

Kings and Carter Planning

Planning Statement

*Application under Section 73A of the Town and
Country Planning Act 1990 for retrospective
permission for the construction of a new
agricultural building and ancillary toilet building*

*Land at Moorhall Road, Harefield, Uxbridge,
UB9 6PE*

Context

This Planning Statement is submitted in support of a planning application for the construction of a new agricultural building to be used for agricultural purposes. The applicant has successfully demonstrated the agricultural use of the existing building on the site, and an application for its retention was approved, as detailed in the table below. Since then, the site owner has entered into agreements with several local farmers who have expressed interest in utilizing the farm to support local livestock operations. As a result, there is an increased need for additional machinery storage.

The retention of the existing agricultural building and toilet block will enable the applicant to store machinery in one building and hay in the larger of the two units. In addition to hay baling, the site owner plans to trial growing crops on a portion of the land, with the specific crop type to be determined later. The use of pesticides is already required and will be necessary for the crops once planted, as they will need to be maintained and harvested. To ensure a safe working environment for farm workers, access to toilet and handwashing facilities is essential.

Location

The site is situated on a small farm holding in the open countryside, on the southern side of Moorhall Road in Harefield. Currently, there are no buildings on the holding suitable for the secure, dry storage of hay, fertiliser, and agricultural machinery, which has resulted in financial losses due to weather damage to crops. The proposed building will also provide the necessary storage for machinery, reducing the depreciation of agricultural equipment.

The buildings are located in the southwestern corner of a field, which is now situated against the backdrop of the HS2 works, just beyond the site boundary.

The total size of the holding is 2.74 hectares, and the site lies within the Metropolitan Green Belt. It is also within a Flood Zone.

App reference	Description	Decision
74631/APP/2023/756	Retention of agricultural building	Approval

74631/APP/2019/1382	Erection of agricultural building (Application for Prior Notification under Schedule 2, Part 6 of the Town and Country Planning General Permitted Development Order 2015)	Refused: The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the height of the building would exceed 3 metres and the site is within 3 kilometres of the perimeter of an aerodrome (Denham Aerodrome). The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as insufficient evidence has been provided to show that the building would serve a holding of 5 hectares or more.
74631/APP/2019/683	Erection of agricultural building (Prior Notification Agricultural)	Prior Approval Refusal (PAR) - The proposed development does not constitute permitted development by

As shown in the table above the applicant has submitted two prior approval applications which have both been refused. Application reference 74631/APP/2019/683 was the first to be submitted and was refused because the applicant had failed to indicate the land met the relevant criteria for an agricultural holding which is 5ha or more in accordance with Class A, part 6 of the General Permitted Development Order. A subsequent application was submitted which included a blue line plan indicating additional land had been secured by the applicant to meet the 5 ha requirement.

However, the Council deemed there to be a lack of supporting evidence, and the application was refused. An additional reason for refusal was added relating to the height of the proposed structure.

Proposal

Current use

The site is currently used to support local farmstead businesses by the harvesting of hay and straw from the land to support local livestock. Compulsory purchase powers have been awarded to HS2 the land bounding the site to the north and to the east which has drastically change the landscape and views across the Green Belt.

Proposed use

The building is sited to the far southwestern corner of the site and is not visible from the public highway. The site is used for the bailing and storage of hay which supports local farmstead and in particular the local livestock farms. There is a need to increase capacity as following the approval of the retention of the existing building on site further contact and requests have been made for the additional supply of hay locally. The applicant wishes to use one building to store the machinery and the other for hay only which will help to reduce spoil and increase productivity. The applicant is also proposing to use a proportion of the site to grow crops. The procurement of machinery has already been undertaken which has created a further need for space as the machinery cannot be left outside. To comply with safe working regulations a small toilet block would be built which will accommodate a toilet and hand washing facilities. This replaces a small toilet block constructed from timber which had to be demolished due to being exposed to the elements over a number of years.

Planning Policy

Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to be made for developments which have been carried out without permission, or which have been carried out without complying with some of the planning conditions imposed on a planning permission.

NPPF 88. Planning policies and decisions should enable: b) the development and diversification of agricultural and other land-based rural businesses.

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

143. Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:

- a) demonstrate why normal planning and development management policies would not be adequate;
- b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
- c) show what the consequences of the proposal would be for sustainable development;
- d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
- e) show how the Green Belt would meet the other objectives of the Framework.

145. Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

146. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

- a) makes as much use as possible of suitable brownfield sites and underutilised land;
- b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density

standards in town and city centres and other locations well served by public transport; and c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.

147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.

148. When defining Green Belt boundaries, plans should:

- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
- b) not include land which it is unnecessary to keep permanently open;
- c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
- d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
- e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
- f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

149. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.

150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

151. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where

the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

156. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

London Plan Policy G2 London's Green Belt

A The Green Belt should be protected from inappropriate development:

- 1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
- 2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.

B Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a Local Plan.

Policy G3 Metropolitan Open Land A Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:

- 1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt

2) boroughs should work with partners to enhance the quality and range of uses of MOL.

B The extension of MOL designations should be supported where appropriate. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:

1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area

2) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London

3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value

4) it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.

C Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, taking into account the purposes for including land in MOL set out in Part B

Local Plan Policy

DMEI 4: Development in the Green Belt or on Metropolitan Open Land

A) Inappropriate development in the Green Belt and Metropolitan Open Land will not be permitted unless there are very special circumstances.

B) Extensions and redevelopment on sites in the Green Belt and Metropolitan Open Land will be permitted only where the proposal would not have a greater impact on the openness of the Green Belt and Metropolitan Open Land, and the purposes of including land within it, than the existing development, having regard to:

i) the height and bulk of the existing building on the site;

ii) the proportion of the site that is already developed;

iii) the footprint, distribution and character of the existing buildings on the site;

iv) the relationship of the proposal with any development on the site that is to be retained; and

v) the visual amenity and character of the Green Belt and Metropolitan Open Land.

Policy DMHB 11: Design of New Development

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; - architectural composition and quality of detailing; - local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high quality building materials and finishes;

iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;

iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Principle of development

Policy support is provided at local, regional, and national levels for the principle of the proposed agricultural building if the other relevant material considerations such as visual impact, highway impact and environmental impact can be satisfied. As the

building is used for agricultural storage the proposal would comply with the criteria set out within paragraph 149 of the NPPF and more specifically part a).

The retention of the buildings should therefore be considered appropriate development within the Green Belt and no very special circumstances should need to be demonstrated. It should be noted that following the approval of the HS2, the compulsory purchase act has allowed for existing farm/agricultural land within this area to be removed or at least included within the HS2 Safeguarded Area which has resulted in negative impacts upon local agricultural businesses.

This site is within 450 metres of “Area C3 – New Year’s Green Undulating Farmland” identified within the Councils Landscape Character Assessment Appendix 1. The development therefore assists with making further agricultural use available to support the area of deficiency resultant of the HS2 works in this area.

Turning to the assessment of the building itself upon the openness of the Green Belt. The building is modest in size as indicated within Appendix the submitted drawings. It measures 6 metres in depth 15 metres in width and is 4.25 metres high. It features 1 opening and provides suitable spaces for the harvest and machinery to be stored preventing deterioration from the weather. The applicant has limited the size of the building and the materials/colour used to restrict the impact upon the Green Belt.

The structure would appear relatively light-weight and is not visible from the public highway or within the northern section of the field. The trees which line the eastern boundary protect most of the key views therefore there is limited change to these views' points. The building is coloured dark green, so it lends itself to its green surroundings therefore the aesthetic is considered to complement the character of the Green Belt.

The land itself is not suitable for the storage of both the Hay and or the machinery required to undertake the harvest. The two images below are evidence of crop spoil and broken machinery due to the harvest and machinery being left out in the open and suffering damage from the elements.

Given the use of the building is supported by national, regional, and local policy and the design limits the potential impact upon the Green Belt we consider the principle of development acceptable.

Design and Access Amount

The building to be retained measures 6 metres in depth 30 metres in width and is 4.25 metres high. The land at the site extends to 6.7 acres, the building has a footprint of 180 square meters which is approximately 1% of the overall size of the land.

The toilet block is 4 metres wide 4 metres deep and 2.6 metres high. Layout The building is in agricultural use and has been built on a base using a concreate layer on top of

stanchions. The area around the base of the unit is permeable and has become flat in the period of time which the unit has been in use.

Scale

The height of the building is dictated by the size of the agricultural machinery which it is required to house, and the amount of hay harvested at one time. This is set out in more detail above. Landscaping No additional landscaping is proposed

Appearance

The photos below provide evidence of how the building has been constructed. The building has a functional appearance but one which blends in with the surroundings and is not uncommon on farmstead land.



Access

Access is provided directly from the agricultural land

Flooding

The site is located within Flood Zone 3 however there has been no indication of flooding within this area within the last 30 years. The building has been in place for over a year and there have been no flooding issues. An FRA has been submitted in support of this application.

The report confirms that the following: -

In Flood Risk Zone 3

- At low risk of surface water flooding
- At high risk of groundwater flooding
- Outside of a critical drainage area
- Outside of an area with sewer flooding

As the site is located with Flood Risk Zone 3 a sequential test is required. However, due to the use of the building and the land itself the building must be located within the farmstead area to prevent hay from being left outside and exposed to the elements resulting in spoil. It is unlikely that there may be any reasonably available sites in areas with a lower probability of flooding that would be appropriate to accommodate the type of development and be available.

The FRA confirms that the Flood Risk Vulnerability and Flood Zone incompatibility table of the NPPF, Planning Practice Guide states that less vulnerable developments do not require an exceptions test in this area. The FRA concludes that the development would be acceptable in flooding terms subject to the mitigation set out in the report. Transport

The harvesting season is usually between the months of June and October where it is harvested periodically, bailed, and transported to local farms. It is anticipated that there would be 4 two-way vehicle movements generated every week which would have no impact upon the local highway network.

Biodiversity Net Gain

There are specific exemptions from Biodiversity Net Gain for certain types of development. Biodiversity net gain does not apply to retrospective planning permissions made under section 73A; and Development subject to the de minimis exemption. Development that does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, or 5 metres of linear habitats such as hedgerows. Householder development. Self-build and custom build development.

Applications to amend existing planning permissions (made under Section 73 of the Town and Country Planning Act) where the original permission was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024 Development granted planning permission by a development order – this

includes permitted development rights. Urgent Crown development granted permission under section 293A of the Town and Country Planning Act 1990.

Development of a biodiversity gain site. Development related to the high-speed railway transport network. The application proposes to retain a building in an area which there is no growth or greenery and has been decimated by the construction of the fencing for the HS2 site.

Planning Policy does not require BNG to be provided for retrospective planning applications or for agricultural buildings on agricultural and or farmland sites. Had the height of the building been reduced to 3 metres or the site is not located within 3 kilometres of an aerodrome then a full planning application would not be required, and the proposal would be covered by schedule 2 part 6 of the general permitted development order.

Conclusion

This Planning Statement sets out the policy position for the construction of buildings within the Green Belt. It is confirmed that the agricultural use of the building is acceptable, and the evidence provided demonstrates that the building is being used for that very purpose. Whilst the site is located within Flood Risk Zone 3, planning policy makes allowances for the construction of agricultural buildings within Flood Risk Zones and the Green Belt. We feel the application accords with the above policies and should be acceptable to the Local Authority.