

# ET Planning

## Thoby Priory Storage Yard

Client:

Ms Aliona Cojan

## Thoby Priory

Thoby Lane, Mountnessing, Brentwood, Essex, CM15 0TB

*the redevelopment of the site following the demolition of existing structures to regularise the existing commercial yard (Sui Generis). The proposal includes elements which are part retrospective (as some of the buildings have been erected without permission), however, the majority of these buildings are relocated within the proposal.*

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Appendix 1: Historic Photo Sheet

# 1. Introduction

1.1 This statement is produced to support a planning application for the redevelopment of the site following the demolition of existing structures to regularise the existing commercial yard (Sui Generis). The proposal includes elements which are part retrospective (as some of the buildings have been erected without permission), however, the majority of these buildings are relocated within the proposal.

1.2 The development includes the erection of multiple elements, for clarity these have been provided in a list below alongside their location on the site.

1. Free standing storage racks (north-east of the site)
2. Covered building (North of the site)
3. 3 Large relocated existing barn like structures (north-west of the site)
4. Single Storey Welfare and Admin office block (South-west of the site)
5. Portacabin (centre of the site)
6. Replacement hardstanding with drainage (throughout the whole site)
7. Allocated Staff and Customer Parking Areas (throughout the whole site)
8. Landscaping (including the erection of a hedge) and fencing to create a boundary between the application site and the heritage asset (to the South-east of the site)

1.3 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.

1.4 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the following documents prepared by 2-4c Architecture:

1:2500 Site Location Plan: Drawing No 106

1:200 Proposed Part Block/Site Plan (Total Site): Drawing No 105

1:200 Proposed Part Block/Site Plan (East): Drawing No 107

1:200 Proposed Part Block/Site Plan (South-East): Drawing No 108

1:200 Proposed Part Block/Site Plan 2 (South-East): Drawing No 109

1:200 Proposed Part Block/Site Plan (North-West): Drawing No 110

1:200 Proposed Part Block/Site Plan (south-West): Drawing No 111

1:100 Proposed Elevations: Drawing No 112

1:100 Proposed Elevations 2: Drawing No 113

1:100 Proposed Elevations 3: Drawing No 114

1:100 Proposed Elevations 4: Drawing No 115

1:100 Proposed Elevations 5: Drawing No 116

1:100 Proposed Elevations Office and Admin: Drawing No 117

3D Aerial Image (Looking from south): Drawing No 118

3D Aerial Image (Looking from east): Drawing No 119

3D Aerial Image (Looking from north): Drawing No 120

3D Aerial Image (Public Area): Drawing No 121

3D Aerial Image (Lower level Public Area): Drawing No 122

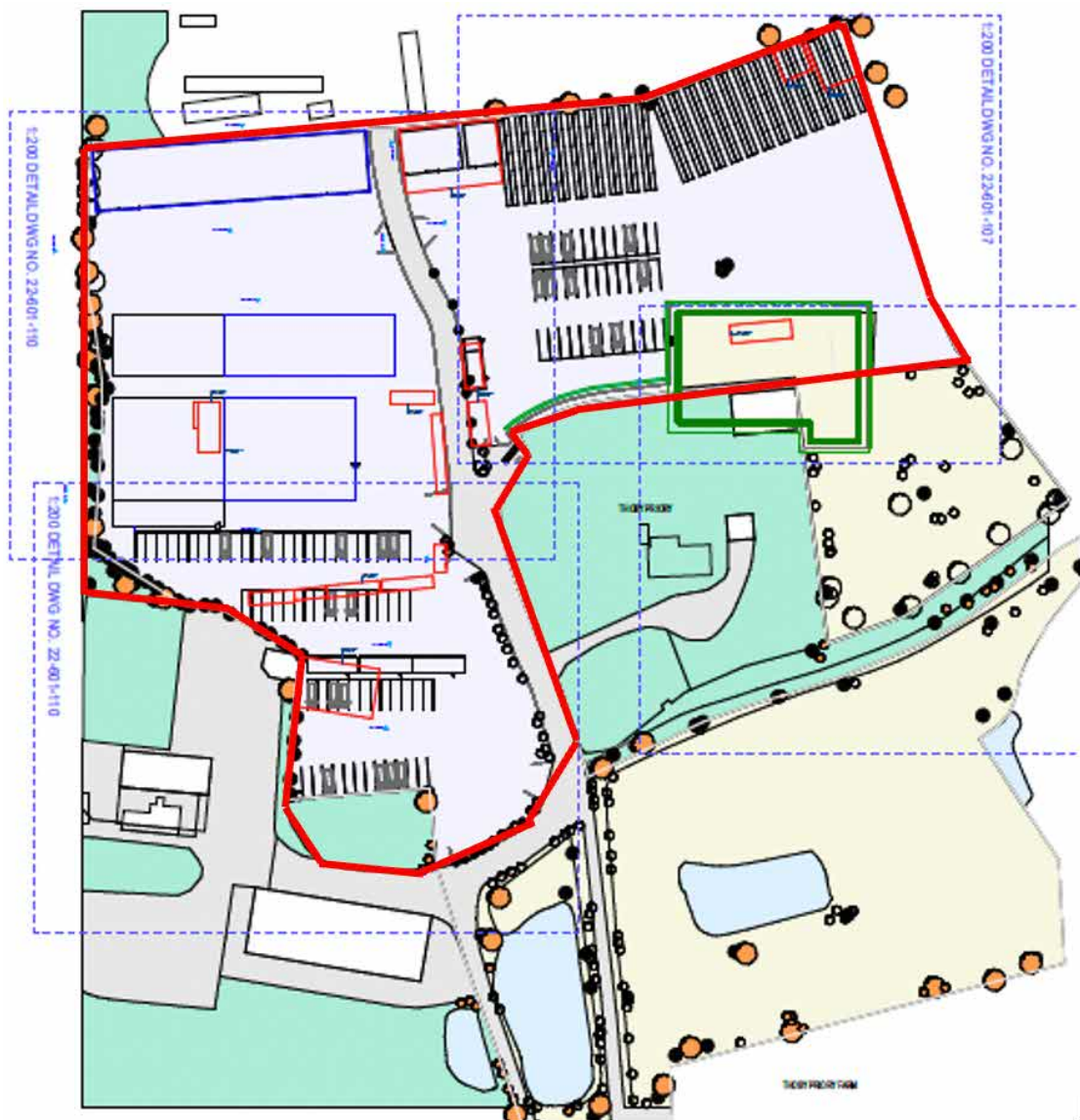
Photographs of fly tipping: drawing No 123

Photographs of existing structure to be retained: drawing No 123

- 1.5 The relevant application fee will be submitted by the applicant separately.

## 2. Site Location and Description

- 2.1 The site is located to the north of Mountnessing which is located to the west of the A12. It is accessed via a private road which extends from Thoby Lane to the north.
- 2.2 The site is located at the end of this access road as shown by the red outline below on the proposed block plan.



Proposed Block Plan

- 2.3 The site is surrounded by commercial operations whilst one residential dwelling, Thoby Prior, is located immediately to the south of the application site and to the east of the access road.
- 2.4 The site was originally used as an agricultural unit but changed use to an engineering depot in 1965.
- 2.5 The site has been used as a general builder's yard for over 10 years. The current owner uses for the site under the company name of Europevans LTD.
- 2.6 The site has a significant curtilage, associated with the commercial use, all of which is previously developed land. The site has been used as a commercial yard for in excess of 10 year (as shown by Appendix 1).
- 2.7 As such, it is relevant to this planning application that some of the structures and some of the hardstanding may be deemed to be lawful under section 171 of the 1990 Town and Country Planning Act (TCPA) even though an enforcement investigation was undertaken in 2019 under the reference 19/00159/UNLCOU.
- 2.8 The site has multiple buildings which have been located on the site to facilitate the used as a commercial yard. These structures have been removed on the site with the proposed development replacing/relocating these structures.
- 2.9 It is important to note that these structures are required for the business to operate, with storage space needed for tools, car parts and office and further commercial uses. For this rural business to function, buildings are required on site.
- 2.10 Excluding the immediate cluster of commercial development, the site is largely isolated and rural in nature, with activity at the site having

no detrimental impact on neighbouring dwellings or members of the public.

- 2.11 There are two access points within the application site. The initial access which is the first right turn off the access road serves the dwelling (Thoby Prior). An additional access gate is provided on the further down the road providing vehicle access to the commercial business (Europevans Limited).
- 2.12 The site lies in flood zone 1 ensuring that there is no risk of flooding and is also located within the Green Belt. The commercial use of the site has been confirmed as acceptable via the council. Therefore, this application only seeks to address the replacement buildings and erection of further hardstanding on the site.
- 2.13 These implementations will have little to no adverse impact on the openness of the Green Belt when they are compared to the fall-back positions which have been established on site. In addition, very special circumstances are also present with these being discussed within this document.
- 2.14 The site is also within a Special Landscape Area and accommodates parts of a Scheduled Ancient Monument and the listed structure of Thoby Priory, listed under entry number 1005560.



### 3. Planning History

- 3.1 08/00173/FUL – Demolition of conservatory at the side and erection of two storey extension at the rear. Permitted: 14/04/2008
- 3.2 15/00527/OUT – Outline application for the demolition of existing structures on site and the development of 87 residential units and formation of access roads (Appearance, landscaping, layout and scale reserved matters). Pending Decision.
- 3.3 20/01142/FUL - Construct covered work area, free standing shelving units enclosed with open fronted structure for car part storage, double height portacabin for office use, detached waiting room/welfare unit, 2 tensile covers and 2 x hybrid scaffold structures with double storey container sides, construct U shaped hardstanding for vehicle storage and dismantling, change of use from B8 Storage to Breakers yard (Sui Generis) (Retrospective). Refused:
- 3.4 22/01641/FUL – Construction of replacement racking and construction of 3 temporary covers for storage to breakers yard (retrospective). Withdrawn
- 3.5 22/01618/FUL – Proposed Warehouse extension and replacement hardstanding. (Part—Retrospective). Withdrawn
- 3.6 The above applications highlight how the applicant has sought to regularise the site since 2020 with multiple submissions being made to the Council. This application seeks to provide a master scheme to regularise the site to ensure that it is suitable and in accordance with the requirements of Brentwood Council.
- 3.7 Application 20/01142/FUL was relevant as this application was a previous submission seeking to regularise the site. Discussions have taken place with Brentford Council following this application, and the

following withdrawn submissions, resulting in this application which now seeks to regularise the site in a suitable manner for all parties involved.

- 3.8 Comments were made in application 20/01142/FUL in relation to the adjacent scheduled monument with Historic England stating that “there are clearly opportunities to improve the setting of the scheduled monument and to enhance the significance of it”.
- 3.9 Historic England and the Council objected against structures and hardstanding being located within close proximity to the scheduled monument.
- 3.10 A map was provided highlighting the designated area for the scheduled monument to ensure that the archaeological remains of the scheduled monument are not impacted.
- 3.11 Historic England and the Council confirmed that the proposal had an adverse impact on the significance of the scheduled monument both in terms of “buried archaeological remains and in terms of the impact on the setting”.
- 3.12 Due to these previous comments regarding the adjacent scheduled monument, this proposal seeks to retain a greenspace area around the scheduled monument to ensure that no further impact is caused. By regularising the site through this submission, this area will be created around the scheduled monument for the foreseeable future protecting the scheduled monument and improving its significance.
- 3.13 No structures or hardstanding will be located within the designated area for the scheduled monument which was previously raised to ensure that there is no further impact.
- 3.14 Within the previous submission, 20/01142/FUL, it was confirmed that the proposal will have no impact on arboriculture (even though some

small trees were removed) alongside Highways. It is the view of the applicant that these conclusions should be retained in this amended submission.

3.15 Previous comments were raised in regard to:

- 1) The lack of welfare facilities
- 2) Should be a Max of two people to be on site overnight and dog kennels to be located as far as possible from neighbouring properties to reduce noise related barking issues.
- 3) The proposed was viewed to have a no parking provision even with a vast number of employees. (Refusal Reason 6)
- 4) Previous history was assessed on site with the Council confirming that parts of the site were subject to B8 storage use with some being light industrial. It is agreed that the history is unclear in relation to the specific use of the site overtime.
- 5) The proposed was viewed to have a negative impact on the Green Belt whilst no relevant special circumstance were given. (Refusal Reason 1)
- 6) The proposed was viewed to have a negative impact on the scheduled monument. (Refusal Reason 2)
- 7) The proposed was viewed to have a negative impact on the special landscape area and countryside due to sprawling development. (Refusal Reason 3 & 5)
- 8) The proposed was viewed to have a negative impact on the amenity of the dwelling, Thoby Priory. (Refusal Reason 4)

- 3.16 The first 3 comments raised above have been address with parking provision, welfare facilities, and a security schedule being proposed alongside this submission.
- 3.17 It is clear that the history of the site is “sketchy” as defined by Brentwood Council. Therefore, this application seeks to regularise the site with a sui generis use. The land included within this application contains parts of the land which is subject to a 10-year lawfulness fall-back position. This fall-back position ensures that the commercial activity of the land is lawful due to the passage of time, including the erection of hardstanding alongside storage and car repair uses.
- 3.18 Therefore, this application seeks to work with Brentwood Council, to provide a rural business which is suitable and does not impact the scheduled monument or neighbouring amenity whilst also having no adverse impact on the Green Belt when compared to this lawful fallback position.
- 3.19 The remaining outstanding refusal reasons are discussed in more detail within section 5 of this report, with the statement highlighting how these have been addressed within this resubmission.

## 4. Development Proposals

- 4.1 The National Design Guide (2019) identifies that “well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and well-being of their users and all who experience them. They meet the needs of a diverse range of users, taking into account factors such as the ageing population and cultural differences. They are adequate in size, fit for purpose and are adaptable to the changing needs of their occupants over time” (para 120-121).
- 4.2 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.3 **Use and Amount:** The proposal is for the redevelopment of the site following the demolition of existing structures to regularise the existing commercial yard (Sui Generis).
- 4.4 The proposal includes elements which are part retrospective (as some of the buildings have been erected without permission), however, the majority of these buildings are relocated within the proposal.
- 4.5 As defined in the introduction, the proposal is subject to multiple different elements to ensure that the commercial use of this site can be retained.
- 4.6 14 buildings have been proposed to be removed from the site (as shown on Drawing No 105: Proposed Block Plan) with buildings and storage racks erected in their place. Covered work areas are provided to ensure that work can take place in all weather conditions on site.
- 4.7 Secondly, a portacabin office as well as an admin and welfare office will be provided on site.

- 4.8 The previous use of the site is unclear; however, there is a commercial use of the site which is lawful under section 171 of the TCPA (1990). This lawful use is relevant as the applicant and Council are seeking to regularise the site to ensure that all impacts are contained and reduced.
- 4.9 **Layout and Scale:** The previous structures were sporadically located around the site with development being located close to the scheduled monument and the residential dwelling, Thoby Priory. The proposed block plan ensures that space is retained around the scheduled monument and residential dwelling, Thoby Priory to ensure that there are no impacts on these structures.
- 4.10 All of the buildings (in which work takes place) are located to the north, north-west, and west of the site. Therefore, all of the buildings in which noise is created have been relocated to the portion of the site which is located furthest away from the residential dwelling and the scheduled monument.
- 4.11 In addition, the spread of development has been reduced, resulting in a positive impact on the openness of the Green Belt.
- 4.12 **Scale, Height & Mass:** The size and layout of the buildings have been kept to a minimum to ensure that the proposed buildings have no greater impact on the openness of the Green Belt when compared to the existing buildings.
- 4.13 It is important to note that all of these structures will reduce the landfill, junkyard status of the site. These areas will provide storage locations for different car parts with the scrap cars then taken apart and stored by parts. This will drastically improve the visual appearance of the site even though the built form within the site is increased.

- 4.14 **Landscaping:** Existing trees on the site have been removed to facilitate the erection/relocation of some buildings alongside the provision of hardstanding. These details are shown on the accompanying drawings.
- 4.15 These trees were small and insignificant in relation to the site with their removal improving access around the site. The removal of the trees has no negative impact on any surrounding residents/owners/businesses.
- 4.16 An accompanying tree report is provided which clarifies the importance of trees on the site and the potential impacts of felling and retaining specific trees. Please refer to this document for further information clarifying impacts.
- 4.17 New planting can be accommodated within the curtilage and is proposed for control via condition. New planting includes the removal of hardstanding around the scheduled monument and the erection of fencing and hedging which screens this area from the commercial yard.
- 4.18 This hedging also screens the dwelling, Thoby Priory, to ensure that amenity impacts are minimised.
- 4.19 The construction of new hard surfacing will be installed in accordance with no-dig principles when new hardstanding is required.
- 4.20 Previously, the hardstanding did not require foundations and was laid over the existing crushed hardcore base which dominated the site. 100mm of concrete was placed on top of these areas. It is important to note that existing foundations will be utilised to reduce the impact on the landscape.
- 4.21 **Appearance:** The proposed buildings will be made from metal lightweight frames with a green fabric cover. This green cover is

proposed on all buildings to ensure that these blend into the Green Belt.

- 4.22 **Access & Parking:** There will be no change in access to the site and no change in parking requirements. Thus, the application is suitable in this regard. No additional traffic movements will be generated as a result of the works.

## 5. Policy Assessment

- 5.1 **National Guidance:** The National Planning Policy Framework (NPPF) is a relevant material consideration to the application.
- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 38 of the NPPF states that “Local planning authorities should approach decision on proposed development in a positive and creative way” and “at every level should seek to approve applications for sustainable development where possible”. Paragraph 119 of the NPPF comments that planning should “make effective use of land”.
- 5.3 **Principle of Development:** This application is complex and contains multiple fall-back positions and elements which need to be raised to ensure that the application can be assessed correctly, therefore, sub-headings will be utilised within the principle of development section to highlight how the application is acceptable.

### Fall-Back Position (10-year lawfulness)

- 5.4 Firstly, it is crucial to discuss the fall-back position and clarify what is lawful on site. Below is an image taken from google earth which



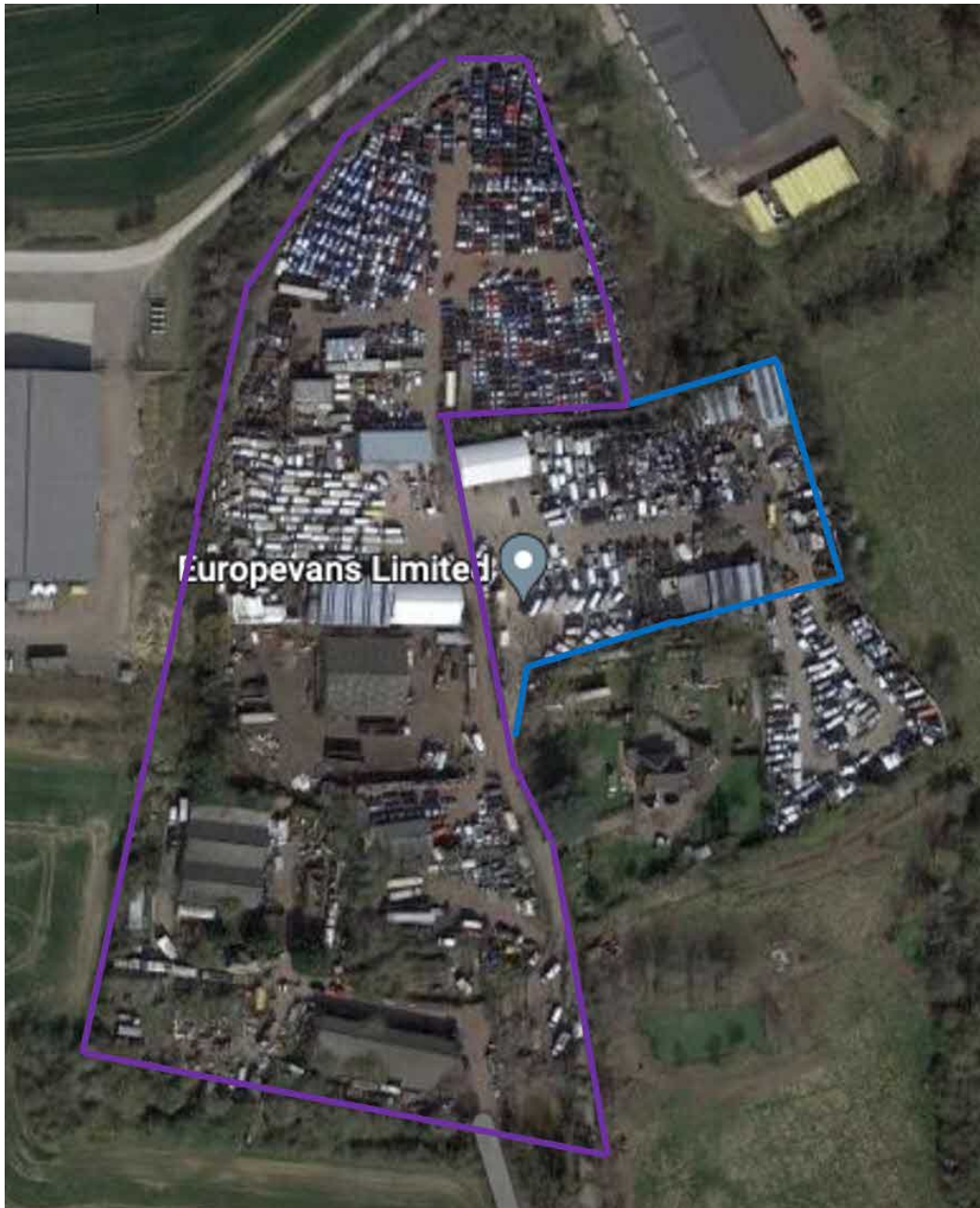
highlights the land that was utilised as a commercial yard in 2006. This same land is continuously used from 2006 until the present day 2023 (a total of 17 years)



View of the site (and wider site) on 11/2006 Thirteen years prior to enforcement notice (Source: Google Earth)

5.5 Therefore, all of the land shown within the image above has a lawful use as a Sui Generis commercial yard due to the passage of time, as the use existed on the site for over 10 years without any enforcement action being taken.

- 5.6 This is shown by the purple and blue outline below. All of the land within the purple outline contained vehicles and built form and was used as a functioning rural business in 2006 (and before) until the present day.



Area of the site which has been active since 2006 and is, thus, lawful due to the passage of time (Purple Line). The area of the site outlined in blue is an area of hardstanding that is lawful due to the passage of time (Blue Line)

5.7 All of the within the blue outline was laid to hardstanding in 2006 and, thus, this land being laid to hardstanding is technically lawful due to the passage of time.

5.8 The below image compares the above fall-back position to that which is sought permission within this application (the application red line).



The application site (red line) in comparison to the land which is lawful due to the passage of time (purple line)

5.9 The above overlap highlights how the proposed area (red line) is within the purple and blue line. Therefore, this is a portion of land which is subject to a fall-back position for commercial use.

- 5.10 As can be seen from the proposed Block Plan, the proposal has carefully considered this fall-back position. The blue area (which is lawful for hardstanding) is mainly proposed to be used as a parking area with some smaller storage racks being located on it to the north. Therefore, the impact is not significantly higher than the lawful hardstanding.
- 5.11 In addition to this, the hardstanding has been reduced in size and moved away from the scheduled monument with landscaping and fencing being erected to protect the scheduled monument and the house to the south.
- 5.12 This fall-back position is crucial to assessing this application as it is lawful for the applicant to be using this land in a commercial manner. By approving this submission, it gives the Council control over how this land is used and where specific buildings and parking areas are located on site. The Council can also then obtain control over how the site functions and flows wherein currently the Council has no control over how the site is used and where buildings are located (especially within the purple line).
- 5.13 This is a very special circumstance to consider when assessing this application. It is extremely relevant when assessing the Green Belt impacts as, due to this lawful fall-back position, the Council should not assess the impact on the Green Belt against a vacant plot or a plot without any existing built form. The fall-back is clear in that the whole site was lawfully laid to hardstanding with multiple buildings being located on the land.
- 5.14 Even if the uses of part of the site are deemed to be slightly different, when viewing the aerial imagery in appendix 2, different certificates could be sought for different parts of the site. Therefore, the land

must be seen as having a fall-back position which must be considered.

5.15 In accordance with established case law [Mansell V Tonbridge and Malling Borough Council - 2017], a fallback position is a viable material consideration which should be accounted for, within the determination of planning applications.

5.16 More recently, Widdington Parish Council v Uttlesford District Council [2023] sets a further, recent case for the validity of the fall-back position. Paragraph 30 summarises the legal principles of applying a fallback position from relevant case law:

A "fall-back" (i.e. development which an applicant could take without a further grant of planning permission) is capable of being a material consideration in favour of granting planning permission. The law as to how a decision maker should consider this is well settled. The relevant propositions can be derived from the decision of the Court of Appeal in R (Mansell) v Tonbridge and Malling BC [2019] PTSR 1452 at para 27 and the decision of Dove J in Gambone v SSCLG [2014] EWHC 952 (Admin) at paras 26-28 which draw on earlier cases.

5.17 The key points (so far as material for present purposes) are: -

a. The applicant has a lawful ability to undertake the fall-back development; Widdington Parish Council, R (On the Application Of) v Uttlesford District Council [2023] EWHC 1709 (Admin) (07 July 2023)

b. The applicant can show that there is at least a "real prospect" that it will undertake the "fall back" development if planning permission is refused. In Mansell at para 27, Lindblom LJ explained that: "the basic principle is that "for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice"

c. Where a planning authority is satisfied that a fall-back development should be treated as a material consideration, the authority will then have to consider what weight it should be afforded. This will involve:

i. An assessment of the degree of probability of the fall-back occurring. As Dove J observes in Gambone at para 27, the weight which might be attached to the fall-back will vary materially from case to case and will be particularly fact sensitive; and

ii. A comparison between the planning implications of the fall-back and the planning implications of the Proposed Development: Gambone paras 26- 28.

d. The Courts have cautioned against imposing prescriptive requirements as to how and with what degree of precision the fall-back is to be assessed by the decision maker. This is in recognition of the fact that what is required in any given case is fact sensitive.

5.18 Therefore, a change of use is proposed to a sui generis commercial yard for the whole plot (as shown by the red line), but the change of use is from multiple different lawful commercial and storage uses – not from undeveloped agricultural land.

#### Green Belt Purposes

5.19 The objectives of the Green Belt are shown below in paragraph 134 of the NPPF,

- 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.

5.20 As the land is already previously developed as established by the above evidence, there is no sprawl of built-up areas, merging, or encroachment of the countryside generated via this proposal.

5.21 In addition, the site is rearranged constructively with landscaping and fencing proposed to ensure the preservation of a scheduled monument.

5.22 Finally, the site hosts a profitable rural business which provides significant benefits for the borough. It is strongly argued that if this application is not approved the land may resort to storage or another use which has a similar amount of harm without the benefits of regeneration and the efficient use of land.

5.23 Therefore, it is clear that the proposal will have no conflict with the purposes of the Green Belt and could be seen to improve impacts over and above the existing lawful position.

#### Green Belt Policy

5.24 Multiple different Green Belt Policies are referred to evidence that the development is acceptable in principle. Firstly, paragraph 149 d) states the following form of development is not necessarily inappropriate:

“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;”

5.25 In this instance, some of the buildings that are located within the purple line (as shown above and within appendix 1) are lawful due

to the passage of time. Therefore, there are lawful buildings on site due to the 10-year rule.



Previous buildings that are deemed to be lawful due to the passage of time

5.26 Therefore, there is scope to replace these lawful buildings with those proposed, in line with Green Belt policy.

5.27 Furthermore, paragraph 145(g) of the NPPF states that the following development is also not necessarily inappropriate within the Green Belt,

“Limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:

(i) would not have a greater impact upon the openness of the Green Belt than the existing development.”



- 5.28 In regard to this factor, as evidence above, the land is previously developed land which has a fall-back position for a combination of commercial/storage uses. Therefore, this proposal seeks to redevelop PDL land at not greater impact to the openness of the Green Belt.
- 5.29 The size of the area of activity is limited to the red line within this submission. The applicant is seeking to move their activity into this area, thus, reducing the size of the overall site and potentially reducing the sprawl of activity.
- 5.30 The Council then has the option to enforce on the remainder of the site (outside of the red line of this submission) if this application is approved, ensuring that the fall-back position has been considered and the site can be contained effectively moving forward.
- 5.31 The proposal includes landscaping alongside more concentrated buildings within the site to ensure that the appearance is tidier and organised drastically improves the impact on openness.
- 5.32 For a visual representation, the architect has provided a 3D image of the proposed site. When this is compared to the existing situation on site it is clear that there will be less of an impact, and therefore an improvement, on the openness of the Green Belt.



Proposed 3D image of proposal



Aerial Image 03/2022

5.33 When the fall-back position, the lawful buildings and the current condition of the site is considered, it is clear that the proposal will have significantly less impact on the Green Belt.

- 5.34 The proposed infrastructure is to be proposed in green to reduce the impact on the Green Belt. The landscaping of the site also assists in ensuring that the site is greener, more vegetated and has less impact.
- 5.35 The Council stated in their previous refusal that they had concerns with the sprawling of development on to the remainder of the site. It is agreed that the current location has sprawled. However, approval of this application ensures that the applicant can lawfully organise the site in a more productive manner and reduce the unlawful sprawling that has occurred outside of the application site (red line). Again, the Council will then have the option to control on the sprawling additional areas if these are not reduced after approval of this submission.
- 5.36 If this permission is granted, the lawful history of the site will be considered within this application and approval. Therefore, it will be easier for the Council to control any additional sprawling on site.
- 5.37 Therefore, the applicant asks the Council to help and assist in them being able to tidy the site and reduce the amount of sprawl that is currently on site.

Green Belt: Very Special Circumstances

- 5.38 The NPPF, at paragraph 147, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. '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.
- 5.39 The proposed workshop building, office and sheltered storage are essential to the operation and future success of the business as they

provide a suitable area to work and store goods in all weather conditions. This reduces the amount of damage on the cars on the site (damaged stock), improves the safety of the workplace and will improve the productivity of operations.

5.40 The necessity of these structures has been shown by the retrospective nature of this application, the proposed buildings are required for the efficient operation of the business and commercial use as well as the safety of workers on the site, providing security and welfare locations for its employees.

5.41 These buildings are considered absolutely necessary for the continued operation of this rural business. It is stated within the supporting objectives in relation to the Green Belt (page 81 of the Local Plan) 'opportunities for the development and enhancement of sustainable rural communities and a sustainable rural economy' must be supported.

5.42 Therefore, we argue that these additions should be considered acceptable in principle as they support a rural business whilst, due to their temporary nature, they have no adverse impact on the Green Belt.

5.43 In addition, supporting a rural economy is also encouraged in chapter 6 of the NPPF where it states that 'planning policies and decisions should enable:'

a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

b) The development and diversification of agricultural and other land based rural businesses.

- 5.44 It is important to consider that if this rural business is not supported, this will lead to a reduction of jobs within the borough and a loss of economic growth.
- 5.45 As alluded to above, the proposals partly provide safe and secure workspaces and access around the site. Therefore, the proposals drastically improve the safety of the working environment considering all states of weather. This is a material consideration in providing sufficient workspaces which are safe and large enough to facilitate the need on site.
- 5.46 The above comments are formulated into a list of special requirements (which also refers to the discussion within above sections)
1. The rural business requires a permission to regularise the site and reduce sprawl and tidy the site.
  2. The rural business should be prioritised with decisions seeking to retain this.
  3. There are multiple certificates that could be obtained for portions of the site, all of which make up a fall-back position which must be considered as per planning case law.
  4. It has been evidenced that commercial uses have been established on site. Some buildings are required to ensure the safety of staff as well protecting tools and goods. These units are required to protect these elements in light of the viability of the business.
  5. The proposal moves operations away from the scheduled monument whilst providing access to this. The proposal ensures a green barrier is provided around the monument in which no work will be able to take place around the monument.

6. The proposal moves operations away from the neighbouring dwelling to ensure amenity impacts are reduced.
7. The Council have the ability to control the site if the application is approved (opening hours, further enforcement action with the fall-back arguments not being relevant etc).

### Summary of Principle

- 5.47 In conclusion it is evident above that there is a fall-back position which must be considered in relation to this application. When this fall-back position is considered alongside the proposal, the impact on the Green belt is no adverse when compared to the existing status of the land.
- 5.48 The proposal also contains elements (landscaping/relocation) which ensure that the proposal has less impact on the Green Belt than previously, or as the existing site does.
- 5.49 Multiple Special circumstances are also listed to highlight that, on balance, the proposal is acceptable under Green Belt policy.
- 5.50 **Character and Appearance of the Area:** As discussed above, the building will be green clad to ensure that there is less impact on the Green Belt. Landscaping will also be included within the proposal.
- 5.51 Buildings are proposed to be 'barn like' in appearance to ensure that they look rural and potentially even agricultural in nature minimising the impact on the Green Belt.
- 5.52 The use of the site will not change, and screening protects the view of the proposed buildings from Thoby prior. The site is accessed from a private road and therefore there is no adverse impact on the street scene.

- 5.53 The appearance of the site will be similar to the previous built form; however, buildings will be located closer together ensuring that the spread of development appears to be significantly less.
- 5.54 **Heritage and Conservation Impacts:** The Thoby Priory remains were statutorily listed as grade II on 29 December 1952. The Site also accommodates the Thoby Priory scheduled ancient monument (shown below).
- 5.55 Firstly, a separate heritage report has been submitted in support of this application addressing these elements in detail. Therefore, these will not be repeated in detail within this planning document.
- 5.56 The heritage report states that the works are proposed to improve the tidiness of the site in order to improve the preservation of the heritage asset.



- 5.57 Policy C16 states that proposals for development in the vicinity of listed buildings will not be permitted if they impact the setting of the building.
- 5.58 The proposed buildings are replacements and thus cannot be considered to have a greater impact on the setting of the listed building than those that are to be demolished.
- 5.59 The building has been moved away from the monument with landscaping ensuring the future viability of the asset.
- 5.60 When these factors are considered alongside the lawful use of the land and the additional comments raised by the external heritage consultant. It is viewed that measures have been taken to ensure that the future viability of the monument is retained and also enhanced in line with the NPPF.
- 5.61 There are also public benefits in that access is now being provided to the monument on site whilst it is proposed that signage is also conditioned to the application to make people aware of the monument's existence. There is then scope for people to utilise the monument in accordance with chapter 16 of the NPPF (2021).
- 5.62 **Residential Amenity:** The proposed development does not result in any adverse impacts upon the amenity of adjoining residents in terms of overlooking, loss of privacy or overbearing impact especially as built form will be moved from the boundary of Thoby Prior to other areas on the site.
- 5.63 This application ensures that the proposed noise that is generated will be focussed to the west side of the site ensuring that, when compared to the lawful fallback and existing situation on site, the impact is less.



- 5.64 If the impact is deemed to be less than the lawful option and fall back, it must be viewed to be acceptable.
- 5.65 Any guard dogs or security will be restricted to only two employees and will be located to the east of the site to also improve any impacts.
- 5.66 Overall, the impact on residential amenity will be improved from the existing and lawful situation and the Council will be able to impose any relevant conditions. This represents a benefit of the proposal.
- 5.67 **Trees and Landscaping:** Existing trees on the site have been removed to facilitate the erection of the proposed workshop area and portacabin office. These are shown on the site plan above. These trees were small and insignificant in relation to the site with their removal improving access around the site. The removal of the trees has no negative impact on any surrounding residents/owners/businesses.
- 5.68 The removal of trees was seen to be acceptable within the previous submission and as such, it is asked that it is again viewed in this manner.
- 5.69 **Transport and Parking:** No changes are proposed to the access ensuring that this is not an issue in regard to this scheme.
- 5.70 A previous refusal reason related to the amount of parking that is required on site. The existing business currently has 70 Employees whilst the proposal ensures that the site will have circa 100 employees. However, only 60% of these will be on site per day due to rotation shifts/temporary staff/delivery staff. Therefore, the proposal ensures that 66 staff parking spaces are provided on site alongside 36 customer spaces. A total of 102 car parking spaces.
- 5.71 This is a suitable number of spaces with some excess spaces proposed.

- 5.72 These formal spaces will be laid out on the hardstanding and will ensure that the proposal complies with parking standards, alongside ensuring that the site can be utilised in an effective manner.
- 5.73 **Drainage and SuDS:** The site lies within Flood Risk Zone 1. The proposed development utilises land that is mostly already hard surfacing. It is proposed to collect run off rainwater from the development in the existing 30,000 litre capacity water tank. The water will be utilised through working operations.
- 5.74 Furthermore, permeable surfaces will be used for the implementation of hardstanding to ensure that no drainage issues of surface water impact the site itself or neighbouring sites.
- 5.75 **Ecology:** The proposed development will have no adverse impact upon ecology within, or adjacent to, the site. The development will utilise land that is already developed, is PDL and is currently used for storage within the commercial business.
- 5.76 It was also confirmed within application, 15/00527/OUT, via an external ecology assessment that confirmed that the site has a negligible to low ecological value whilst it was confirmed that the demolition of the existing buildings would have no significant negative impact.
- 5.77 It was confirmed in the previous submission, submission, 20/01142/FUL, that there was no impact in relation to ecology and we ask that this submission is viewed in the same light.
- 5.78 **Community Infrastructure Levy:** The proposed development is not CIL liable due to the proposal replacing existing floorspace within the site with the increase in floor are not being above 100 sqm. The relevant forms have been completed and submitted with the application

## 6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents. It is evidenced that the proposal is acceptable in line with Green Belt policy; whilst sufficient very special circumstances are also relevant to ensure that the proposal is acceptable.
- 6.3 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

APPENDIX 1: Historical Imagery Photo sheet



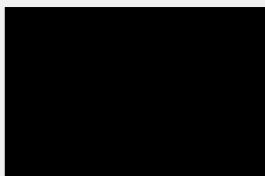
| CIL  
| Enforcement  
| Land Promotion  
| Planning  
| Sequential Tests  
| Viability

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