

Location **Land North Of 105 Camlet Way Barnet**

Reference: **20/0576/RCU** Received: 5th February 2020
Accepted: 5th February 2020

Ward: High Barnet Expiry 1st April 2020

Applicant: Mr Nicholas Cockburn

Proposal: Erection of a single storey agricultural building (retrospective application)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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 20-0029 D01 - Site Location Plan
Drawing 20-0029 D02 - Existing and Proposed Block Plans
Drawing 20-0029 D03 - Proposed Plan and Elevations
Planning Statement
Email from Nick Cockburn, 18th May 2020 at 07.51
Email from Nick Cockburn, 18th May 2020 at 08.04
Swan Hotel Bedford Letter, 14th May 2020
Cromwell Hotel Letter, 13th May 2020.

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 use of the agricultural building hereby permitted shall at all times be ancillary to and occupied in conjunction with the use of the site as a farm and shall not at any time be occupied as a separate unit or residential dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and of the Green Belt, or the amenities of occupiers of adjoining residential

properties in accordance with Policies DM01 and DM15 of the Development Management Policies DPD (adopted September 2012).

- 3 a) A plan including details of existing trees to be retained, removed and size, species, planting heights, densities and positions of new planting, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

- d) Details of the location and type of ecological enhancement, as determined by a qualified ecologist, to provide habitat for nesting birds, bats or both as appropriate shall be submitted and approved prior to installation.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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.

1. Site Description

The application site is land to the north of 105 Camlet Way, EN4 0NJ.

The applicant refers to the site as Beech Hill Farm.

The land to the south has recently been redeveloped to provide two new dwellings approved under application reference 15/01703/FUL in May 2015 and are now built out.

The application site is within the Green Belt.

The site is also within the Monken Hadley Conservation Area.

Access to the site is from Camlet Way.

The site is surrounded by open Green Belt land.

2. Site History

Reference: ENF/1499/18

Address: Dolphin Manor, 105 Camlet Way

Breach: Without planning permission, the construction of a building to the rear of the site

Decision: Open. Application Invited.

Decision Date: Application Invited 17th December 2018.

Reference: 15/01703/FUL

Address: Dolphin Manor, 105 Camlet Way

Proposal: Demolition of the existing house and construction of two self-contained two-storey detached dwellings (Lower ground and ground floor levels). Landscaping and associated works

Decision: Approved subject to conditions

Decision Date: 22nd May 2015

Reference: B/05235/14L

Address: Dolphin Manor, 105 Camlet Way, EN4 0NJ

Proposal: Demolition of the existing house and erection of 2no. two storey dwellings with associated landscaping, amenity space and off-street parking spaces.

Decision: Approved subject to conditions

Decision Date: 30th January 2015.

3. Proposal

"Erection of a single storey agricultural building (retrospective application)"

The building is located just to the north of the application site for the 15/01703/FUL, just beyond the rear gardens of these new dwellings.

The submitted Drawing 20-0029 D02 - Existing and Proposed Block Plans shows the proposed (built) building to have the following dimensions.

12.2m wide by 6.2m deep.

Height to ridge 3.9m. Height to eaves 3.1m.

The building has a pitched roof and is constructed from timber under a tiled roof.

There are 4 no. up and over type doors on the West elevation. There are no doors or windows on any other elevation.

4. Public Consultation

Consultation letters were sent to 93 neighbouring properties.

5 responses were received comprising 5 objections.

The comments received can be summarised as follows:

- Planning permission should have been sought before building was constructed
- Building is larger than any previous building on the site
- Eyesore when viewed from neighbouring properties
- Concerns that the building will be used for non agricultural activities

- Overbearing impact, loss of outlook
- Land level has been raised, increasing visibility of the building
- Road runs down middle of site
- Harmful Impact on Monken Hadley Conservation Area
- Harmful Impact on Green Belt
- Size of building seem disproportionate to the 10 hectare size of smallholding.

The neighbouring authority, LB Enfield, has no objection to the proposal.

Monken Hadley and Wood Street CAAC comments 15th July 2020 - "What is the building used for? It looks like 4 garages. It does not appear to be on the applicant's land."

5. Planning Considerations

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. 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, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 Draft London Plan 2017

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

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, CS13, CS15.
- Relevant Development Management Policies: DM01, DM03, DM04, DM15, DM16, DM17.

Supplementary Planning Documents

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:

- Does the land have a lawful agricultural use?
- Impact on the Green Belt
- Impact on Character and appearance of site and surrounding area
- Impact on Residential amenity of neighbouring properties
- Trees and Landscaping

5.3 Assessment of proposals

Does the land have a lawful agricultural use?

The first consideration is whether the land has a lawful agricultural use. This also affects whether the proposal is required to demonstrate Very Special Circumstances as part of the Green Belt assessment.

The submitted Planning Statement states:

"Beech Hill Farm has been in agricultural use for many years and is registered with the Government's Rural Payments Agency (SBI: 200503160).

References to the use of the land as a farm in correspondence with the local authority have most recently been made in various historic enforcement-related communication dating back to 2004 (ENF/00389/04/N, amongst others) - see appendix 4.

The application site was also the subject of an appeal in the High Court of Justice Chancery Division case no. A3/2007/2374, citation number [2008] EWCA Civ 1308, in which the land is described as an established farm (see historic aerial photograph at appendix 3)."

The Planning Statement goes on to say that:

"The application site consists of 10 hectares of agricultural land used primarily for the following activities:

Hay crop, Field grown trees, Line grown trees, The growing of Christmas trees, Fruit

growing, Vegetable growing, The growing of potted plants from seed, The production of honey, Meadow land, Harvesting meadow flower seeds

The site is located within the green belt and is bordered on three sides by fields both farmed and fallow."

An email received from the applicant dated 18th May at 07.51 states:

As I may have mentioned (and shown in the photographs) the site is being used for a number of agricultural purposes including the production of hay, growing of a large number of line grown (in air pots) and field grown trees, a fruit orchard, the production of hundreds of kilos of honey, the growing of 2000+ Christmas trees, the provision of British native wildflower meadows and the production of specialist items of fruit and veg. These functions can all be seen in the photographs I have already provided, but I am happy to take more photos if it would help.

A subsequent email from the applicant dated 18th May at 08.04 provided two letters from the Swan Hotel, Bedford and the Cromwell, Hotel:

The letter from the Swan Hotel suggests that Beech Hill Farm supplies the Swan Hotel with produce but does not give specific details.

The letter from the Cromwell Hotel again suggests that Beech Hill Farm supplies the hotel with produce but does not give further details.

The Planning Statement submitted with the 15/01703/FUL application states that land which is subject of the current application is 'disused agricultural land'. and historically it has been used as an agricultural land.

Impact on the Green Belt

The application site is located within the Green Belt.

The policy background for development within the Green Belt is set out in Section 13 of the National Planning Policy Framework (NPPF, 2019) and establishes the great importance government attaches to Green Belts, "the fundamental aim" of which is to prevent urban sprawl by keeping land permanently open.

The essential characteristics of Green Belts are their openness and their permanence and the NPPF identifies five purposes:

- To check the uncontrolled sprawl of urban areas
- To prevent neighbouring towns merging into one another
- To assist in the safeguarding of countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

Paragraph 143 states that "inappropriate development is, by definition, harmful to the Green belt and should not be approved except in very special circumstances. It goes on to comment (paragraph 145) that the local planning authority should regard the construction of new buildings as inappropriate in the green belt. A number of exceptions are listed which include:

"a) buildings for agriculture and forestry"

Policy 7.16 of the London Plan (2016) reiterates that "the strongest protection should be given to London's Green Belt, in accordance with national guidance".

Local Policies CS7, DM01, DM15 would apply to the proposal, in particular Policy DM15 of the Development Management Policy DPD which aims to protect the Green Belt. Although the Policy was formulated before the revised NPPF the aims of the policy are generally in line with the revised guidance. Policy DM15 states:

"i. Development proposals in Green Belt are required to comply with the NPPF (paras 79 to 92). In line with the London Plan the same level of protection given to Green Belt land will be given to Metropolitan Open Land (MOL).

ii. Except in very special circumstances, the council will refuse any development in the Green Belt or MOL which is not compatible with their purposes and objectives and does not maintain their openness.

iii. The construction of new buildings within the Green Belt or Metropolitan Open Land, unless there are very special circumstances, will be inappropriate, except for the following purposes:

a. Agriculture, horticulture and woodland;

b. Nature conservation and wildlife use; or

c. Essential facilities for appropriate uses will only be acceptable where they do not have an adverse impact on the openness of Green Belt or MOL."

The proposal is for an agricultural building; which is not inappropriate development in the Green Belt.

Impact on Character and appearance of site and surrounding area

Policy CS5 of the Core Strategy which 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'

Policy DM01 of the adopted Development Management Policies (2012) states, that 'development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The submitted Drawing 20-0029 D02 - Existing and Proposed Block Plans shows the proposed (built) building to have the following dimensions:

12.2m wide by 6.2m deep.

Height to ridge 3.9m. Height to eaves 3.1m.

The building has a pitched roof and is constructed from timber under a tiled roof.

There are 4 no. up and over type doors on the West elevation. There are no doors or windows on any other elevation.

The submitted Planning Statement states:

"The application for retrospective planning permission relates to the erection of an agricultural building with external measurements of 12.2m x 6.2m, which is used predominantly for the dry storage of agricultural machinery and vehicles, and for the dry storage of hay, seed, and other produce from the land.

The building is of a timber frame construction under a pitched felt roof, and externally clad in dark stained waney edge timber with four large timber doors for access. The building has been situated to replace a previous structure and at an optimally efficient point on the site.

The operation of the farm holding is such that an agricultural building is a core requirement in order to ensure that the farm can continue to operate and develop. In itself the barn is commensurate with the use and size of the plot and the current level of agricultural activity on the land."

The floor area, height, design and materials of the proposed agricultural building are considered to be acceptable and appropriate for the use of the building which is to store

agricultural machinery and vehicle and the dry storage of produce.

Whilst the building can be viewed from outside of the site it is not considered that the building would cause unacceptable harm to the surrounding Green Belt or Conservation Area.

The proposal is therefore considered to be acceptable in character and appearance terms.

Impact on Residential amenity of neighbouring properties

The proposed building is a significant distance from the nearest neighbouring residential properties and it is not considered that it would have a harmful impact on the visual or residential amenity of any neighbouring occupiers.

Trees and Landscaping

The Council's Tree Officer has no objection subject to landscaping conditions.

5.4 Response to Public Consultation

Addressed elsewhere in this report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Recommended for approval.



