

SECTION '2' – Applications meriting special consideration

Application No : 16/03537/FULL1

Ward:
Cray Valley East

Address : Crouch Farm Crockenhill Road Swanley
BR8 8EP

OS Grid Ref: E: 549371 N: 167282

Applicant : Mr H Batchelor

Objections : YES

Description of Development:

Proposed demolition of existing agricultural building and the erection of a replacement grain/machinery storage building.

Key designations:

Biggin Hill Safeguarding Area
Green Belt
London City Airport Safeguarding
Smoke Control SCA 26

Proposal

The application site measures approximately 0.36ha and is located on the northern side of Crockenhill Road within the Green Belt. To the north, the farm backs on to open agricultural land. The site adjoins the B258 Crockenhill Road connecting St Mary Cray and Crockenhill Village. The site is located approximately half way between these two areas. The wider site comprises 83 acres of land used for arable farming, and the main buildings associated with the farm form a cluster with one larger barn to the west of the site, located within a 20 metre proximity north of Crockenhill Road.

Agricultural activity has historically existed at the application site known as Crouch Farm. The application site adjoins Crouch Farm House, a Grade II listed farmhouse of early traditional timber framed construction which is considered to date back in parts to the Fourteenth Century and which has a shared history with the farmyard, although it is now under separate ownership.

The application proposes a replacement barn on the site to be used for the storage of grain and agricultural equipment. The new barn is proposed to measure 504sqm and would have a maximum of 7.3m in height and 6m to the eaves. The development will measure 12.2m in depth and 42m in length. The barn is to be clad in a mix of fibre cement sheeting and plastic coated box profile sheeting coloured Juniper Green.

Consultations

Nearby owners/occupiers were notified of the application and the following representations were received:

- Inappropriate development in the Green Belt
- Negative impact on residential amenity
- Lack of justification for agricultural need
- Any further permitted development in the Green Belt will encourage further unauthorised development in the immediate vicinity
- There are a number of historical planning applications which are pertinent to the determination of this application
- The current application is not consistent with the earlier applications and justifications for them
- The planning statement states that there are 'old farm buildings not suitable for agricultural use', it does not acknowledge that those which are not suitable have been converted.
- The planning statement fails to acknowledge that the Council obtained advice from professional agricultural specialists before permitting previous applications.
- The planning statement fails to acknowledge that the new building the Council permitted in 2007 was larger than it needed to be at that time but was accepted because it would avoid the need for further buildings.
- The application is not accompanied by any professional agricultural statement of need.
- The application does not explain what will happen to buildings D-H which it is to replace
- The application is part of a 'salami-style' masterplan to gain permission incrementally for development which would not be permitted if it was to be submitted as a single proposal
- If permission is granted it is only a matter of time before applications are submitted to convert the remaining farmyard buildings to commercial use
- Those buildings in the farmyard which are in the Applicants opinion, unsuitable for agricultural use, should be demolished if permission is granted
- Crouch Farm is of a modest size and there is more than enough storage capability for its grain output.
- Should the applicant be rewarded for depriving himself of the storage space he now apparently needs, when the 2007 permission included extra capacity to address the issue of ongoing need, and he deliberately reduced his storage capacity by changing the use of the storage buildings.

Consultees

Highways - No objections

Environmental Health - No objections subject to informatives

Conservation Officer - No objections

Planning Considerations

The application falls to be determined in accordance with the following policies:

Bromley Unitary Development Plan

T2 Assessment of Transport Effects

T3 Parking

T18 Road safety

BE1 Design of New Developments

BE3 Rural buildings

NE3 Nature conservation and development

G1 Green Belt

Emerging Bromley Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). An updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, indicating the submission of the draft Local Plan to the Secretary of State in the early part of 2017. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

Draft Policy 30 - Parking

Draft Policy 32 - Highways Safety

Draft Policy 37 - General Design of Development

Draft policy 49 - The Green Belt

London Plan 2015

In strategic terms the most relevant policies include:

5.13 Sustainable Drainage

6.13 Parking

7.3 Designing out Crime

7.4 Local Character

7.8 Heritage Assets and Archaeology

7.16 Green Belt

7.19 Biodiversity and access to nature

8.1 General design of development

National Planning Policy Framework 2012 (NPPF) is relevant, including the following paragraphs:

Paragraph 19 of the NPPF states that 'significant weight should be placed on the need to support economic growth through the planning system'.

Paragraphs 87-89 relate to development in the Green Belt and state that 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 132 relates to heritage assets and states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Planning History

A number of planning applications have been submitted in relation to this site. Under application ref 05/01095 planning permission was granted for the creation of new farm access further to the west, together with an associated driveway and replacement field entrance. Under ref 07/01466 planning permission was granted for a replacement agricultural building.

Under application ref. 10/00211 permission was sought to convert three agricultural buildings within Crouch Farm to B1 business use and B8 storage use with ancillary car and van parking. Under ref. 10/01989 permission was sought to change the use of a single agricultural building (Building A) from agricultural use to Class B1 business use with associated parking. Both these 2010 applications were refused by the Council but allowed at appeal. A further application to vary hours of operation was refused by the Council and dismissed at appeal (ref. 11/01984).

Most recently, a certificate of proposed lawful development was submitted and approved for the temporary use of part of the land as a landing strip for a Gyrocopter for no more than 28 days per calendar year.

Conclusions

The main issues relating to the application are whether the building constitutes inappropriate development in the Green Belt, and its impact on the character and appearance of open countryside and on the amenities of the occupants of surrounding residential properties and setting of the neighbouring listed building.

Principle of Development

The application proposes a replacement barn measuring 12.2m in depth, 42m in width and 7.3m in height with a pitched roof profile. The barn will be sited to the west of the farmstead, opposite the existing barn that was granted planning permission under reference: 07/01466. The barn replaces an existing barn (Building E) on the site which is sited to the east of the farmstead, along the boundary with Crouch Farm Farmhouse and measuring 255sqm, 14m in depth,

14.3m in width with a maximum of 5m in height. The scheme proposes to increase the footprint of development by 257.4sqm. It was stated within the planning statement that the barn was to be used for the storage of grain (in an area measuring 18x12.2m) and agricultural machinery (in an area measuring 24mx12.2m) however this was subsequently altered through later correspondence to also include the storage of hay and straw which is not considered to impact on the overall storage area requirement of the holding.

The NPPF states that sustainable development has three dimensions - social, environment, and economic. In terms of the latter the NPPF states that significant weight should be placed on the need to support economic growth through the planning system (para. 19). The NPPF also promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses (para. 28). The NPPF states that the planning system should contribute to and enhance the natural and local environment (para. 109) and ensure that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity should be taken into account (para. 120).

Paragraph 89 of the NPPF states that the construction of buildings for agriculture and forestry is not inappropriate development within the Green Belt. Policy G1 of the UDP reiterates this.

Given the sensitivity of the site, it is appropriate to consider in detail whether the proposal is reasonable and necessary for the purposes of agriculture and in this vein Officers commissioned a report by an independent agricultural consultancy to consider the need for a building of the size and scale proposed. The findings of the report have been used when assessing matters of appropriateness.

Within the farm there are a number of agricultural buildings within the main yard area, full details of which have been provided within the building schedule submitted in support of the application. Planning permission was granted on appeal (ref: APP/G5100/A/10/2132013 and 2139446) for the use of Building A and C as B1 use (previously housed 250 tonnes of grain) and the use of building B as B8 use (previously provided some machinery storage of 110sqm). The Inspector considered that the conversion of the buildings would assist in the diversification of the farming enterprise and would remain part of the working farm. The remaining buildings were constructed more than 40 years ago and provide only limited storage opportunities for modern farming equipment. Additionally there are three grain silos sited to the south of the yard area, each capable of storing 80 tonnes however the applicant has indicated that said silos are no longer suitable to meet current requirements so are not now used as part of the agricultural storage provision of the holding.

The applicant also advised that 16.5ha of land has been rented out to an organic vegetable grower since 2006 under a ten-year farm business tenancy. This tenancy agreement has now ceased and the applicant plans to bring the land back into arable rotation. Should permission be granted, it is anticipated that approximately 60ha of land will be used for wheat production, hay production will

increase to 200 bales and approximately 400 bales of wheat straw will be made. These farming activities will be undertaken by the Applicant.

It is noted that within the 2007 permission a greater floor space was provided within the barn than needed by the Applicant which was considered reasonable to prevent further additional development being required. However, this permission was granted 10 years ago and the circumstances of the Applicant are considered to have materially changed since this point. The Applicant wishes to house a number of agricultural machines which require a higher roof space for tipping, and proposes to increase the number of straw and hay bales produced. The proposed barn creates a floor space slightly more than required by the Applicant however it is considered reasonable, as with the 2007 permission, to allow some additional capacity for future flexibility of the agricultural enterprise.

This is further supported within paragraph 28 of the NPPF where it states 'the NPPF promotes a strong and prosperous rural economy, supports the sustainable growth and expansion of all types of business and enterprise in rural areas, and promotes the development of agricultural businesses'. It is therefore concluded that the size of the proposed building is reasonable and necessary to support the agricultural activity in operation. Accordingly, it is considered that the building would not constitute inappropriate development in the green belt and is therefore acceptable in principle.

Size, scale and design

In terms of siting, scale and design the proposed barn will be located to the north of the 2007 barn, to the west of the farmstead between 50-62.5m back from Crockenhill Road. The proposed barn will be sited directly behind the existing barn at an increased height of 1.2m above the ridge therefore may be minimally visible from the highway to a degree. The building is of a considerable size, and is to be sited within an area of open, undeveloped countryside however when viewed from the north will be viewed in the context of the 2007 barn and wider farm complex which mitigates some of this impact. The proposed development is not considered to be detrimental to the setting of the area given the rural character of the surrounding locality, in which this barn is considered to complement.

The visibility of the barn will be limited when viewed from the highway given its distance from the road and its location behind the existing unit, this will be further mitigated by the proposed scheme of landscaping along the northern side of Crockenhill Road extending the existing landscaping which was put in to screen the agricultural barn which was constructed in 2007. It is not considered that the proposed building would exacerbate the visual impact to a detrimental degree from this vista.

On balance, the proposed development is considered satisfactory in terms of its size, scale and design and will not impact detrimentally upon the character of the wider area.

Other Matters

Impact upon the Listed Building

It is proposed to remove an existing timber pole barn (building E) from the eastern side of the farm which is located on the boundary with Crouch Farm Farmhouse a grade II listed building. The pole barn is now considered inadequate for modern farming and is of a poor state of repair no longer providing adequate storage for the required volume of hay, straw or machinery required. The removal of the barn which is of poor construction, away from the boundary with the listed farmhouse is considered a betterment to the setting of the heritage asset, opening up the site along the north-western boundary when viewed from the neighbouring property. Should permission be forthcoming, the removal of this structure can be conditioned to be removed prior to the construction of the new barn. The Conservation Officer raises no objection to the proposal.

Removal of Buildings

As well as the advantages in terms of the setting of the listed building, the removal of the building is also a benefit in terms of openness and could secure the reinstatement of the land within this location to open, Green Belt land. Whilst this is of limited value given the sites location within the original farmstead, it does result in a decreased net increase in floor space over the site as a whole which is considered favourable.

Whilst it would be possible to condition the removal of some of the other existing buildings (in addition to building E), it has been previously mentioned in historic applications and is still the case that the buildings are of specific local importance and add to the character of the area and therefore their loss on a wide spread scale is not considered necessary or appropriate. It is also noted from the submission of neighbour comments that concern is raised as to the impact that previous applications have had on the requirement of needing a new building of this size and scale, most notably the previous permission for the change of use of existing agricultural buildings to B1 and B8 use. Whilst these concerns are noted, the previous permissions would have taken into account the impact of the change of use of the buildings when granting permission and therefore this scheme must be considered on its own merits.

Impact on neighbouring residential amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed barn is located over 50m to the north of Crockenhill Road and over 120m from Crouch Farm Farmhouse, the nearest residential property. The new barn is sited close to the entrance of the site which would preclude vehicles and machinery using the original farmstead for turning.

On balance, it is not considered that there will be any detrimental impact upon residential amenity as a result of this development.

Summary

The proposal to extend Crouch Farm represents an appropriate expansion of this existing agricultural business, and an appropriate form of development with regard to the Green Belt. Whilst the proposal may result in some visual impact given the size and scale of the barn, any such impacts are considered to be at an acceptable level and do not harm the character of the rural locality. On balance, the scheme is considered acceptable.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 The building hereby approved shall be used for the purpose of agriculture, as defined in Section 226 of the Town and Country Planning Act 1990 and for no other purpose (including any other purpose in the Schedule of 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). There shall be no change of use permitted by the Town and Country Planning (General Permitted Development) Order or any subsequent variation thereof.**

In order to protect the amenity of surrounding neighbours and to avoid inappropriate development within the Green Belt thereby to comply with Policies G1 and BE1 of the Unitary Development Plan.

- 5 The existing pole barn (Building E), as shown on the approved plan (Ref:1160/17 & 1160/19) shall be demolished and the site cleared within three months of the building hereby permitted being constructed.**

In order to comply with Policy G1 of the Unitary Development Plan and to prevent the over development of the Green Belt.

- 6 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

You are further informed that :

- 1 Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.**

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the**

Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL