

PLANNING COMMITTEE – 19 January 2023

5. 22/1162/FUL - Erection of polytunnels and associated infrastructure at WOODOAKS FARM, DENHAM WAY, MAPLE CROSS, HERTFORDSHIRE, WD3 9XQ

Parish: Non-Parished

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 19.10.2022

Case Officer(s): David Heighton / Matthew Roberts

Recommendation: That Planning Permission be approved.

Reason for consideration by the Committee: A District Councillor has been instructed by the applicant to draw up the plans for the application.

1 Relevant Planning History on wider site (Woodoaks Farm)

- 1.1.1 17/1403/LBC: Listed Building Consent: Refurbishment of existing barn including repairs to oak frame; replacement timbers and external weatherboarding; and part removal and reinstatement of clay tile roof. Permitted and implemented.
- 1.1.2 18/2489/FUL: Change of use for an existing disused agricultural building on the farm (a dairy parlour), into a craft microbrewery (Use Class B2 - General Industrial) with ancillary tap room and retail unit. Permitted and implemented.

1.2 Relevant Enforcement History on wider site (Woodoaks Farm)

- 1.2.1 22/0020/COMP: Change of use from agriculture to outdoor seating area used in association with Creative Juices and the erection of a building (tipi). Pending consideration following on-going discussions with owner.
- 1.2.2 22/0021/COMP: Change of use from agriculture to commercial purposes including the erection of buildings (tea shack, wooden canopy) and outdoor seating. Pending consideration following on-going discussions with owner.

2 Description of Application Site

- 2.1 The application site relates to an open parcel of land falling within the wider agricultural unit of Woodoaks Farm, located to the north west of Maple Cross, accessed from Denham Lane (A412).
- 2.2 Woodoaks Farm comprises a cluster of existing and former agricultural buildings which include a brewery (Creative Juices), Grade II listed buildings (Barn about 100m north of Woodoaks Farm House and Building immediately north west of Woodoaks Farm House), a Locally Important Building (The Cottage) and a tea shack operating from an adjacent open field.
- 2.3 Two bridleways (010 and 62) run adjacent to the western boundary of the application site.
- 2.4 In terms of policy designations, the application site falls within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the erection of polytunnels and associated infrastructure.
- 3.2 The proposal seeks to create an agro-ecological horticultural business to create a vibrant food and farming hub for the local communities. The applicant is a tenant of the Soil

Association and seeks to use organic farming techniques with the business focusing on the production of fruit, high value vegetables, mushrooms and microgreens, of which would be sold direct to customers locally.

- 3.3 To assist the enterprise, three polytunnels would be erected within the open field to the north east of the cluster of buildings which make up Woodoaks Farm, to the north of the current tea shack. The polytunnels would each measure 4m in height, 16m in width and 30m in depth.
- 3.4 To the north west of the polytunnels, ancillary storage buildings are proposed and include two timber clad metal shipping containers sited either side of a covered storage area comprising of a curved polycarbonate roof at a height of 3m. The combined storage buildings would measure 12m in width and 12.2m in depth. The containers would each have a height of 2.3m.
- 3.5 A small composting timber clad toilet block would be constructed measuring 2.6m in height, 4m in width and 2m in depth. It would be positioned between the polytunnels and the storage buildings.
- 3.6 Two water tanks are also proposed, providing a capacity of 5000 litres and 1000 litres. These would be located to the south of the storage buildings.
- 3.7 In addition to the above, a 130m permeable agricultural track would be built to aid access to the polytunnels and storage buildings. An area of hardstanding will also be laid, approximately 718sqm in area to provide space for deliveries and to avoid large vehicles damaging the field. All areas of hardstanding would be laid with tarmac plainings.
- 3.8 The application was supported by a Planning Statement, Agricultural Justification, heritage justification, Flood Risk Assessment and a Sustainable Drainage Strategy.
- 3.9 During the course of the application the plans have been updated, with the red line of the application site made smaller (covering the proposed works).

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [No objection]

The application site is located within the setting of two Grade II listed structures:
- Barn about 100 Meter north of Woodoaks Farmhouse (list entry: 1100878)
- Building Immediately northwest Of Woodoaks Farmhouse (list entry: 1100877)

Due to the intervening development, the proposal would not impact the setting of the building northwest of Woodoaks Farmhouse.

There are some concerns regarding the location of the structures and their impact in the barn north of Woodoaks. At present the structures appear detached from the farmstead and there are concerns that they would affect the openness of the landscape and setting of the listed building. Whilst it is acknowledged that they would not be an unexpected feature within the agrarian setting, there appear to be more sympathetic locations for the proposed structures. The visual impact of the structures could also be reduced by re-orientating the polytunnels and re-positioning the storage and W.C structures so they do not project into the field.

I recommend that the structures are repositioned to appear more discrete within the landscape as this would better preserve the significance of the listed building.

4.1.2 Hertfordshire County Council Highways Authority (HCC): [No objection, subject to informatives]

The farm site is accessed via a bridleway, Rickmansworth 010, from Denham Way which is classified A main distributor road subject to a 40mph speed limit which is highway maintainable at public expense. The site of the proposed polytunnels is to the northeast of the existing farm buildings and increases the internal space at the site by 1594m². The farm is located to the north of Maple Cross, close to junction 17 of the M25.

Access and Parking

The application does not propose to amend the existing access into the site from Denham Way or along the bridleway. The proposed polytunnels do not have an impact upon the required visibility splays of 4.5m x 101m, taken from DMRB standards. The polytunnels do not impact upon the bridleway but it is noted that due to it being a right of way, it must remain clear at all times. There have not been any collisions close to the access onto the highway network within the last 5 years.

The Application Form states that there is 1 proposed employee in relation to the development of the polytunnels. This increase of employees by 1 is unlikely to cause a significant change in trips on the highway network relating to the site.

Parking is a matter for the LPA, but HCC would like to comment that the parking provision at the site is not to change with the construction of the polytunnels.

Surface Water

Surface Water:
The application also proposes a farm track to access the proposed polytunnels, this shall be a permeable track according to drawing number 2226-SK-100D, ensuring that the hardstanding at the site is not increased and neither is the surface water runoff.

SuDS (Sustainable Drainage Systems) have been proposed from the polytunnels to further ensure that the likelihood of surface water runoff and flooding on the nearby highway is decreased.

4.1.3 Hertfordshire Ecology: [No comments received. Any comments received will be updated verbally]

4.1.4 National Grid: [No comments received. Any comments received will be updated verbally]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 No of responses received: 0

4.2.2 Site Notice: Expired 30.01.23 (affects setting of listed building)

Press Notice: Expired 03.02.23 (affects setting of listed building)

4.2.3 Summary of responses: N/A

5 Relevant Planning Policy, Guidance and Legislation

5.1 Legislation

5.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

- 5.1.2 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 5.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

5.2 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

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 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'. 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.

5.3 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP6, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM3, DM6, DM7, DM8, DM13 and Appendix 5.

6 **Planning Analysis**

6.1 Overview

- 6.1.1 The proposal can be split into different sections and the proposed justification from the applicant for each is briefly highlighted below:

Polytunnels

- 6.1.2 The polytunnels would be of standard design with steel frames and clear plastic coverings. The polytunnels will be pinned to concreted pads and therefore, could, if required, be easily removed from the land.

Storage and harvest area

- 6.1.3 To aid the enterprise a secure area of tools and inputs as well as a covered space for propagation (in the spring) and for the harvesting of vegetables throughout the summer months. The containers will be clad in timber to match the cladding of traditional farmyard buildings locally.

Compost toilets

- 6.1.4 As no toilets are available on the farm, the applicant, who has experience in building and operating compost toilets insists that it is a necessary requirement.

Water storage and irrigation

- 6.1.5 The enterprise will operate a drip irrigation system which requires two storage tanks. Water will be piped from the main farmyard and stored in the larger of the two tanks.

Area of hardstanding

- 6.1.6 It is proposed that an area which has traditionally been used as hardstanding is re-surfaced with tarmac plainings to provide a storage area.

Farm track

- 6.1.7 The farm track will be formed of tarmac plainings to ensure it is useable all year round. It is required to ensure the enterprise can access the growing area with a vehicle, especially to transport harvested produce to markets.

- 6.1.7.1 The following sections will assess the acceptability of the development against national and local planning policies and any relevant material considerations.

6.2 Impact on Metropolitan Green Belt

- 6.2.1 The site is located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, be it in agricultural, forestry or other use.

- 6.2.2 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. This policy closely follows the thrust of Green Belt policy within the NPPF (2021) and thus can be afforded weight. The policy is silent in respect of engineering operations.

- 6.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that construction of new buildings in the Green Belt is inappropriate with certain exceptions. Under Clause a), the policy explains that except in very special circumstances, approval will not be given for new buildings other than those specified in national policy and other relevant guidance. The policy also makes allowances under d) for ancillary buildings in the Green Belt where development can demonstrate that it would be of a height and bulk such that the building would not adversely affect the openness of the Green Belt, be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development. The policy is silent in respect of engineering operations.

- 6.2.4 Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless they fall within one

of the exceptions such as buildings for agriculture and the provision of appropriate facilities for allotments, the latter of which is subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. In addition, paragraph 150 of the NPPF states that certain other forms of development such as engineering operations 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.

- 6.2.5 The information submitted with the application makes clear that the polytunnels and associated buildings are to assist a new agricultural business. There is no reason to disagree that the proposed polytunnels would not be used for any purpose other than for agriculture. As a consequence, the polytunnels would be an appropriate form of development and thus would not harm openness as a direct result. It is anticipated that there would be a greater degree of activity from employees and visitors on site; however, this would be ancillary to the lawful use of the land for agriculture.
- 6.2.6 In respect of the storage buildings, these are located to the north west of the polytunnels, within the open field. These buildings are all required as part of the agricultural enterprise, forming an ancillary function. It is therefore considered that these buildings would fall within the scope of paragraph 149 of the NPPF. Further, as highlighted above, Policy DM2(d) of the Development Management Policies LDD makes allowances for ancillary buildings. When applied to this policy, the proposed storage buildings would clearly be subordinate to the polytunnels and by virtue of their siting, to the immediate north of the polytunnels, would not appear prominent within the landscape and would ensure that the built form is grouped together. The buildings, by virtue of their design would also not incorporate features of a dwelling.
- 6.2.7 A condition is recommended to require that all buildings proposed are used solely for agriculture and that following the cessation of the use for a period of 12 months, all buildings are removed from the land. These conditions are considered reasonable as their planning justification is based on their agricultural use.
- 6.2.8 The proposed area of hardstanding is partially hard surfaced as it stands and used for storage. The increase in hard surfacing including the track would constitute engineering operations. To meet the exception at paragraph 150 of the NPPF the works must preserve openness and not conflict with the purposes of including land within Green Belts, such as safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas. Due to the locational context of the proposed area of hardstanding with it closely tied to the farm complex and the fact that part of this area is already hard-surfaced it is not considered that the laying of tarmac plainings would have an adverse impact on the Green Belt. However, by virtue of its creation, it would facilitate greater storage of farm paraphernalia. Nevertheless, this area is relatively well screened from wider vantage points and is tightly associated with the farm complex meaning that any associated paraphernalia would be read in conjunction with the farm buildings and by virtue of its nature would not be uncommon within its agricultural setting. In light of the above, the area of hardstanding would preserve the openness of the Green Belt and would not conflict with any of the purposes of the Green Belt.
- 6.2.9 In respect of the proposed track, this would run across an open field, albeit it would largely be screened by an existing field boundary made up of hedging, trees and rough relatively unmaintained grassland. The track would also only be used intermittently by a limited number of vehicles given the size of the enterprise and thus its impact is considered to preserve the openness of the Green Belt. It is however considered to conflict with one the purposes of the Green Belt as it encroaches into open countryside. This would therefore equate to harm within the Green Belt.
- 6.2.10 The NPPF at paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be afforded substantial weight.

- 6.2.11 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. This is considered later in the report.

6.3 Design, impact on Heritage assets and character of area

- 6.3.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 6.3.2 Policy DM3 of the Development Management Policies document states that the Council will preserve the District's listed buildings and will only support applications where any extension or alteration would not adversely affect its character as a building of special architectural or historical interest or its wider setting. Whilst this policy is specific to extensions and/or alterations, it is considered appropriate to use when considering the merits of this application and on the basis that part (a) of Policy DM3 makes reference to applications only being supported where the significance, character and setting of the asset is conserved or enhanced.
- 6.3.3 Paragraph 199 of the NPPF 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.3.4 The application site is located within an open field close to two Grade II listed buildings, one of which is referred to as the 'Black Barn' within supporting documentation and is sited to the far north of the farm complex and would be the most affected heritage asset when considering this proposal. The other Grade II listed building is located to the west of the farm complex and is tightly enclosed by other farm buildings, ensuring it is not impacted by the development proposal.
- 6.3.5 In addition to the above, a Locally Important Building (The Cottage) is also located within the farm complex. This non-designated heritage would not however be affected by the development given its distance and relationship with the application site.
- 6.3.6 In regards to 'Black Barn', the proposed buildings would be approximately 160m from the listed building. Whilst the polytunnels and associated buildings / structures would be read in conjunction with the listed building, the significant separation distance ensures that its setting is not adversely affected.
- 6.3.7 From a character perspective, the buildings would be located in an area of the site which is free from built form development and thus their introduction would alter the character and appearance of the site from various nearby vantage points. From Denham Way to the south, the impact of the polytunnels is reduced given the natural dip in the field and the significant distance coupled with existing trees and hedging at the field boundary to the south of the application site. Further, the polytunnels are a common form of development within an agricultural setting and thus their introduction would not be incongruous and therefore harmful to rural character of the area. The proposed ancillary buildings would be closely grouped with the polytunnels with their external clad with timber to ensure a degree of integration and continuation with the appearance of the farm yard buildings. Given their siting and appearance, they would not have an unacceptable impact on the character of the area. Other vantage points are likely from the Denham Way dual carriageway to the east, however, the application site is on a much lower ground which reduces the prominence and impact of the buildings.

6.3.8 The proposed area of hardstanding and access track would not appear out of character. Whilst the track would introduce new development in an otherwise open parcel of land, it would not be highly visible from outside the site nor would the track be uncommon on farms. The proposed hard surfaced material, tarmac plainings is considered sympathetic.

6.3.9 The development is therefore not considered to adversely affect the setting of adjacent designated and non-designated heritage assets and would not have an unacceptable impact on the character and appearance of the area. The development therefore accords with Policy CP1 and CP12 of the Core Strategy and Policy DM3 of the Development Management Policies LDD.

6.4 Impact on landscape

6.4.1 Policy DM7 of the Development Management Policies LDD seeks that the Council will require proposals to make a positive contribution to the surrounding landscape and that proposals would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.

6.4.2 In terms of a wider landscape impact, the application site is located within a low lying position when viewed within its wider context and within its landscape character area, Maple Cross slopes. The application site is on a lower ground when compared to the surrounding area with the land naturally rising towards the M25, the Denham Way dual carriageway and also to the south and west.

6.4.3 Any long distance views from the higher ground of the Maple Cross slopes to the north and elevated view from the Hillingdon Trail to the south east are limited and seen in the context of existing commercial development to the south of Denham Way. Furthermore, the polytunnels would be viewed as a sympathetic structure within the rural landscape.

6.4.4 For the above reasons, it is not considered that the development conflicts with Policy DM7 of the Development Management Plan LDD.

6.5 Trees and Landscaping

6.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

6.5.2 Policy DM6 of the Development Management Policies document sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

6.5.3 No trees exist within the application site.

6.5.4 Planting has occurred along the southern boundary of the application site and further planting is to occur along the western boundary.

6.6 Highways, Access and Parking

6.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide parking for three vehicles.

6.6.2 The development would utilise the existing entrance from Denham Way and no changes to this access are proposed. In addition, the enterprise by virtue of its scale is not considered

to significantly increase activity to and from the site. There would also be no changes to the adjacent bridleway.

6.6.3 In terms of parking, Appendix 5 of the Development Management Policies LDD is silent in respect of parking for agricultural enterprises. Due to the proposed area of hardstanding, it is not considered that there would be a shortfall of on-site parking for employees and any visitors are able to utilise an existing parking area close to the farm complex.

6.6.4 The development would therefore accord with Policy DM10 and Appendix 5 of the Development Management Policies LDD.

6.7 Impact on amenity of neighbours

6.7.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'.

6.7.2 The nearest residential property is The Cottage, however, due to its location, to the west of the farm complex, the development is not considered to have any detrimental impact upon their residential amenity.

6.8 Wildlife and Biodiversity

6.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

6.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

6.8.3 The application has been submitted with a Biodiversity Checklist, which states that no protected species or biodiversity interests will be affected as a result of the application.

6.8.4 Planting has occurred and more will take place on the application site.

6.8.5 Comments from Herts Ecology are awaited and will be verbally updated once received.

6.9 Drainage and Flooding

6.9.1 The application site falls within Flood Zone 1 and by virtue of the size of the application no flood risk assessment is required.

6.9.2 Notwithstanding the above, a Flood Risk Assessment was submitted which concludes that the impact of the development would be neutral given its low flooding risk. Permeable hardstanding is also proposed.

6.9.3 The application was also supported by a Sustainable Drainage Strategy which highlights that the proposed drainage system is to be designed to collect all water runoff from the roofs of the polytunnels and directed to the proposed water tanks where it can be stored and used entirely for the purposes of irrigating the crops within the polytunnels.

6.10 Summary of harm

6.10.1 The above assessment concluded that the proposed access track would conflict with one of the purposes of the Green Belt, namely, the encroachment into the countryside. This results in harm to the Green Belt. No other harm has been identified.

6.11 Are there any very special circumstances?

6.11.1 In light of the identified harm it is necessary to consider whether there are any material considerations, either individually or cumulatively, or sufficient weight that would constitute very special circumstances to outweigh the harm as per paragraph 148 of the NPPF.

6.11.2 The purpose of the enterprise is to create an agro-ecological farming hub for the local community. The products on offer would therefore provide a unique opportunity for local residents to propose organic food more locally and sustainably. The enterprise will also provide opportunities for the public to connect with nature and organic food production by means of educational events and volunteering days, which are already well underway.

6.11.3 The applicant has provided a number of public benefits of the development:

- Provides opportunities for the community to buy fresh food directly from the farm which is grown without any use of chemicals or artificial fertilisers
- To reduce reliance on unsustainable and imported food
- To support a local and regenerative food system which builds soil carbon and harvests rainwater
- To support a business which has increased biodiversity of crops from 1 per year to 27 in a year, in addition to improved soil health
- For the community and schools to participate in education and volunteering events.

6.11.4 The business would also provide a beneficial use within the Green Belt, in accordance with paragraph 145 which states the local planning authorities should plan positively to enhance their beneficial use. It would also accord with paragraph 64 of the NPPF which states that decisions should enable the sustainable growth and expansion of all types of business in rural area. Further, the development would also be supported by Policy CP6 of the Core Strategy which states the Council will support economic development in rural areas where this would contribute to sustainable development objectives consistent in scale with the rural location and would not result in harmful effects on the environment or local communities.

6.11.5 When considering the nature of the business and its sustainability credentials and benefits to the local community, these would weigh significantly in favour of the development. It is considered that such benefits do outweigh the harm to the Green Belt through the introduction of the access track into open countryside.

6.11.6 The applicant has also made reference to the fallback position provided by the General Permitted Development Order 2015 (as amended) (GPDO). However, the erection of a building and the formation of a private way are only permitted by the GPDO subject to the applicant applying for a determination as to whether prior approval will be required as to the siting, design and external appearance of the building and the siting and means of construction of the private way. As no prior approval has been assessed by the Local Planning Authority it is not considered that significant weight can be afforded to any fallback position. Nevertheless, it is noted that the GPDO does provide significant permitted development rights.

6.12 Planning Balance

6.12.1 Whilst harm has been identified to the Green Belt due to the siting of the access track, the benefits of the enterprise and the benefits to the wider community are considered to outweigh the harm to the Green Belt. As such, it is considered that the benefits mentioned above when viewed collectively would constitute very special circumstances to outweigh the harm to the Green Belt.

- 6.12.2 It is considered necessary and reasonable to require the removal of the buildings if they cease to be used for more than 12 concurrent calendar months. The justification for the buildings within the Green Belt is on the basis that they fall within the exception at paragraph 149 of the NPPF given their agricultural use.

7 Recommendation

- 7.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and that **PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: WF 5-1 (Location Plan); WF 5-3 (Site Layout) & 2226-SK-101C (Plans and Elevations).

Reason: For the avoidance of doubt, in the proper interests of planning, to preserve the setting of heritage assets and the visual amenity of the area in accordance with Policies CP1, CP6, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM2, DM3, DM6, DM7, DM8, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

- C3 The proposed area of hardstanding and farm track shall be laid using tarmac plainings.

Reason: In the interests of visual amenity and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM7 of the Development Management Policies LDD (adopted July 2013).

- C4 The polytunnels and associated shipping containers and covered storage area hereby permitted, shall only be used for agricultural purposes. If the polytunnels, associated shipping containers and covered storage area cease to be used for more than 12 concurrent calendar months they shall be demolished including the toilet block and wholly removed from the site within a month, with the ground returned to grass in the first possible planting season.

Reason: Should the agricultural enterprise cease the buildings would no longer be justified within the Metropolitan Green Belt and thus be inappropriate. This is in accordance with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM11 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

7.2 Informatives:

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control

matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 13 The applicant is advised that a Public Right of Way runs adjacent to the application site. This Right of Way must be protected to a minimum width of 2m and its current surface condition maintained. The Right of Way must remain unobstructed by vehicles, machinery, materials, tools and any other aspects of construction during works. The safety of the public using the route should be paramount. The condition of the route must not deteriorate as a result of the works. All materials are to be removed at the end of construction.

If these standards cannot be reasonably be achieved then a Temporary Traffic Regulation Order would be required to close the affected route and divert users for any periods necessary to allow works to proceed. A fee would be payable to Hertfordshire County Council for such an order.
- 14 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 15 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application (following their expiry).