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Our Ref: MJD/9247

9 January 2021

The Planning Department
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

Dear Sirs

Retrospective Planning Application for Proposed Storage Building Land to the east of Copperfields, Ingatestone Road, Blackmore

On behalf of our client, Mr S. Burns, we are instructed to submit a planning application for a new storage building relating to agricultural land to the east of Copperfields, Ingatestone Road, Blackmore.

The application has been submitted online through the Planning Portal and is supported by the following documents: -

- This Covering Letter dated 8th January 2021,
- Completed Application Forms and Certificates;
- Drawing Number: 100_00 – Site Location Plan;
- Drawing Number: 200_0 – Proposed Block Plan/Floor Plan and Elevations;
- Statutory Application Fee of £96, paid directly via the Planning Portal.

The application site is located to east side of Copperfields and the south of Ingatestone Road and is owned by the applicants who reside at the property of Copperfields.

The site is laid to grass and is enclosed by timber paddock fencing and established trees and hedges to the west. A second small field is located to the south, which is being planted up as an orchard, while to the east is a larger field, also laid to grass and within the land owned by the applicant. Ground levels within the immediate vicinity of the proposed building are relatively flat, although do slope away slightly from north to south.

In terms of definition of the use of the land, agriculture is clearly defined within Section 336 of the Town and Country Planning Act 1990 as including:

*"horticulture, **fruit growing**, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, **meadow land**, osier land, market gardens and nursery grounds, and the use of land for*

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woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly"

The proposal is to provide an agricultural storage building which has a footprint of 24.9 square metres (GEA), to be used for the storage of equipment and machinery for the maintenance of the land.

The agricultural barn is required to perform the functions and the need to manage and maintain the grassland and proposed orchard within their ownership, the extent of which is shown on the site location plan. The 1.5 hectares (4 acres) of land requires occasional mowing, seeding etc, while the proposed orchard within this space requires storage for the crop, fertilizer and tools/equipment, together with space for cuttings, planting etc.

The Site is located within the Green Belt as defined on the Proposals Map which accompanies the adopted Brentwood Replacement Local Plan 2005. Policy GB1 of that plan states that "within the Green Belt, planning permission will not be given ... for purposes other than those appropriate to a Green Belt". The proposal therefore also falls to be considered against national planning guidance in the form of the National Planning Policy Framework (as amended in February 2019)

The NPPF states that planning law requires applications for planning permission to be determined following the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions

The NPPF states that the Government attaches great importance to the Green Belt. 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.

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

Paragraph 145 of the NPPF states the construction of a new building within the Green Belt should be considered inappropriate development unless they are for one of six exceptions. The provision of buildings for agriculture and forestry is detailed as an exception, and therefore a new building for agriculture within the Green Belt is not considered inappropriate development.

The wording under Paragraph 145 does not apply the test of openness. The provision of new buildings for agricultural purposes is considered appropriate development in the Green Belt.

It is a matter of law following the Court of Appeal judgment in Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council and Another (Rev 1) [2016] EWCA Civ 404 that where development is 'not inappropriate', in applying paragraphs 145 or 146 of the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it.

Having regard to the size of the land, it is generally accepted that storage space for machinery and other equipment relating to the management of the land is not unreasonable. At present the applicant has to outsource for the majority of these services and he wishes to be able to undertake himself.

There are no other structures within the ownership of the Site that could be used for agricultural storage, and the proposed size has been justified above. Furthermore, neither the Framework nor any development plan policy requires evidence of the necessity for such a building. There is also no evidence that the building would be intended to be used for a non-agricultural purpose. In this regard, the design and layout of the building are agricultural in nature. It is also clear that the applicant resides near to the Site, the proposed building being visible from the rear of their property. The size of their land is relatively small and would be unlikely to occupy someone fulltime. In these circumstances, the Council must determine the proposal as it is applied for, which in this case is for an agricultural building.

Policy CP1 of the adopted Replacement Local Plan 2005 sets out General Development Criteria, to which all proposals must comply. Of relevance here is criterion iii), which states that "the proposal should be of a high standard of design and layout and should be compatible with its location and any surrounding development, in terms of size, siting, scale, style, design and materials".

The proposed building, resembling two rooms, retains a standard form for a small agricultural shed, being a timber frame and clad structure 7 metres in width by 4 metres in depth and only marginally greater than 3m in height. The surrounding land is rural in nature, and this small structure would not appear out of character in this setting. The applicant is happy to consider material treatment or colours should the Council feel that there is something more appropriate for this location.

The barn is in an isolated position away from neighbouring occupiers to have no adverse impact on residential amenity.

The overall bulk, height, permanence and location of the structure that is proposed is considered to be appropriate in the context of its countryside location.

I trust that the information submitted is satisfactory and we look forward to receiving confirmation of validation in due course. If any further information or clarification is required please do not hesitate to contact either Alicia Lai or Matt Driscoll at the above details.

Yours faithfully



Matthew Driscoll
For THE JTS PARTNERSHIP LLP