



PLANNING STATEMENT

In respect of a planning application for the continued use of land for storage associated with C&L Construction Ltd at:

Hemingstone Fruit Farm, Main Road,
Hemingstone, IP6 9RJ

CONTENTS

1.0	Introduction	3
2.0	The Site and Proposal	4
3.0	Planning History	5
4.0	Planning Policy Context	5
5.0	Planning Considerations	6
6.0	Planning Balance	12

1.0 Introduction

- 1.1 This statement is prepared in support of an application for planning permission for the continued use of land at Hemingstone Fruit Farm for storage associated with the existing operator at this site.
- 1.2 It will consider the planning policy position and provide an overview of the relevant material considerations relating to the proposed development.
- 1.3 The extract below shows the location of the site relative to nearby development.

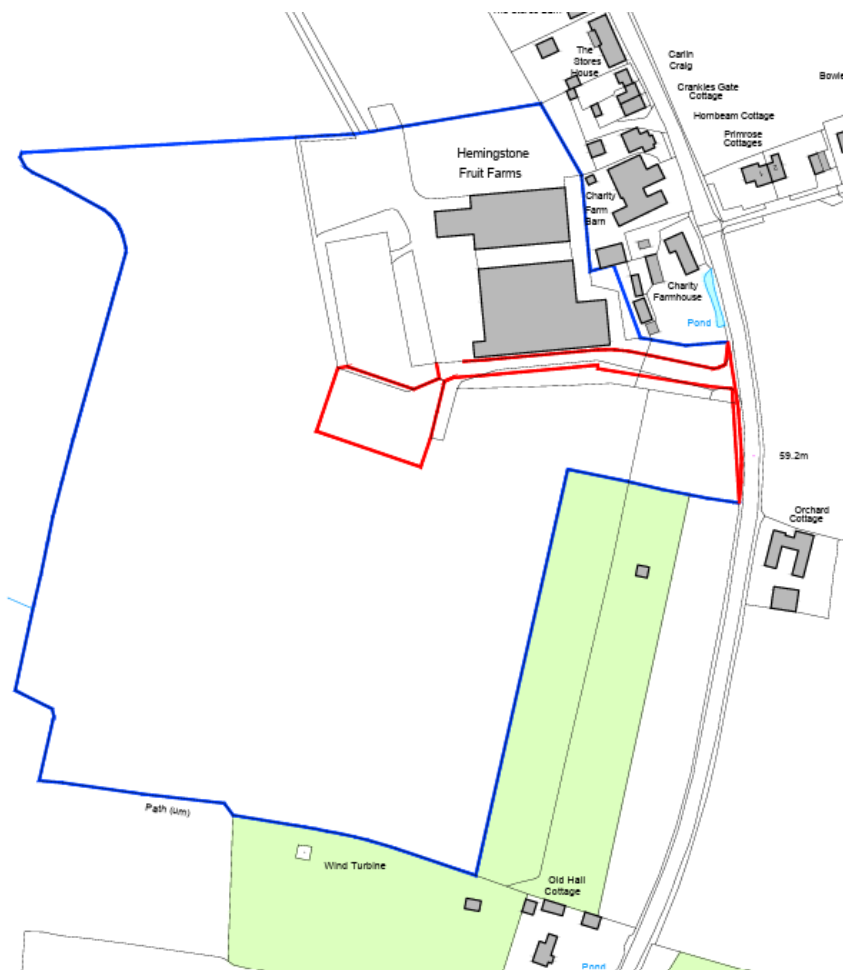


Image 1: Location Plan

- 1.4 As will be made clear through this statement, this use has already commenced and this application is thereby made in retrospect. The layout provided on the submitted block plan (plan reference 1820-70) is, therefore, both an existing and proposed arrangement.

2.0 The Site and Proposal

- 2.1 The application site comprises part of the former Hemingstone Fruit Farm, situated to the west of Main Road, Hemingstone, as indicated by the extract at paragraph 1.3 above.
- 2.2 The wider site was formerly used for fruit growing, and included to the southeast of the red line proposal site, a range of storage, warehouse, packing and ancillary buildings. These buildings are largely to the rear of a small cluster of established residential development immediately adjacent to the road, with further residential clusters to the north around the Church Lane, and the junction of Main Road, and Lower Road, B1078. Main Road Hemingstone itself is a class C road.
- 2.3 In 2019, planning permission was sought and granted for a development described as *“Continued use for storage and distribution (Class B8) and builders' yard (sui generis) including associated offices”*. That proposal excluded this area of land, as shown below.



- 2.4 The land is unconstrained by any landscape designations, is not within a Conservation Area, is not known to be contaminated, comprises an area of hardstanding of no habitat value and is not liable to flooding.

2.5 The proposal comprises the continued use of this land for the purposes of storage associated with the occupation of the site by C&L Construction. The proposal seeks, therefore, additional storage space aligned to the use of the remainder of the site.

2.6 No new buildings are proposed and the use gives rise to no additional parking requirements.

3.0 Planning History

3.1 In 2016, a Certificate of Lawfulness was sought and granted for the “*Continued use of farm and buildings for the storage of fruit produced off site and onward distribution*”. This included the land upon which the current proposal is now made.

3.2 As detailed above, a subsequent planning application was made in 2019. That permission was implemented. Whilst the *suis generis* use remains, as does the principle B8 use, and its associated offices etc, some of the B8 use has since 2019, been converted to smaller B1 units (now class E(g)), as is permitted by Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development)(England) Order 2015 (and as subsequently revised). Neither formal approval nor a certificate of lawful development have yet been sought in respect of this change.

3.3 This proposal is made alongside a separate application for part of the site to be used for the parking and operation of private ambulances.

4.0 Planning Policy Context

4.1 The revised National Planning Policy Framework was published in December 2023. It sets out the Government’s planning policy and is a material consideration when determining planning applications. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF.

4.2 The Council has recently adopted their new Joint Local Plan (JLP) Part 1. The following policies from the JLP are considered to be relevant to this proposal:

- SP01 – Housing Needs
- SP03 – The Sustainable Location of New Development
- SP05 – Employment Land
- SP09 - Enhancement and Management of the Environment
- SP10 - Climate Change
- LP09 - Supporting a Prosperous Economy
- LP15 – Environmental Protection and Conservation
- LP16 – Biodiversity & Geodiversity
- LP17 – Landscape
- LP19 – The Historic Environment
- LP23 – Sustainable Construction and Design
- LP24 – Design and Residential Amenity
- LP29 - Safe, Sustainable and Active Transport

4.3 These policies will be considered, wherever relevant, in the following chapter of this statement.

5.0 Planning Considerations

Principle of Development

5.1 Paragraph 10 of the Revised NPPF states *“So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”*.

5.2 The site forms part of the land used by the fruit farm that historically operated from the site. Chapters 14.02 and 14.03 of the Joint Local Plan (JLP) state that:

“14.02 The economic base of the Districts comprise a wide range of employment sites and units ranging from the large strategic employment sites to small sites, often occupied with small and medium sized enterprises (SMEs), located across the Districts and sometimes outside settlement boundaries. Many sites have grown organically over time responding to changes in demand and new opportunities. The aim of the Plan is to maintain a suitable diversity of employment sites to meet current and future economic needs in a sustainable way.

14.03 The Plan also provides flexibility to support small scale employment use and flexible working practices. The predominantly rural nature of the Districts means that there are many small scale businesses, often within agricultural complexes and also within residential curtilages in both the towns and the wider countryside. This is an important component of the Districts’ economic sustainability and diversity. The purpose of the policy is to provide a consistent framework to enable such uses to be regularised where it is considered necessary and appropriate to do so”.

- 5.3 The content of paragraph 14.03 could not be more relevant to this proposal. The site comprises a former agricultural facility that now provides for small scale business purposes. The site has long played an important role in the economic sustainability of this rural area, contributing jobs, economic contributions and supporting other private and public services indirectly.
- 5.4 The Council’s position since the adoption of the JLP is understood to be that their policies do not support new employment uses, or the expansion of existing uses, outside of strategic locations in their districts. This appears to be a short-sighted approach that does not align at all with the content of paragraphs 14.02 and 14.03. There are many examples of existing, long-established, rural businesses that fall outside of those sites which have successfully diversified or allowed additional commercial uses to occur on their sites that have assisted in their sustainability and viability. Had those additional uses not been allowed, then those sites would now sit redundant, offering no benefit to anyone and contributing in no positive manner to the economy or the character of the area. Finding uses that can co-exist on existing sites such as this should, therefore, be something that should be considered critical to delivering sustainable rural economies.

5.5 Indeed, that position is recognised through the NPPF, where paragraph 88 identifies that:

“88. 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, beautiful new buildings;

(b) the development and diversification of agricultural and other land-based rural businesses;

(c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

(d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

5.6 There is nothing in this paragraph that identifies that confirms that growth and expansion of existing businesses must be limited to the nature of that existing business and, indeed, reference is also made to diversification of agricultural business which clearly confirms that differing uses would be applicable. However, in this case the proposal does relate to the existing use. It supports and supplements the existing land use and thereby helps to support and sustain the existing jobs that it offers. Paragraph 85 of the NPPF provides that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

5.7 Paragraph 89 identifies that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).

- 5.8 It is clear, therefore, that national policy supports the expansion and diversification of existing rural businesses, promotes significant weight to be given to economic growth and identifies that sites outside settlement boundaries will be required to facilitate some such uses.
- 5.9 The use proposed here supports the existing business. It is the applicant's position, therefore, that the principle of this use is entirely appropriate here, gives rise to no tangible harm to any material matters (as considered later in this chapter) and provides a logical expansion of the operations here in a manner that helps sustain the viability and vitality of this business.

Impacts on Amenity

- 5.10 The use hereby proposed is for the storage of equipment and materials related to the activities of C&L Construction. The use is not intensive and does not give rise to significant levels of movements each day. It is sited well away from residential gardens and can be accommodated without harm to residential amenity.

Design and Layout

- 5.11 Chapter 12 of the National Planning Policy Framework (NPPF) sets out the Government's aims to achieve well-designed places.
- 5.12 It states (paragraph 131) that:

"131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this".

- 5.13 Policy LP24 of the JLP seeks to ensure the delivery of high-quality design. It provides a lengthy set of criteria that aim to secure this objective. The application of this policy to all development proposals is noted, but it is to be recognised that there are elements of the policy which will

not apply to each and every proposal (the layout considerations for a new housing estate will, obviously, be very different to those that result from an extension to a dwelling and the criteria should therefore be applied proportionately). What follows is, therefore, an assessment of the proposal relative to the general (applicable) criteria in the policy rather than an assessment of each individual criteria in turn.

- 5.14 The proposal provides for no new built form and simply utilises an area of land that was previously underused. The proximity of this land to the operational elements of the business is such that the use would readily align with the existing operations, enabling the use to be consolidated into the existing operations.
- 5.15 The layout of the site facilitates access for equipment and materials to be stored here and enables easy access from the offices. The amenity impacts of the proposal have already been addressed, and the proposal does not require any additional infrastructure as it is already operational.
- 5.16 The proposal thereby complies with the relevant elements of policy LP24.

Flood Risk

- 5.17 The site lies wholly in Flood Zone 1 and is not, thereby, at risk of flooding.
- 5.18 There is also no known evidence of surface water flooding on the site.

Heritage Impacts

- 5.19 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities to have special regard to the desirability of preserving listed buildings and their settings (Sections 16 and 66).
- 5.20 Section 16 of the NPPF sets out the Government's position on the conservation and enhancement of the historic environment.

- 5.21 The site is not within a Conservation Area. The nearest listed building, Charity Farmhouse, is located to the east of the site, but is separated from the application site by the existing building and partly by the parking area also. These provide a significant screen between the application site and the listed building such that the proposal can be accommodated without any impact on the listed building.
- 5.22 The proposal has, therefore, demonstrated cohesion with the historic environment here and raises no harmful effects to heritage assets. In this regard, compliance is thereby demonstrated with policy LP19.

Sustainable Development (NPPF Three Objectives)

- 5.23 Paragraph 8 of the NPPF sets out three objectives for achieving sustainable development:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.

- 5.24 From an economic aspect, there are significant economic benefits resulting from the reuse of this former agricultural site for commercial purposes, delivering to the local economy through securing employment and involvement in community activity. The use will continue and facilitate the occupation of the adjacent buildings also, providing an income for this land that

supports the adjacent business. It is, therefore, considered that the economic objective of sustainable development is met by this proposal.

- 5.25 The continued provision of employment on this site, which is supported by this proposal, are social benefits resulting from this proposal. The site is a long established commercial enterprise, and protecting the employment it generates is socially beneficial.
- 5.26 With regards to the environmental elements of the proposal, the proposal makes use of an underused area of land where there is no detriment recognised to environmental aspects such as flooding, contamination, residential amenity, highway safety or biodiversity.
- 5.27 As such, it is felt that the proposal demonstrates a cohesive approach to sustainability that complies with the NPPF and is in line with the way in which the dimensions of sustainable development are applied by Planning Inspectors and the Planning Officers alike.

6.0 Planning Balance

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
- 6.2 The development plan comprises of the Part 1 Joint Local Plan, adopted in November 2023. The JLP appears to offer no support for the expansion of existing rural businesses, a significant conflict with the provisions of the NPPF which provides for sustainable growth and diversification of rural businesses. The applicant considers, therefore, that both the extensive benefits and the absence of harm resulting from this proposal are important material considerations here which, along with the NPPF, provide overriding reasons to approve this proposal.

- 6.3 Other material considerations that are relative to the determination of this application have also been satisfactorily addressed (including design and layout, highway safety, residential amenity impacts, heritage impacts and flood risk) such that they have been found to comply with the provisions of the NPPF and the relevant development plan policies.
- 6.4 The proposal has also been considered in the light of the presumption in favour of sustainable development and is found to be a sustainable development. It demonstrates economic and social benefits and gives rise to no environmental harm.
- 6.5 For all of the above reasons, the LPA is requested to support this proposal and grant planning permission in the terms requested.