportunities associated with the SINCs in the local area, therefore no direct or indirect impacts are anticipated. The woodland on site should be managed appropriately in the long term, with a suitable buffer incorporated"

The report details that there may be high opportunities for roosting bats and birds' nests within the area of the woodland, however during the course of the application the woodland has been removed from the area of farmland activity as indicated on drawing no. 02 Rev D. It has been conditioned that this area shall not be used for any activities associated with the care farming use to protect the ecological value of the woodland.

Furthermore, several trees on the site were identified as providing good habitats for several species, however no works are being carried out near these trees.

In addition, the Farm Management Plan details ecological measures which will be required to be carried out; a condition has been attached requiring this.

The aims in the woodland are now acceptable and it is now excluded from teaching activities; it is therefore considered that if managed appropriately the use would not have a significant impact on the ecology of the site. The applicant has proposed an ecological protection plan which seeks to preserve the ecological value of the site. On balance, given the limited number of buildings, removal of the woodland from the care farming use and limitations on number of animals, it is considered that the proposal would have a suitable impact on the ecology of the site.

## **5.4 Response to Public Consultation**

Planning related objections have been addressed in the report above.

## **6. Equality and Diversity Issues**

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:



(1) A public authority must, in the exercise of its functions, have due regard to the need to-

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is considered that the applicant is within a protected group (disability). It is acknowledged that the proposals would benefit several individuals with learning difficulties, brain injuries and mental health issues within the site.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

It is considered that the planning application itself provides an opportunity for an understanding of disabilities to be promoted.

In determining this planning application the Local Planning Authority must have due regard to the equality impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equality impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer particularly the specific group of individuals.

## **7. Conclusion**

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

