

Comments Template

Title of theme that you are commenting on
PLANNING POLICY
Brief summary of areas of concern/challenge
<p>The conflict with Planning Policy seems to boil down to a number of key concerns :</p> <ol style="list-style-type: none">1. Definition of Local2. Definition of essential need3. Requirement for a countryside location4. Sustainable development in relation to location.5. Subordination of the farmstead to the new non agricultural Operations.6. Effect on the tranquillity and character of the area7. Effect on the quality of the landscape8. Highways and highway safety
Detailed comments/areas of challenge/further questions to raise with CDC planning officer – to include document and page references if appropriate. Please draw out specific questions/queries to be drawn to the planning officer’s attention.
<p>Issue 1 <u>Policy 45 Development in the Countryside</u> Requires a countryside location and must meet:</p> <ol style="list-style-type: none">a) essential needb) small scalec) local need, that cannot be met within or immediately adjacent to existing settlements. The proposal must be well related to the Farmstead. <p>The proposal must be complementary to a viable agricultural operation and not prejudice any viable agricultural operations.</p> <p>The scale must have minimal impact on the landscape and rural character of the area. Local/ Small scale Farm shops would sell goods that have predominantly been produced on the Farm.</p> <p>There is an objective of achieving a sustainable Countryside.</p> <p>Comments</p> <ol style="list-style-type: none">1. The applicant seems to want to redefine “local” to include the complete district, extending to what otherwise would be considered regional as opposed to what an ordinary reader would consider to be which is an area in close radius to the application site.2. The applicant appears to be seeking to redefine what they call an essential need. They consider the 'need' to remediate the environment of Crouchlands Farm to provide adequate “need” qualification thus meeting this requirement. I would suggest that the 'remediation which they refer to be that element of the works which was subject to an

enforcement notice and as such a legal requirement, with other works being no more than maintenance and land management which is part and parcel of responsible land ownership.

3. Regarding the requirement for a Countryside location the applicant notes that 'some businesses require a rural location e.g growing viticulture'. However the application makes no reference to vineyards, the growing of grapes or wine production within the documents. The suggested uses do however included :-

Food Producers

Bakers

Ironworkers

Woodworkers

Jewellers

Craftsman

The uses will include :-

Office Units

Light Industrial Units

Educational Accommodation

Laboratories

Conference Facilities

No valid reason has been provided to explain why any of the suggested users or uses require a countryside location, which will require the import of raw materials, the export of finished goods and transportation of large numbers of people to and from the site. This couldn't be considered sustainable, being located in such a remote location away from population centres requiring access via narrow and single track roads. The only realistic means of transport would be by cars, vans or lorries down narrow country lanes which are away from A and B roads resulting in a loss of tranquillity and reduced residential amenity. All these factors were important considerations in the Biogas appeal decision.

4. The Farmstead element of the proposal is reduced to a single building being retained for Agricultural use. The proposed development is unrelated to the retained Farmstead and none of the proposed users, other than the single Farm shop, supports the Farming activities. Crouchlands is a Farm and small scale diversification should support and complement the farms primary function as an agricultural farming unit producing food. The effect of this proposal is that the remaining farm operation becomes subservient to the industrial, commercial, retail and equestrian activities on the site.

5. The applicant provides no evidence of local demand for food producers, bakers, ironworkers, woodworkers, jewellers or "craftsmen". Similarly no evidence of local need is provided for office units, light industrial units, education accommodation, laboratories or conference facilities.

6. Rather than supporting the viable agricultural operations of the existing Farm, the removal of the majority of the existing agricultural buildings from the productive agricultural operations would in fact prejudice the viable operation of the Farm. For example the removal of the large proportion of the existing agricultural buildings would severely restrict over wintering accommodation and remove storage facilities for bedding and feedstock etc, thereby restricting the livestock that the Farm could accommodate. Within the Biogas Appeal decision the Inspector noted that a farm's primary purpose should be the growing of food. Therefore the applicant has not demonstrated it meets Policy 45.2

7. Whilst removing existing sound agricultural buildings from agricultural use the application seeks to construct new buildings that are unrelated to agricultural use. Therefore the applicant has not demonstrated it meets Policy 45.3.

8. There is concern that the applicant has not considered the impact of the proposed retail, office, light industrial and equestrian development on existing local businesses. No evidence of such consideration has been provided. Therefore the application has not demonstrated it meets Policy 45 .2

ISSUE 2 Policy 25 Development in the North of the Plan Area.

Provision is made for small scale development that will :-

a) Conserve and enhance the rural character.

b) Conserve and enhance the quality of its Landscape.

c) Conserve and enhance the natural and historic environment.

d) Safeguard existing local facilities.

e) improve accessibility to nearby facilities outside the North plan area. This requirement in itself would indicate that the LPA consider that centres outside the area should continue to provide the facilities and that public transport/communication routes should be improved. The policy allows small scale developments that address local employment needs and supports the Village facilities. It provides for only limited growth.

1. The applicant suggests that compliance with this policy is achieved by remediating the actual site and seeking to restore the remote tranquil character. This ignores the fact that much of the 'remediation' was in fact compliance with enforcement notices relating to the previous unlawful use of the site with the remainder of the 'remediation' relating to normal maintenance and management of land undertaken by any responsible land owner.

2. The improvements to which they refer relate to the application site only and make no reference to the area beyond. The application fails to explain how a massive increase in traffic can enhance rural tranquillity or how 15,169m² of new/converted non agricultural floor space, 390 car parking spaces, 126 HGV parking spaces plus unspecified number of overflow parking spaces and 105 secure cycle shelter spaces will respect the natural environment and landscape and enhance the remote and tranquil rural character for the area.

3. None of the proposed uses provide a local or community offer or serve a local need - it provides a venue or destination drawing people in from outside the local area. This is reflected in the significant size and scale of car park provision.

ISSUE 3 Policy 2 Development Strategy and Settlement Hierarchy

The application site being an area outside the defined settlement boundary and rural in character, requires that any development is limited to that which requires a countryside location or meets an essential local rural need.

1. Other than the single building retained for Farming operations we are advised that the users and uses consist of :-

Food Producers

Bakers

Ironworkers

Woodworkers

Jewellers

Craftsman
Office Units
Light Industrial Units
Educational Accommodation
Cookery School.
Laboratories
Conference Facilities

None of these users or uses require a Countryside location. Similarly no evidence has been provided to show that such users or uses meet an essential local and rural need.

ISSUE 4 Policy 3 The Economy and Employment provision

This policy sets out growth and does state “planning to provide a wider range of local employment in rural parts” but goes on to state “.....small-scale employment development or live/work units, including extensions to existing sites in rural areas, may be identified in neighbourhood plans or permitted in appropriate circumstances where commercial demand exists. i.e. small scale and in appropriate circumstances.” The proposed development could not be regarded as small scale and demonstration of commercial demand has not been shown to meet Appendix E of the Local Plan.

ISSUE 5 Policy 39 - Transport, Accessibility and Parking

It is necessary to consider the impact of a new development on the existing transport network, how it links to the network and impacts of Highway safety. The development is to be designed to minimise additional traffic generation and movement and should not create or add to problems of safety.

1. Setting aside the predicted traffic assessment, which is considered separately, we would suggest that a requirement for 390 car parking spaces and 126 HGV/ Horsebox spaces and unspecified overflow parking in itself demonstrates a high level of traffic generation and movement in what is acknowledged to be a rural tranquil area. Many of the local planning appeal decisions have identified the main issue as being the effect of even relatively minor developments on the character and appearance of the area and the sustainability of such developments due to the limited accessibility.

2. The policy encourages development that can be accessed by sustainable means of transport. Again 390 Car parking spaces and 126 HGV parking spaces plus additional overflow parking would suggest the contrary. The application site is located in a remote area being away from population centres with the only realistic means of access for the vast majority of potential users being by motor transport.

ISSUE 6 Policy 55 Equestrian Development

1. Existing buildings are to be reused where possible.

None of the existing buildings are being considered for reuse for equestrian purposes. The equestrian complex is completely new build with no apparent consideration having been given to repurposing existing agricultural buildings for equestrian use ?

2. There is minimal visual impact on the landscape.

With 8108 m² of enclosed floor area and 4800 m² of outdoor arenas plus access roads, 126 horsebox parking spaces and 157 car parking spaces plus access roads and tracks, the

equestrian centre would have a major impact on both the immediate landscape and that of the surrounding area. The fact that a traffic management plan will be provided indicates the volume of traffic such a facility would produce and the impact such traffic will have on the landscape.

3. The inspector for the Biogas appeal noted that the primary purpose of Agricultural land should be for growing food. This proposal would result in considerable loss of agricultural land.

4. The proposal must protect the safety of all road users. The evidence of 126 horsebox parking spaces, 157 car parking spaces and a requirement for a Traffic Management plan suggest that other priority road users being walkers and runners using the roads with no pavements, cyclists and local horse riders, will all face substantial additional traffic and be subject to considerable additional safety risks. This was an important consideration in the Biogas appeal.

5. The proposal does not lead to the need for additional housing on site.

The stables are of a size that there is apparently an essential requirement for 4 residential units. We might be arguing semantics but a unit in which someone lives would normally be considered housing which therefore does not comply with Policy 55.

ISSUE 7 Policy 40 - Carbon reduction Policy

There are 10 points the developer must demonstrate all have been considered, Point 7 states “ the historic and built environment open space and landscape character will be protected and enhanced” Point 9 state ‘the development is appropriate and sympathetic in terms of scale height appearance ... and is sensitively designed to maintain the tranquillity and local character and identity of the area and Point 11” reduce impacts associated with traffic and pollution will be achieved”.

The proposed development is very large (as stated above) with modern buildings which are not constructed in the local vernacular (traditional build). Given the size of the development and in order for the development to be economically viable it will require a very large number of visitors and associated service personnel, the majority of whom will need to assess the site by motor vehicle. This will increase impacts associated with traffic and pollution and must be considered against the tranquil rural and historic environment. It is considered the applicant has not demonstrated how the development would meet these points in the policy.

ISSUE 8 Policy 31 Caravan and Camping Sites

Glamping is but another name for camping and this includes the use of yurts.

Must demonstrate compliance with 5 criteria:

1 Meet a demonstrable need. The applicant has not shown evidence of need to demonstrate high demand on existing sites , as set out in guidance in Appendix 5. They have given a list of sites in the area , the facilities and costs to stay overnight, but this does not demonstrate demand / need.

3. New sites should be Sensitively sited and designed to maintain the rural tranquillity and character of the area. The PC should consider if 21 glamping units with unknown number of occupants , (42?, 84 ? Not stated in the documents) would impact tranquillity especially if coupled with use of Hardnips Barn as a wedding venue. Would it impact local residential amenity and impact the sensitive ecology and biodiversity of ancient woodland? The ability to control noise from occupants and proposed use of Hardnips barn, use of lights, movement around and through the site would be difficult to achieve by the applicant. Particularly if alcohol and music is involved.

ISSUE 9 Policy 48 Natural Environment

1. This policy requires that there is no adverse impact on the tranquillity and rural character of the area.

The new development will consist of 15169m² of industrial, commercial, retail and equestrian facilities with a further 4500m² of arenas, 390 car parking spaces and 126 horse box/HGV parking spaces together with overflow parking and access roads both onto and around the site giving a total developed area of 65000m². Even if the facility remains empty and is never used it would have a major detrimental effect on the character of the area and in use would have a major impact on the rural tranquillity.

2. The applicant argues that the area has been an industrial site and does not display the remote, tranquil character that is typical of the low weald.

The site has been the subject of unlawful operations and the applicant acquired the site in full knowledge of its condition and the enforcement notices that were attached to the land requiring the decommissioning and removal of the unlawful plant and associated restoration site works. Such works were a legal requirement with any other works being normal land management and maintenance as undertaken by any responsible land owner. No credit should be given for such works. This is no different to a householder decorating the outside of their house, changing their rotten windows or undertaking a myriad of other maintenance works then seeking to use such maintenance works as justification for a change of use.

3. There have been many planning appeal decisions in the Parish that recognise the tranquillity and rural character of the area. We would reference the appeal decision relating to Hardnips Barn, where a wood store had been erected without planning permission. Within the Appeal decision the Inspector commented on the areas of undeveloped open countryside, interspersed with other tracks of woodlands of varying sizes. The inspector noted that this gave the surroundings a secluded rural character and appearance. The Inspector concluded that the erection of a relatively modest wood store failed to recognise the distinctive local landscape character and sensitivity and failed to respect and enhance the landscape character. Similarly with the Biogas appeal the Inspector noted that whilst the impact of the unauthorised development was restricted to a relatively small local area, it was still considered to be detrimental to the identified rural character of the surroundings.

General Points

1. The scheme, if approved, would result in the Farming activities and operations becoming completely subservient to the non agricultural uses of the site. Rather than a Farm with some small scale associated activities to support the prime agricultural function and viability of the Farm, it becomes both a major commercial, industrial, retail centre and international standard equine centre that has some small element of residual Farming activity. Crouchlands would become a "Landmark destination" in itself seeking to appeal to a regional and in the case of the Equestrian Centre a National Market. It would become a destination that is located in what is acknowledged to be a remote and tranquil countryside away from A and B roads requiring motorised access via narrow and single track roads.

2. The Application does not include a Agricultural Appraisal and needs Assessment against which both the application proposals and farmstead could be considered.

3. It has been noted that the Rural Food and Retail Centre would be utilised to sell produce, including organic food and beverage, which would be subject to on site production. The application is vague as to the definition of "on site production" and fails to explain if this means grown/ reared on site or grown/ reared in other locations and brought to the application site for industrial processing and packaging. The Parish Council requests clarification on this matter particularly, as it has previously understood CDC's policy to require a high proportion of the goods sold on the Farm to have been "produced" on the Farm. The Parish Council would suggest that a clear statement as to the Applicant's intent and a definition of the term "produced on the Farm"

4. There have been numerous dismissed Planning Appeals Decisions that reinforce the unsuitability of the local area to such a development. By way of example, and using Dismissed Planning Appeal Decisions from within the Parish of Plaistow and Ifold. We note the following :

a) Sparrwood Farm, APP/L3815/W/20/327113 Decision 19/5/2021 relating to the proposed erection of a Stable Barn and 25 X 50m Ménage. The main issue is considered to be the effect of the proposed development on the character and appearance of the area. It was noted that the scale and bulk and height of the proposed Barn would be significant and visually prominent and as a result would have a harmful and detrimental impact on the character and appearance of the area. It was noted that it would have significant visual impact on the site's rural setting and the areas established landscape character. The Inspector noted that the appeal site made a positive contribution to what is an attractive rural landscape surrounded by ancient Woodland and the benefit of extensive views from various public vantage points and concluded significant harm to the character and appearance of the open countryside and landscape character of the area would be contrary to Policy 45, 48 and 55

b) Foxbridge Golf Club, APP/L3815/W/18/3206819 appealed decision 9/5/19 concerning a development for the construction of 10 dwellings and vehicular access to replace the existing Golf Club. One of the main issues was considered to be the effect of the development on the character and appearance of the Countryside. The Inspector noted that whilst the impact of the proposal on the landscape of the area may not be severe, the proposal would nevertheless have an adverse effect on the undeveloped character of this part of the countryside. It would be seen as a substantial built development in a rural setting from Public Rights of Way and buildings in the surrounding area. The Inspector noted the policy requirement to conserve and enhance the rural character of the area, a matter in which he found some harm. In addition the inspector noted that development would be heavily reliant on private cars and as such would not amount to sustainable development.

c) Little Wephurst, APP/L3815/W/18/3206331 Decision 17th January 2019 relating to the erection of single replacement dwelling. The main issue was considered to be the impact of the development of the character and appearance of the area. Where the Inspector noted that the massing and scale of the development would not be sympathetic to its setting and by virtue of the scale and massing, which could be viewed from several public vantage points and would have an adverse impact on the character and appearance of the area.

d) HardnipsBarn, APP/L3815/W/16/3150857 Decision 10th October 2016 relating to the erection of a wood store and garden store on land adjacent to Hardnips Barn. The main issue was considered to be the effect of the building on the character and appearance of the area and the effect of the building on protected species and ancient woodland. The Inspector

noted that the area consisted of undeveloped open countryside interspersed with other tracks of woodland of varying sizes giving the surroundings a secluded rural character and appearance not with-standing the proximity of the complex of large scale Farm buildings at Crouchlands Farm. The Inspector noted that the barn would be seen as an isolated and alien featuring a hitherto largely underdeveloped rural surrounding and concluded that the building caused unacceptable harm to the character and appearance of the surrounding area and as such does not conserve or enhance the rural character of the area and quality of the landscape. The Inspector further noted that an increase in the level of human activity at the appeal site as a result of the use of the single building and the use of artificial lighting in or around the building together with associated external storage would all cause a further progression of erosion to the secluded rural character of the surrounding countryside.

e) The Coach House, APP/L3815/W/15/3141476 Decision dated 25th May 2016. This related to a change of use to a Club for Fitness Training, Yoga, Spiritual Healing and Wellbeing. The main issue was considered to be the effect of the proposal of the character and appearance of the Countryside having regard to tranquillity and nearby Public Rights of Way and also whether the proposal would be a sustainable development. The Inspector noted that surrounding roads were lightly trafficked with the absence of any significant development and the surrounding character was resulting in a very tranquil area. The Inspector noted there would be sufficient parking for 25 cars, 10 motorcycles and 50 bicycles which indicated a significant intensification of activity within the tranquil area. The Inspector noted that based on the level of use indicated by the amount of proposed parking, the number of activities and intensity of use, the proposal would create the perception of a significant amount of activity on the site which would diminish the experience of those using the PROW in a tranquil area of the Countryside and would have an adverse effect on the tranquil and rural character of the area. The Inspector further noted that the facility would be reliant on private transport which is reflected in the proposed amount of parking and as such would run counter to the sustainable development aims of the local plan and policies.

f) Nell ball Farm, APP/L3815/W/15/3134837 Decision 22nd March 2016. This concerned the retention of an existing mobile home. The main issue was considered to be the visual impact of the development on the character and appearance of the surrounding rural landscape and concluded that the development would harm the character and appearance of the area conflicting with the Planning policies which require development proposals to enhance the character of the surrounding area with minimal impact on the landscape and rural character of the area.

g) Little Springfield Farm, APP/L3815/W/15/3129444 Decision date 1st March 2016. The appeal related to the proposals to demolish Industrial buildings and erect three dwelling houses. The main issues related to whether the development would be a sustainable development with regard to the accessibility and the effect of the proposal on the character and appearance of the area. The Inspector concluded that the proposal would result in significant changes to the character and appearance of the location and referred to the framework which notes that the intrinsic character and beauty of the countryside should be recognised.

8. Crouchlands Farm, APP/L3815/C/15/3133236 Decision 10th October 2017. Main issues related to Highways safety, living conditions of nearby residents and the rural character of the area. The Inspector noted the roads around Crouchlands Farm are narrow country lanes where traffic is likely to be restricted to the use by residents, the farm enterprise and occasional delivery vehicles and noted fears for safety caused through meeting lorries and walking on a road with no pavement or when riding a horse or bicycle on the carriageway. The Inspector further noted that in rural situations the impact on tranquillity, increased levels on intimidation and reduced residential amenity are experienced each time an HGV passes. The Inspector found that the vehicle movements proved dangerous to other road users and caused disturbance to local residents. Noise and vibration from the traffic would be unacceptable in this rural location and detrimental to the character of the area.
The Inspector also noted that the primary purpose of Agricultural land should be for growing food.