



**Planning Committee**  
**23<sup>rd</sup> July 2024**

<b>Application No</b>	:	24/00387/FUL Full Application
<b>Location</b>	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
<b>Proposal</b>	:	<b>Erect a cow barn</b>
<b>Applicant</b>	:	Mr Gary Sharp
<b>Agent</b>	:	Mrs Nicole Elkins
<b>Date Valid</b>	:	13th March 2024

## 1. INTRODUCTION

This application was considered at the Planning Committee meeting on 28 May 2024.

The Planning Committee resolved that the application be deferred to the next meeting as the Committee decided not to approve the application and Officers would report back on potential reasons for refusal in relation to the following matters:

1. Health concerns;
2. Pollution concerns;
3. Traffic generated by the proposal;
4. Large scale development out of keeping on a small field;
5. Four individual applications instead of one;

In accordance with the Council's Planning Code of Good Practice the application was deferred until the following meeting to allow consideration of the wording of the reasons for refusal, and for officers to advise on the implications of such a decision.

## 2. CONSIDERATION OF CONCERNS RAISED BY THE PLANNING COMMITTEE

### ***(1) Health concerns***

Members were concerned that the proposed development of this site would be harmful to the health of occupants of neighbouring properties. It was not expanded upon during the previous committee meeting what elements of the proposals would result in harm to health although odours from the keeping of cattle on the site was mentioned.

The keeping of cattle on agricultural land does not require planning permission. The proposed development which this application and the three associated applications relate to is for the construction of one agricultural barn per planning application. This application relates to Cow Barn 1.

The Council's Public Health and Protection Service (PH&PS) has been consulted in respect of the four applications and Officers from that service have not raised concerns regarding odours or health impacts arising from the proposed development.

Para 194 of the National Planning Policy Framework states:

*"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."*

Chelmsford Local Plan Policy DM29 – Protecting Living and Working Environments states that:

*"Planning permission will be granted for development proposals provided the development:*

*i. safeguards the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The development shall also not result in excessive noise, activity or vehicle movements; and*

*ii. is compatible with neighbouring or existing uses in the vicinity of the development by ensuring that the development avoids unacceptable levels of polluting emissions by reason of noise, light, smell, fumes, vibrations or other issues, unless appropriate mitigation measures can be put in place and permanently maintained."*

If Members are concerned that the odours arising from manure and the cattle on the site are harmful to the health of occupants of the development, it is necessary to consider whether this issue would occur from all four proposals or just the applications relating to the three cow barns.

The cow barns would all be located a significant distance from the neighbouring residential properties; there would be a minimum distance of 100m between Cow Barn 1, the closest cow barn proposed, and neighbouring properties. Cow Barn 2 and Cow Barn 3 would be positioned even further away from neighbouring properties. In addition, cattle would not be kept permanently in the barns and would be able to freely graze the field. As such, it may not be possible to attribute any potential odours to the presence of the proposed cow barns.

Notwithstanding this, if Members are minded to refuse the application in respect of odours generated by the proposed cow barn, the following reason for refusal is suggested in relation to this matter:

**Suggested Refusal Reason**

*Chelmsford Local Plan Policy DM29 relates to the safeguarding of living and working environments. The application documents do not contain sufficient information to demonstrate that the proposal for a cow barn would not generate odours which would be detrimental to the amenity of occupants of neighbouring residential properties.*

*The proposal therefore fails to comply with the requirements of Chelmsford Local Plan Policy DM29.*

## **(2) Pollution concerns**

Members raised concerns regarding pollution being generated by the proposed development.

Policy DM30 – Contamination and Pollution states:

*“A) Hazardous Substance Sites or Land*

*For developments on, or near to, hazardous substance sites or land which is contaminated or has a history of a potentially contaminating use, permission will only be granted where the Council is satisfied that:*

- i. there will be no threat to the health or safety of future users or occupiers of the site or neighbouring land; and*
- ii. there will be no adverse impact on the quality of local groundwater or surface water.”*

Concern was raised by Members regarding uncontrolled surface water runoff and the management of animal waste on the site which could lead to pollution of local watercourses.

Each proposed building would have an associated underground water tank which rainwater landing on the buildings would feed into. This collected rainwater would be used to provide water for the cattle on the site.

The only details provided in relation to the collection and storage of animal waste on the site is that the cattle will be housed on straw and cleaned out every 5-6 weeks. The waste would be removed from the site by tractor and trailer and used on a nearby arable field.

It is stated that cow urine is nutrient rich and is highly beneficial to soil by improving soil quality, promoting plant growth and refining agricultural practices by nutrient cycling. Cow urine is also a natural pest repellent and it is absorbed directly into the ground to the benefit of the grass.

Notwithstanding this, concerns were raised by Members in respect of waste products running off the site into the nearby watercourse and the impact that this could have on local water quality.

In common with the section above in relation to odour concerns, it is necessary to consider whether this issue of pollution would occur from all four proposals or just the applications relating to the three cow barns.

Notwithstanding this, if Members are minded to refuse the application in respect of surface water runoff and pollution generated by the cow barn, the following reason for refusal is suggested in relation to this matter:

### **Suggested Refusal Reason**

Policy DM30 – Contamination and Pollution states:

*“A) Hazardous Substance Sites or Land*

*For developments on, or near to, hazardous substance sites or land which is contaminated or has a history of a potentially contaminating use, permission will only be granted where the Council is satisfied that:*

- i. there will be no threat to the health or safety of future users or occupiers of the site or neighbouring land; and*
- ii. there will be no adverse impact on the quality of local groundwater or surface water.”*

*The application documents do not contain sufficient information to demonstrate that the storage and collection arrangements for animal waste, and that any associated surface water runoff, would not result in the pollution of nearby watercourses.*

*In the absence of this information, it has not been demonstrated that the cow barn complies with the requirements of Chelmsford Local Plan Policy DM30.*

### ***(3) Traffic generated by the proposals***

Members were concerned that the proposed development would generate a level of vehicle movements which would result in an intensification of the existing access to the site and the number of vehicles using Lower Stock Road, which would be harmful to users of Lower Stock Road.

Essex County Council (ECC), as the Local Highway Authority, have been consulted in respect of the four planning applications. ECC did not raise any concerns regarding the amount and size of vehicles which would access the site in association with the proposed development. They requested conditions were imposed on any approval to upgrade the existing access with Lower Stock Road.

Prior to the Planning Committee meeting in May, an Officer from ECC provided additional clarification of their comments. This clarified that the development site is served by an existing and long-established vehicular access and that the access has appropriate visibility splays for emerging and approaching vehicles in both directions to the east and west.

The application documents state that the daily vehicle movements associated with the keeping of cattle on the site would comprise a pick-up truck style vehicle visiting once in the morning and once in the evening to feed the cattle. Every 6-8 months cattle would be moved off the site and the manure would be removed every 5-6 weeks. The hay barn would be restocked once a year.

Para 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- b) safe and suitable access to the site can be achieved for all users;
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para 115 continues that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

ECC have not raised objections to the proposals on the basis of any impact on highway safety or any impact on the local highway network.

It is Officers' view that a refusal reason based on the level of traffic generated by the proposed development cannot be robustly defended in the event that the applicant appeals the refusal of these applications.

However, if Members are minded to refuse the applications for this reason, the wording below is suggested.

#### **Suggested Refusal Reason**

*Para 114 of the National Planning Policy Framework states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- b) safe and suitable access to the site can be achieved for all users;*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*Para 115 continues that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

*The vehicle movements associated with the proposed cow barn would intensify the use of the existing vehicular access to the site and increase vehicle movements along Lower Stock Road. This would lead to an increased risk of conflict with other users of Lower Stock Road, including pedestrians and cyclists, contrary to the objectives of Chapter 9 of the NPPF.*

#### **(4) Large scale development out of keeping on a small field**

Members have raised concerns that the cumulative impact of four new buildings on the site would introduce a significant amount of new built form onto a relatively small agricultural field.

Chelmsford Local Plan Policy DM23 - High Quality and Inclusive Design states in Part A – Responding to Context:

*“Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.”*

The four buildings have been designed for a functional, agricultural purpose. In relation to the requirements of Policy DM23, modern agricultural buildings will generally not reflect the scale, siting, form and architecture of existing built form unless they are located within an established farmyard setting. The size and design of the buildings would not be unacceptable in principle if they are required for an agricultural purpose and this is the most appropriate building type to meet that agricultural function.

The size and number of buildings has been determined by the applicant to be appropriate in supporting the keeping of cattle on the wider site. The Council has approved similar applications for the same amount and type of built form on other sites within Chelmsford Borough where the associated land area has been both larger and smaller than the area of land at this site. There is no information to indicate that the number and size of buildings are excessive for the cattle farming enterprise on this land.

However, Members have concerns regarding the cumulative amount of the built form proposed in relation to the overall size of the agricultural unit comprising the wider field, and the following reason for refusal is suggested.

#### **Suggested Refusal Reason**

*Chelmsford Local Plan Policy DM23 - High Quality and Inclusive Design, Part A – Responding to Context states that “Planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.”*

*The cumulative scale of the proposed buildings would be disproportionate to the size of the wider agricultural field which the buildings would be sited on. This would fail to respect the scale of built form in the vicinity of the site and would be out of keeping with the character of the wider area.*

*The proposed development is therefore contrary to the requirements of Chelmsford Local Plan Policy DM23.*

### ***(5) The submission of four individual applications instead of one application for four buildings***

Planning legislation does not prescribe the manner in which proposals are required to be submitted as a planning application for formal consideration, beyond setting out the minimum documents and information which are required for a planning application to be valid.

It is for the applicant to decide how they wish to submit a planning application, whether this is a single application covering all of the proposed development or individual applications for each element of the overall proposed development. There is also no reason why subsequent planning applications for each part of the overall development could not have been submitted individually over a period of months.

It would be unreasonable to refuse these planning applications on the basis of the applicant having submitted them as individual applications, each for one building, and not as a single application for four buildings.

Therefore, Officers cannot recommend a suggested refusal reason for the applications on this basis.

### **3. ADDITIONAL INFORMATION**

#### **- LEGAL AND CONSTITUTIONAL IMPLICATIONS ARISING FROM DEFERRAL OF DECISION**

Only committee members who previously attended the Planning Committee and heard all the arguments for and against the planning application will be able to participate and vote in the final decision whether to approve or refuse permission.

The City Council is considering the adoption of the LLG Model Planning Code. It is proposed (subject to Full Council approval on 17<sup>th</sup> July 2024) that the new code includes the following advice to planning committee members.

“Do make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge. Where the planning committee is minded to make a decision contrary to officer recommendation the item will normally be deferred to the next meeting for consideration of appropriate conditions and reasons together with implications of such a decision clearly explained in the report back. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.”

Members of the Committee should carefully consider the individual merit of each potential reason for refusal that was put forward by members at the previous meeting and the advice in relation to each as set out in the further officer’s report above.

Where Planning Committee has given an indication of its decision on a “minded to” basis that is deferred for officers to provide draft reasons and further advice, the Committee is not bound to proceed with the “minded to” indication to refuse permission. Indeed, members of the committee are entitled to take a different view to that indicated at the previous meeting in reaching their final decision either to approve or refuse permission and the reasons for that decision.

- **UPDATE TO PLANNING HISTORY OF THE SITE**

Following the previous committee meeting in May 2024, the applicant submitted a prior approval application for the construction of 3 agricultural storage barns on this site – 24/00830/AG refers. This type of application is time bound and a decision is required to have been issued within 28 days of receipt of the application. If no decision has been issued, the applicant is able to commence the development. As such the specific legislation which relates to this type of application does not require any public consultation.

The Council assessed the proposals and determined that a) they did not meet the criteria to be permitted development and b) having had regard to concerns raised by the Committee the proposed siting of the buildings was not acceptable. As the proposals did not meet the criteria to be permitted development, it was determined that an express grant of planning permission was required for the development.

The reasons for refusal were as follows:

**Reason 1**

Class A of Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 requires that the development is carried out "on agricultural land comprised in an agricultural unit of 5 hectares or more".

The application form indicates that the agricultural unit has an area of 5ha however when the scaled site location plan which identifies the agricultural unit is measured, the land has a maximum area of 4.975ha.

The applicant has failed to demonstrate that the agricultural unit meets the minimum size to benefit from permitted development rights under Class A, Part 6 and an express grant of planning permission is therefore required for the proposed development.

**Reason 2**

Class A of Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 requires that the development is carried out "on agricultural land" and that it is "reasonably necessary for the purposes of agriculture within that unit".

For the purposes of Class A of Part 6, "agricultural land" means land which is land in use for agriculture and which is so used for the purposes of a trade or business.

The "agricultural unit" has been seeded with grass by the Applicant in relation to a separate proposal for keeping cattle on the site. At this time there are no crops being grown on the site and no requirement for machinery to be kept on the land for the cultivation of crops or maintenance of this "agricultural unit".

There is no indication that the land on the wider field would be farmed for feed to stock the proposed barns and no crops are currently being cultivated on this agricultural unit.

The applicant has indicated that this site is centrally located to the wider holdings that he owns. However, the "agricultural unit" that has been identified on the application form and the submitted site location plan is limited to an area of less than 5ha. An area of land of this size would not generate sufficient crops and require an amount of machinery which would justify the construction of three agricultural buildings with a combined area of 1354.37sqm.

The size and number of the proposed buildings would be disproportionate to the size of the agricultural unit. Furthermore, in the absence of any crops being cultivated on the land, there is no demonstration the proposed buildings would be necessary for the storage of feed and machinery.

The Applicant has failed to demonstrate that the proposed buildings are reasonably necessary for the purposes of agriculture within the unit and as such the proposed buildings cannot be permitted development under Class A, Part 6 and an express grant of planning permission is required for the development.

### **Reason 3**

In respect of the proposed siting of the agricultural buildings, the proposed development would result in a low level of less than substantial harm to the non-designated heritage assets to the north of the site, Lower Stock Road and "Bellcoins". In the absence of any demonstrable requirement for these buildings the proposal would be harmful to the setting of the non-designated heritage assets.

In addition, the proposed siting of the buildings would be uncharacteristic and unsympathetic to the pattern of development in the surrounding area, which is primarily that of built form located in proximity to the road.

In the event that the proposals complied with the provisions of Class A of Part 6 of the Town and Country Planning (General Permitted Development) Order 2015, the proposed siting of the buildings would not have been acceptable.

The previous committee report is appended.

### **Background Papers**

Case File

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**Planning Committee**  
**28<sup>th</sup> May 2024**

<b>Application No</b>	:	24/00387/FUL Full Application
<b>Location</b>	:	Land East Of Ragged Robins Lower Stock Road West Hanningfield Chelmsford Essex
<b>Proposal</b>	:	<b>Erect a cow barn</b>
<b>Applicant</b>	:	Mr Gary Sharp
<b>Agent</b>	:	Mrs Nicole Elkins
<b>Date Valid</b>	:	13th March 2024

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**Appendices:**

Appendix 1	Consultations
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## **1. Executive summary**

- 1.1. This application is referred to planning committee at the request of a local ward member.
- 1.2. The site is located within the Metropolitan Green Belt and comprises part of a wider agricultural field.
- 1.3. The proposed agricultural building is required to provide shelter for cattle.
- 1.4. Agricultural development is not inappropriate development in the Green Belt and there would not be any impact on the openness of the Green Belt.
- 1.5. A low level of harm to non-designated heritage assets would be outweighed by the public benefits to the rural economy and food supply from the agricultural use.
- 1.6. Any ecology impacts can be mitigated against through the imposition of conditions.
- 1.7. Mature trees adjacent to the proposed development would not be impacted.
- 1.8. There are no highway safety issues and the site has an acceptable access.
- 1.9. The relationship with neighbouring properties would be acceptable.
- 1.10. The design is acceptable for the proposed use.
- 1.11. The application is recommended for approval.

## **2. Description of site**

- 2.1. The site is located within the Metropolitan Green Belt on Lower Stock Road, approximately 1km to the east of Downham Road. Lower Stock Road is a protected lane.
- 2.2. The application site comprises a rectangular parcel of land within a wider field of approximately 4.6ha. The wider field is broadly triangular in shape with mature trees and vegetation forming the boundaries.
- 2.3. There is an existing vehicular access from Lower Stock Road into the site positioned in the northwest corner.
- 2.4. A corridor of land running along the southeast boundary of the wider field is a Local Wildlife Site. A public footpath (Footpath 15 West Hanningfield) runs through this corridor and is separated from the agricultural land by mature trees and hedges.
- 2.5. Opposite the site access, to the north of Lower Stock Road, is a residential property "Bellcoins". To the west of the site, approximately 86m from the access, there is a ribbon of residential properties.

### **3. Details of the proposal**

- 3.1. Four individual applications have been submitted for agricultural buildings which would be located adjacent to each other. Each application proposes the construction of one agricultural building – this application relates to a new cow barn.
- 3.2. This proposed cow barn would have dimensions of 30.35m x 14.87m, a ridge height of 9.3m and eaves at 6.12m. The front would be predominately open with gates and feed gates positioned across the width at a height of approximately 1.2m. The side and rear elevations would comprise low concrete panels with timber hit and miss vertical boarding above. The roof would be clad with fibre cement sheets.
- 3.3. The barn would be located 86m to the south of the access from Lower Stock Road and approximately 30m from the existing western field boundary.
- 3.4. The three associated planning applications for a hay barn and two cow barns relate to the land to the north and south of the proposed cow barn. They would be positioned in a linear form with the rear elevations also located 30m from the western field boundary.
- 3.5. The application documents indicate that additional planting is proposed to the north of the application buildings, between the hay barn and Lower Stock Road, and to the west of the cow barn.
- 3.6. It is important to note that the applications relate to the construction of the proposed buildings and are not in relation to the keeping of cattle on the site. The keeping of cattle on agricultural land does not require planning permission and animals could be moved onto the site without the need for any planning consent from the Council.

### **4. Other relevant applications**

#### **4.1. Current planning applications associated with this application:**

24/00389/FUL - Currently under consideration  
Erect a cow barn

24/00388/FUL - Currently under consideration  
Erect a cow barn

24/00386/FUL - Currently under consideration  
Erect a hay barn

#### **4.2. Applications previously refused by the Council in 2024:**

23/01990/FUL - Refused 8th February 2024  
Erect cow barn

23/01989/FUL - Refused 8th February 2024  
Erect cow barn

23/01988/FUL - Refused 8th February 2024  
Erect cow barn

- 4.3. The applications refused in February 2024 proposed locating the buildings in a linear form along the northern field boundary with Lower Stock Road. This would have resulted in a highly visible form of development which would have been harmful to the setting of both Lower Stock Road and Bellcoins. The level of harm to these non-designated heritage assets would not have been outweighed by the public benefits from the development.
- 4.4. The previous applications also did not contain any information regarding ecology and the potential impacts that the proposals might have to protected species or their habitats. In the absence of this information there was insufficient information regarding ecology impacts and/or any mitigation which might be necessary.
- 4.5. The four previous applications were all refused for the above reasons in respect of their impact on non-designated heritage assets and insufficient ecology information.

## 5. Summary of consultations

- Essex County Council Highways –
  - The proposed Cow Barn 1 would be for agricultural use.
  - This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL.
  - There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use.
  - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the imposition of appropriate conditions.
- Public Health & Protection Services – No comments in respect of this application.
- West Hanningfield Parish Council – concerns raised:

The revised proposals do not address previous consultee concerns.  
The submitted information does not provide clarity on the proposals regarding traffic movements.  
No information regarding alternative sites has been provided.  
The proposals are out of keeping with the area and there would be a detrimental impact on amenity value of Lower Stock Road for people who use it.  
Insufficient information has been provided regarding waste from the development.  
The ecology survey was undertaken after the site had been ploughed and does not reflect the earlier condition of the site.
- Stock Parish Council – concerns raised:

Concerned about state of Lower Stock Road, with the heavy vehicles being used by the farmer on Smallgains Lane & Swan Lane.  
Concerned about the damage to the verges by the increase in HGV's.
- Essex Wildlife Trust Ltd – Object on the basis that insufficient information in respects of ecology has been provided by the applicant. No provision for biodiversity net gain.
- Local residents -

53 objections received. Main points raised:

  - There is no difference in the scale of the development from the previous applications
  - The new locations are worse than the refused proposals

- Contrary to the Village Design Statement:
  - Development on arable land should be avoided
  - Archaeological surveys should be considered prior to development of any sites
  - Developments should be sensitive to the immediate surroundings and should not dominate them
  - The rural style of village lanes should be protected
- Lower Stock Road is unsuitable for large vehicles
- Once the buildings have been constructed there may be future applications for change of use
- Overdevelopment of the site
- Road is narrow and unsuitable for large vehicles for moving cattle and/or during construction
- Risk to pedestrians and cyclists from additional traffic
- Potential for damage to verges from vehicles accessing the site
- Harmful to non-designated heritage assets - Bellcoins and the protected lane
- Road is prone to flooding
- Waste produced by cattle on the site will pollute nearby watercourses
- Impact of emissions from a greater number of cattle than the site can support
- Proposed buildings are of a size which is inconsistent with buildings in the vicinity of the site
- Waste from the cattle will result in odours, flies and rodent infestation
- Once the buildings are on the site it would become brownfield land permitting alternative uses such as housing
- The buildings will be within 400m of residential properties
- Loss of light to the property opposite the site
- Impact of any necessary lighting is unknown
- Increased noise from traffic travelling to and from the site and from cattle on the site
- Another site in Smallgains Lane has resulted in damage to the road from traffic
- Disruption from construction works
- Concern regarding animal welfare
- Impact on Local Wildlife Site and protected species
- No information regarding flooding
- No demonstration of agricultural need for the development
- Proposals submitted as individual applications rather than a combined application
- Impact on landscape character
- Health risks from animal waste
- No information as to whether the development would have an impact on public footpath
- The proposals breach Article 1 of Protocol 1 ECHR
- The site has been ploughed since the determination of the earlier applications – impact of this on protected species is unknown
- The development fails to provide for a 10% biodiversity net gain
- Alternative sites within the Applicant's holding should be considered
- Detrimental impact on house prices
- Additional works as requested by ECC Highways would have a detrimental impact on the lane and Bellcoins
- Additional impact to Heritage Assets at the east end of Lower Stock Road from increased vehicle movements
- The buildings will impact the existing trees along the field boundary
- Information in the supporting documents is misleading
- The public footpath has been ploughed
- There has been no assessment from Public Health and Protection Services

## 6. Planning considerations

### *Main Issues*

- 6.1. The main issue is whether the proposed development is acceptable in the Green Belt.
- 6.2. It is also necessary to consider whether the proposal would have a detrimental impact on non-designated heritage assets.
- 6.3. Consideration is also given as to whether there would be any harmful impacts in respect of ecology on and around the site.
- 6.4. The relationship between the proposed development and existing mature trees along the western field boundary.
- 6.5. It is necessary to assess whether the development would be detrimental to highway safety and whether the site has an acceptable access.
- 6.6. The relationship between the proposed development and neighbouring properties must also be assessed.

### *Development within the Green Belt*

- 6.7. The site is located within the Metropolitan Green Belt where National and Local planning policies severely restrict new development and the construction of new buildings. Chapter 13 of the National Planning Policy Framework (NPPF) relates to protecting Green Belt land. Paragraph 142 states that 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. One of the purposes of the Green Belt is also to assist in safeguarding the countryside from encroachment.
- 6.8. Paragraphs 152 - 153 state that 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. "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.
- 6.9. Paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, subject to a list of stated exceptions. The first exception permitted by part a) of Para 154 is the construction of buildings for agriculture and forestry.
- 6.10. Local Planning Policies align with the National objectives of the NPPF. Policy S1 specifies that the Council will require all new development to accord with the identified spatial principles. The spatial principle to protect the Green Belt is relevant to this proposal. Policy S11 relates to the Role of the Countryside and identifies that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the

purposes of the Green Belt. Inappropriate development will not be approved except in very special circumstances.

- 6.11. Policy DM6 relates to New Buildings in the Green Belt. This states that:

“Where new buildings are proposed within the Green Belt, inappropriate development will not be approved except in very special circumstances.”

- 6.12. Section A) of this policy specifically relates to new buildings and sets out the types of development where planning permission will be granted as exceptions to inappropriate development. Buildings for agriculture and forestry (criterion i) are stated as an exception to inappropriate development.
- 6.13. Case law has established that buildings for agriculture and forestry are not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within the Green Belt.
- 6.14. The applicant is a well-established local cattle farmer and the proposed building is a cow barn intended to support the keeping of cattle on the wider field. The proposed building falls within the exception to inappropriate development set out in part a) of para 154 of the NPPF and would not have a harmful impact on the openness of the Green Belt.

### ***Heritage Assets***

- 6.15. Para 200 of the NPPF states: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”
- 6.16. Para 209 states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 6.17. Policy S3 states “The Council will conserve and where appropriate enhance the historic environment recognising the positive contribution it makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets. This includes wider social, cultural, economic and environmental benefits.”
- 6.18. Policy DM14 states “Proposals will be permitted where they retain the significance of a non-designated heritage asset, including its setting. Where proposals would lead to harm to the significance of a non-designated heritage asset or its loss, proposals should demonstrate that:
- i. the level of harm or loss is justified following a balanced judgement of harm and the significance of the asset; and
  - ii. harm is minimised through retention of features of significance and/or good design and/or mitigation measures.”

- 6.19. The section of Lower Stock Road which abuts the northern side of the application site is designated as a protected lane. It was identified within the 2009 protected lanes study, which formed part of the evidence base for the 2020 Local Plan.
- 6.20. Policy DM14 identifies protected lanes as non-designated heritage assets, with the objective to protect their character, which includes their setting.
- 6.21. The lane scores highly for its historic integrity, diversity and biodiversity, due to its range of features, limited erosion of character and range of hedgerows, trees, verge and ditches. The lane is likely to be of at least medieval origins, linking the historic settlements of Stock and West Hanningfield with a number of sixteenth and seventeenth century buildings en-route. The framework of historic field boundaries in the wider area remains, with some removal of field boundaries in the twentieth century. The setting is rural in character and contributes to the experience of the characterful narrow meandering lane within an historic landscape.
- 6.22. “Bellcoins” lies on the north side of the lane, opposite the site entrance. Now one house, it was historically a pair of farmworkers cottages, probably originating from the late eighteenth or early nineteenth century. It has been altered and extended but retains some character as a vernacular building. It is of some modest heritage value and is considered to be a non-designated heritage asset of low heritage value.
- 6.23. The cottage’s relationship with the lane and surrounding agricultural land contributes to its significance.
- 6.24. The NPPF describes setting as ‘*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*’ The surrounding landscape, including the application site, is part of how the lane is experienced and forms part of its setting.
- 6.25. Following the refusal of four applications for the same development of one hay barn and three cow barns in the northern part of the wider field, adjacent to Lower Stock Road, the proposed buildings have been turned 90 degrees to the lane and Bellcoins, and set back from the lane further. There would be a distance of approximately 86m between Lower Stock Road and the northern elevation of the cow barn.
- 6.26. This distance would limit the impact on the setting of the heritage assets, with the narrow end of the cow barn building facing Bellcoins and set to the south of the proposed hay barn. Whilst the building is large scale and would be clearly visible from the lane and from Bellcoins, its impact is reduced in the revised scheme, as is the case for the hay barn and the two other cow barns. There is also new tree planting indicated adjacent to the lane and on the western boundary, which when matured would help to provide some filtering of views towards the development.
- 6.27. The proposals would therefore lead to a low level of harm to the protected lane of moderate significance and a very low level of harm to a cottage of low significance. This harm should be weighed in the planning balance.
- 6.28. Part b) of Para 88 of the NPPF sets out that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.



- 6.29. There would be some public benefits from the proposal, either in the form of one building or the cumulative proposals for four buildings, in that it would support the local rural economy. In light of the low level of harm which would occur to the non-designated heritage assets, the proposed public benefits would outweigh this harm.
- 6.30. Previous concerns regarding the size of vehicles which would be used to access the site and the frequency of vehicle movements have been addressed in the supporting information accompanying the planning application. The applicant has clarified that once operational vehicle movements are likely to be twice daily either in a car, pick-up or gaitor utility vehicle to check and feed the animals. Cattle would be moved on/off site every 6-8 months and barns would be cleaned out every 5-6 weeks both with use of a tractor/trailer. Hay/haylage and silage to feed the cattle would be delivered once a year also by tractor/trailer.
- 6.31. Subject to the imposition of appropriate conditions in respect of the external materials of the building, external lighting and additional landscaping the proposed development would not unduly impact the setting of the non-designated heritage assets and the low level of harm that would occur would be outweighed by the public benefits of supporting the rural economy and food production.

### **Ecology**

- 6.32. Chapter 15 of the National Planning Policy Framework requires that planning decisions should minimise impact on and provide net gains for biodiversity. Para 186a of this states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- 6.33. Policy S4 states “The Council will take a precautionary approach where insufficient information is provided about avoidance, management, mitigation and compensation measures. Management, mitigation and compensation measures will be secured through planning conditions/obligations where necessary.”
- 6.34. Paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 highlights that: *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”*
- 6.35. Following the refusal of the previous applications, the current planning applications are accompanied by an Ecological Survey and Assessment (ESA) report of the application site area and the wider field. The previous applications were not accompanied by any ecological information.
- 6.36. The planning application and the ESA report have been considered by the Council’s Consultant Ecologists. The Ecologist’s assessment of the proposals highlights that the applications fall within the definition of a ‘Small Site’ in accordance with The Small Sites Metric (Biodiversity Metric 4.0) - User Guide (DEFRA, February 2024). At the time that the application was submitted it was exempt from mandatory Biodiversity Net Gain.

- 6.37. The advice from the Ecologist indicates that there is sufficient ecological information available to determine the planning application and that any likely impacts of the proposal on designated sites, protected and Priority species and habitats can be appropriately mitigated against through the imposition of appropriate conditions.
- 6.38. The suggested conditions relate to:
- i) Securing the mitigation measures set out in the ESA
  - ii) The submission, approval and implementation of a Biodiversity Method Statement for the Local Wildlife Site to the east of the application site.
  - iii) The submission, approval and implementation of detailed biodiversity enhancements listed in the ESA.
  - iv) The submission, approval and implementation of a wildlife sensitive lighting scheme.
- 6.39. Subject to the suggested conditions being imposed, the development would not have a detrimental impact on protected species or their habitat and complies with the objectives of Chapter 15 of the NPPF and Policies S4 and DM16.

### ***Trees***

- 6.40. The application is accompanied by detailed arboricultural documents. These documents demonstrate that the proposed development would be located outside of the root protection areas of the mature trees on the western field boundary. The trees would not be impacted by the proposed development.
- 6.41. A condition is recommended to ensure that the development is implemented in accordance with the tree protection measures set out in the arboricultural documents.
- 6.42. The proposed rainwater harvesting tank indicated adjacent to the cow barn would be positioned immediately adjacent to the protective fencing around the root protection area of the trees along the western boundary. In order to ensure that the protective fencing is maintained during construction it is recommended that the rainwater harvesting tank is relocated away from the fencing. This can be achieved through the imposition of a condition requiring the details of the relocated tank prior to its installation.

### ***Highway Safety & Access***

- 6.43. The Local Highway Authority (LHA) has been consulted in respect of the proposals and they have no objections in respect of impact on highway safety.
- 6.44. The LHA has recommended that conditions are imposed on any approval; the requested conditions primarily relate to works to upgrade the access to the site. However, the existing access from Lower Stock Road already has a hardened surface and the existing gates are set back further than the distance requested by the LHA. There would be sufficient space within the site for vehicles to turn and leave in a forward gear and the access with Lower Stock Road is already at right angles to the carriageway.
- 6.45. The requested conditions are not required in order to make the development acceptable and it would not be reasonable to require additional works to the access. The site has an acceptable access and the proposed development would not be detrimental to highway safety.

### ***Neighbour Amenity***

- 6.46. Policy DM29 requires development proposals to safeguard the living environment of occupiers of nearby residential property.
- 6.47. The proposed cow barn would be located 86m to the south of Lower Stock Road, there would be a minimum distance of 100m between the cow barn and the front elevation of “Bellcoins”, the closest neighbouring property. In respect of the properties to the west, there would be a minimum distance of 126m between the rear elevation of the cow barn and the closest property.
- 6.48. In light of the significant distances which would exist between the application building and the neighbouring properties, the proposal would not result in any adversely prejudicial impacts in respect of loss of light, overbearing or overshadowing impacts.
- 6.49. In respect of odours occurring from the keeping of cattle on the site, the proposed building is intended to provide shelter for cattle. However, cattle could be kept on the land without the applicant requiring any permission from the Council.
- 6.50. While agricultural activity, particularly that which relates to livestock, can generate odours, there is no evidence that a well-managed site would result in undue disturbance.
- 6.51. As set out above in relation to ecology, if approval is granted for the proposal it would be subject to a condition requiring a scheme of external lighting to be approved by the Council. This would ensure that there would not be any excessive lighting which may have an impact on either neighbouring properties or the surrounding countryside.
- 6.52. The proposal therefore complies with the requirements of Policy DM29.

### ***Other Matters***

- 6.53. The proposed building is of a size, design and appearance which is typical of agricultural buildings commonly found in the countryside. They are functional and utilitarian buildings which serve an agricultural purpose and are appropriate for the proposed use. Modern agricultural buildings do not reflect the domestic scale and appearance of residential properties and would not be suitable for their required purpose if they did.
- 6.54. The proposed design and appearance of the building is appropriate for its purpose.
- 6.55. Green Belt policy does not require a need for an agricultural building to be demonstrated. Notwithstanding this, the applicant is a well-established local cattle farmer with one of the largest herds of cattle in the country. There is no reason to doubt that there is a genuine agricultural need for the proposed buildings.
- 6.56. The applicant is entitled to submit applications in the manner that he has i.e. four individual planning applications. The Council has considered the individual and cumulative impact of the four applications.
- 6.57. This type of application on land within Flood Zone 1 does not require the submission of a flood risk assessment or any other flooding information.

- 6.58. The public footpath is separated from the field by mature trees and vegetation. It does not run through the main parcel of land which the proposed buildings would be located within.
- 6.59. The proposed construction of agricultural buildings for the keeping of livestock within 400m of residential properties cannot be permitted development but this does not mean that they are unacceptable in principle. Such a location requires the submission of a planning application so that any potential impact to residential properties can be assessed.
- 6.60. The Local Highway Authority is responsible for maintaining unclassified roads such as Smallgains Lane and Lower Stock Road. The condition of the road surface is a matter for the LHA to address.
- 6.61. Animal welfare is legislated for, and inspections are carried out, by DEFRA. Planning legislation cannot take into account matters which are regulated under separate legislation and as such this is not a material consideration when determining planning applications.
- 6.62. Noise and disruption generated during the construction of any development is by its nature temporary and it cannot be taken into account when determining planning applications.
- 6.63. Agricultural land, whether it contains buildings or not, is excluded from the definition of “previously developed land”, also known as “brownfield land”. The construction of agricultural buildings does not indicate or permit future development of a site. Planning applications must be determined on their own merits in accordance with the current planning policies in force at that time. It is not reasonable to predict what may occur in future and base planning decisions on future proposals which are not part of the current application.
- 6.64. In respect of the sections of the West Hanningfield Village Design Statement referenced in objections to the proposed development:
- The proposals relate to agricultural development on agricultural land, such development will usually be located on agricultural land.
  - Essex County Council Historic Environment Branch notify the City Council when sites are known or suspected to contain archaeology. In respect of this application, Place Services have commented on Lower Stock Road being a Protected Lane but have not raised any other issues in respect of archaeology. Therefore, no archaeological surveys are required.
  - The proposed development has been revised in order to minimise its impact on the non-designated heritage assets and to take advantage of existing mature vegetation along the field boundaries.
  - The proposed development would not result in harm to the rural lane.

## **7. Community Infrastructure Levy (CIL)**

7.1. Agricultural development is not CIL liable.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

**Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site.

**Condition 3**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 4**

The development hereby approved shall be implemented in accordance with the mitigation measures and/or works contained within the Ecological Survey and Assessment (Essex mammals Surveys, February 2024).

Reason:

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Condition 5**

No development shall commence until a Biodiversity Method Statement for Local Wildlife Sites (Ch75 Blythhedges Meadow) has been submitted to and approved in writing by the Local Planning Authority.

The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The development shall be implemented in accordance with the approved details and shall be retained as such thereafter.

Reason:

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Condition 6**

Prior to the commencement of any above ground construction, details of the biodiversity enhancements listed in the Ecological Survey and Assessment (Essex Mammal Surveys, February 2024) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

- a) detailed designs or product descriptions for the biodiversity enhancements; and
- b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The development shall be implemented in accordance with the approved details prior to the first use of the development and all features shall be retained thereafter.

Reason:

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Condition 7**

Prior to the first use of the development, a "lighting design strategy for biodiversity" in accordance with GN:08/23(ILP) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

Subsequently all external lighting shall be installed in accordance with the approved details and maintained as such. No further lighting shall be installed without the prior permission from the Local Planning Authority.

Reason:

To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

**Condition 8**

Prior to first occupation of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first occupation of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:

- a) hard surfacing including pathways, other hard landscape features and materials;
- b) existing trees, hedges or other soft features to be retained;
- c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;

d) Management details and a five year maintenance plan.

Reason:

In order to add character to the development and to integrate the development into the area in accordance with Policy DM23 of the Chelmsford Local Plan.

**Condition 9**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or The Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent legislation, the building hereby approved shall not be used for any purpose other than for agriculture and associated ancillary uses.

Reason:

The building is not inappropriate development in the Green Belt as it is required for agriculture. Alternative uses of the building could introduce unsympathetic and harmful activity on the site which could be harmful to the Green Belt, neighbour amenity and the setting of the non-designated heritage assets contrary to the objectives of the National Planning Policy Framework and Chelmsford Local Plan Policies.

**Condition 10**

In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the submitted arboricultural report entitled "Arboricultural Impact Assessment and Method Statements" ref. TPSQU0031 Issue 1.

Reason:

To safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 of the Chelmsford Local Plan.

**Condition 11**

Prior to the installation of the rainwater harvesting tank, details of its location shall have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

To ensure that the tank is located away from the protective fencing adjacent to the root protection area of the mature trees on the western field boundary to safeguard the existing trees which are of amenity value and add character to the development in accordance with Policy DM17 of the Chelmsford Local Plan.

**Notes to Applicant**

- 1 In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

Noisy work

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

Light work

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at [www.chelmsford.gov.uk/construction-site-noise](http://www.chelmsford.gov.uk/construction-site-noise)

- 2 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.
- 3 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

### **Positive and Proactive Statement**

The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.



**Plans to be listed on any Decision Notice:**

23/30/21  
 23/30/22  
 23/30/23  
 23/30/24  
 TPSQU0031 TPP  
 Ecological Survey and Assessment  
 Appendix 1 - 6  
 Arboricultural Impact Assessment and Method Statement

**Appendix 2 – Consultations**

**Essex County Council Highways**

Comments
<p>29.04.2024 - Your Ref: 24/00387/FUL</p> <p>Our Ref: CO/EGD/SD/RM/CHL/24/387/58707</p> <p>Date:- 26th April 2024</p> <ul style="list-style-type: none"> <li>- The proposed Cow Barn 1 would be for agricultural use.</li> <li>- This application is related to applications 24/00386/FUL, 24/00388/FUL and 24/00389/FUL.</li> <li>- There is an existing established and gated vehicular field access to the site. This would need a hardened reconstruction for the proposed use and this has been conditioned below.</li> </ul> <p>From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. Prior to occupation of the development the vehicular access shall be reconstructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall exceed 6 metres and shall be provided with an appropriate vehicular crossing of the highway verge. The ditch shall be piped or bridged and retained at all times as approved in writing by the Local Planning Authority.</li> </ol>

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety in accordance with policy DM1.

2. It is recommended that the existing gates at the vehicular access be inward opening only and removed and set back a minimum of 6 metres from the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety in accordance with policy DM1.

3. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informatives:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

## West Hanningfield Parish Council

### Comments

22.04.2024 - The following comment addresses applications 24/00386/7/8/9.

These revised applications do nothing to address the concerns of the ECC Historic Environment Branch raised in the consultee comments for the first applications.

In the first applications, the comments provided by Planning & Listed Building and Conservation, raised concerns pertaining to the impact of the size of the buildings. It would appear that no further information has been provided and that the information regarding traffic movements is vague considering the high number of heavy vehicle movements required to service an industrial project such as this. The concerns raised by Stock Parish Council in respect of road damage caused by the applicant's similar operations within its parish reflect the number and type of traffic movements associated with these activities.

In the first applications the comments from Planning & Listed Building and Conservation requested that a suitable alternative site be sought from the applicant's extensive land holding; nothing has been forthcoming.

Lower Stock Road is a Historic protected lane and this development with its attendant buildings and vehicle movements are totally out of keeping with the area and the nature and size of the road. Access into either end of Lower Stock Road is restrictive and not suitable for vehicles of the size which will be required to service this unit.

The development and associated vehicle movements will have a detrimental impact upon the amenity value of Lower Stock Road for the many cyclists, dogwalkers, horse riders and pedestrians who use the road.

The issue of containment of effluent spillage has not been addressed and no further information has been provided in these second applications for how this is to be contained. This is a significant risk to the local waterways and the Nitrate Sensitivity of the area.

The Ecological Survey was carried out after the site had been ploughed and is therefore totally irrelevant to what habitat was present on site when the first applications were made, and therefore should not be considered as supporting evidence for these applications. The applicant's letter includes two photographs which shows the field laid to grass, which appears incorrect.

As regards administration, applications 24/00387/8/9 are entitled 'Erect a Cow Barn', yet all three application forms state on page 4 that the application is for a hay barn. Which is it that is proposed?

Of note is that Essex Highways have been consulted on application 24/386/FUL but not on applications 24/00387/8/9. It is imperative they be consulted on all four applications since the impact on Lower Stock Road will be substantial. It is also noted that Essex Highways have not submitted a comment; it is felt they should be chased for a comment.

#### Public Health & Protection Services

##### Comments

21.03.2024 - No PH&PS comments with regard to this application.

#### Essex Wildlife Trust Ltd

##### Comments

08.05.2024 - We wish to submit an overall objection to these proposals, on the basis that insufficient information in respect of impacts on ecology has been provided by the applicant. In addition, no provision has been made in respect of biodiversity net gain.

We note that the onsite habitats were destroyed prior to submission of the applications. Gov.uk guidance is clear that where habitat clearance or degradation has taken place between 30 January 2020 and the submission of the planning application, the BNG baseline must be calculated from immediately prior to the occurrence of the clearance/degradation. The applicant has not provided an ecological assessment in respect of the onsite habitats. We advise that Chelmsford CC should require the applicant to provide such a

report, based on the habitats which existed onsite prior to the site being ploughed. The applicant should also be required to provide a biodiversity gain plan.

We apologise for the lateness of this submission, but we respectfully ask that our comments can be taken into consideration when making a decision on these proposals.

Many thanks and kind regards,

### Stock Parish Council

#### Comments

12.04.2024 - Discussed in the Parish Council Meeting 9/4/24

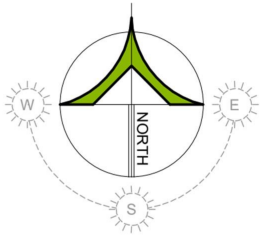
Councillors are concerned about the state of the road that could also occur on Lower Stock Road, with the heavy vehicles that are currently also being used by the farmer on Smallgains Lane & Swan Lane. Therefore they would request that Highways take a look at Smallgains Lane to see the damage to the verges by the increase in large heavy farm vehicles.

### Local Residents

#### Comments

Representations received – 53 letters of representation received. Full details of all the comments are available on the Council's website. A summary of the concerns raised are included in the report.

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# SITE LOCATION PLAN

1:2500 SCALE - METRES (A4 SHEET)



REVISION: | DATE: | DRAWN: |

PROJECT: FRISTLING ESTATES, LOWER STOCK ROAD			
TITLE: SITE LOCATION PLAN			
SCALE: 1:2500 @ A4	DATE: MAR 24	DRAWN: NE	CHKD: -
No. 23/30/21		REV. -	

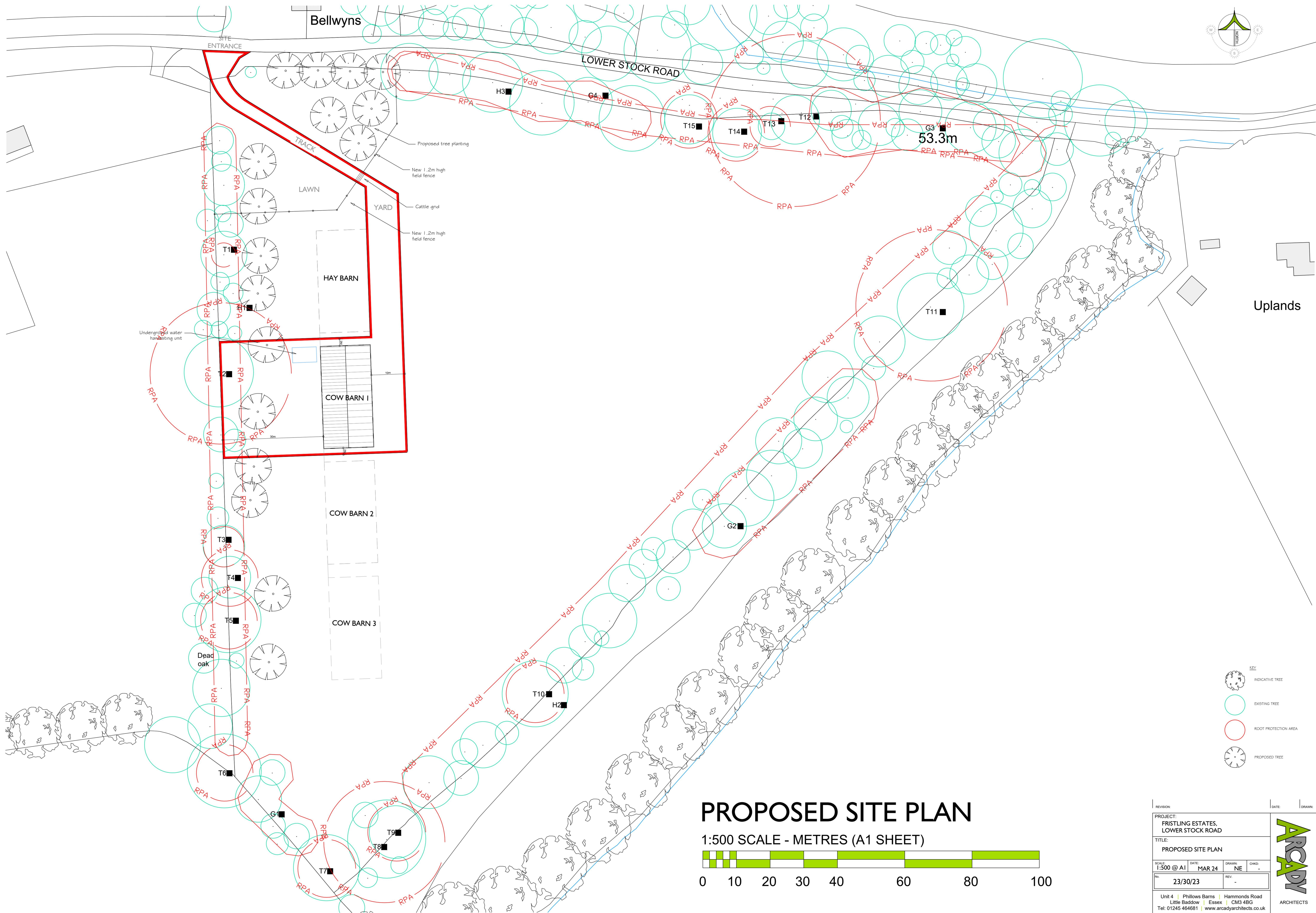
Unit 4 | Pillows Barns | Hammonds Road  
Little Baddow | Essex | CM3 4BG  
Tel: 01245 464681 | [www.arcadyarchitects.co.uk](http://www.arcadyarchitects.co.uk)

ARCADY

ARCHITECTS



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# PROPOSED SITE PLAN

1:500 SCALE - METRES (A1 SHEET)



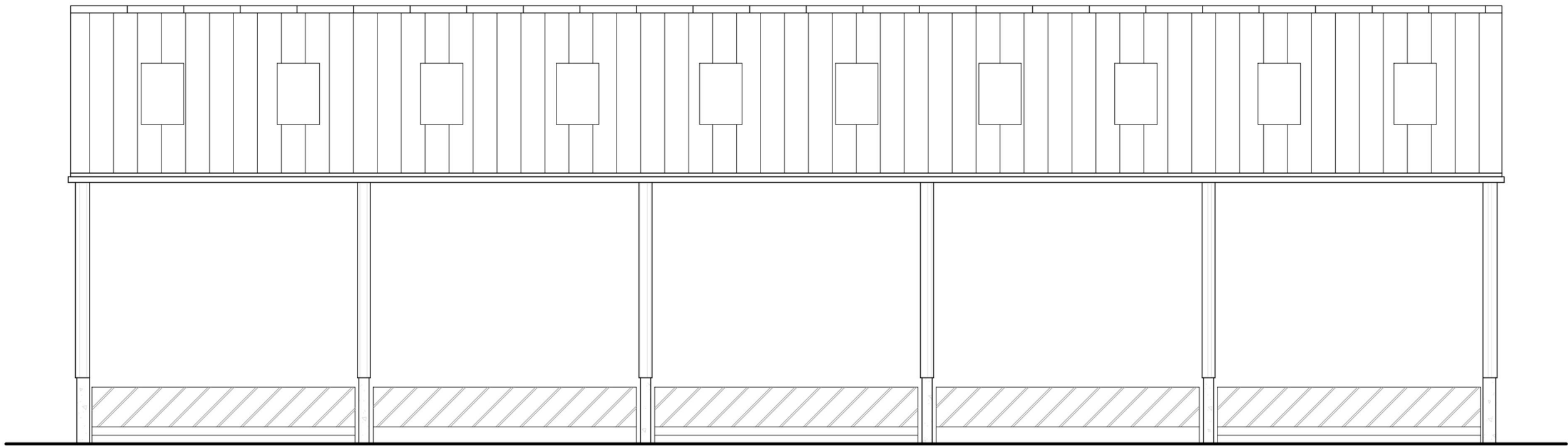
- KEY
- INDICATIVE TREE
  - EXISTING TREE
  - ROOT PROTECTION AREA
  - PROPOSED TREE

REVISION:	DATE:	DRAWN:
PROJECT: FRISTLING ESTATES, LOWER STOCK ROAD	TITLE: PROPOSED SITE PLAN	
SCALE: 1:500 @ A1	DATE: MAR 24	DRAWN: NE
No. 23/30/23	REV. -	
Unit 4   Phillows Barns   Hammonds Road Little Baddow   Essex   CM3 4BG Tel: 01245 464681   www.arcadyarchitects.co.uk		

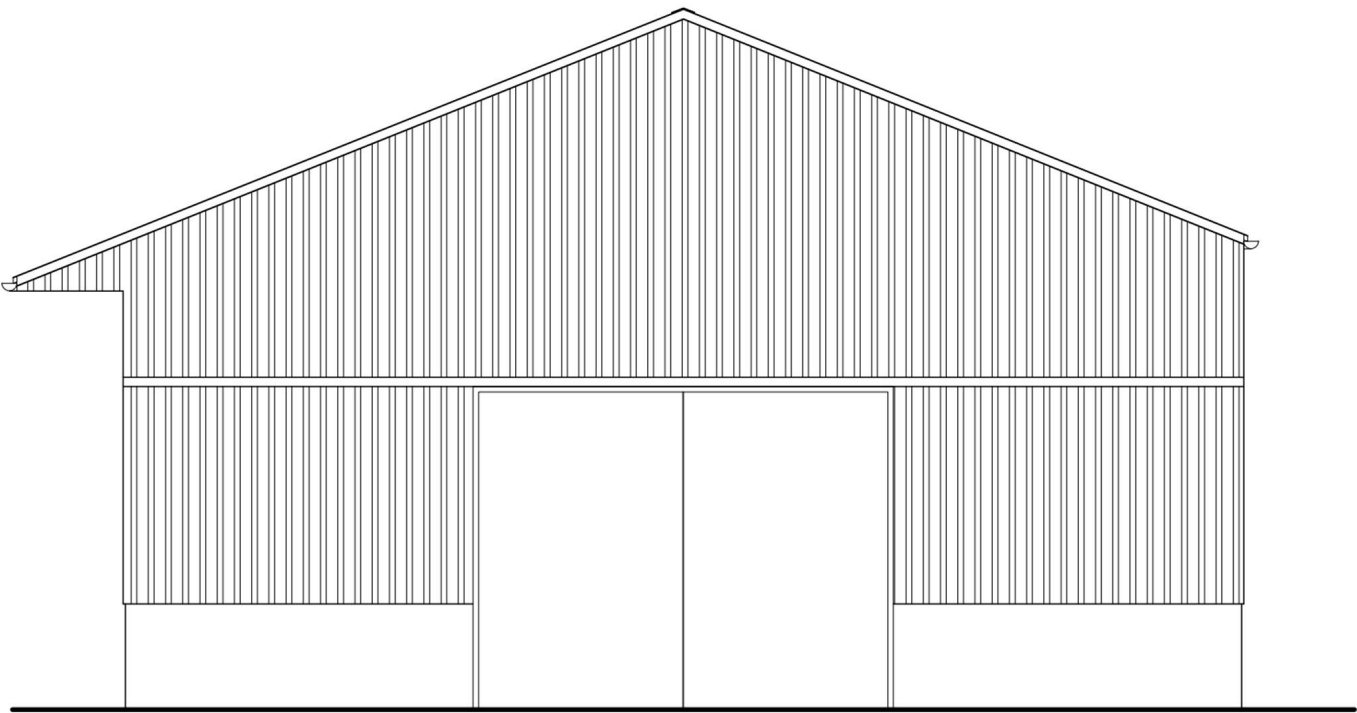




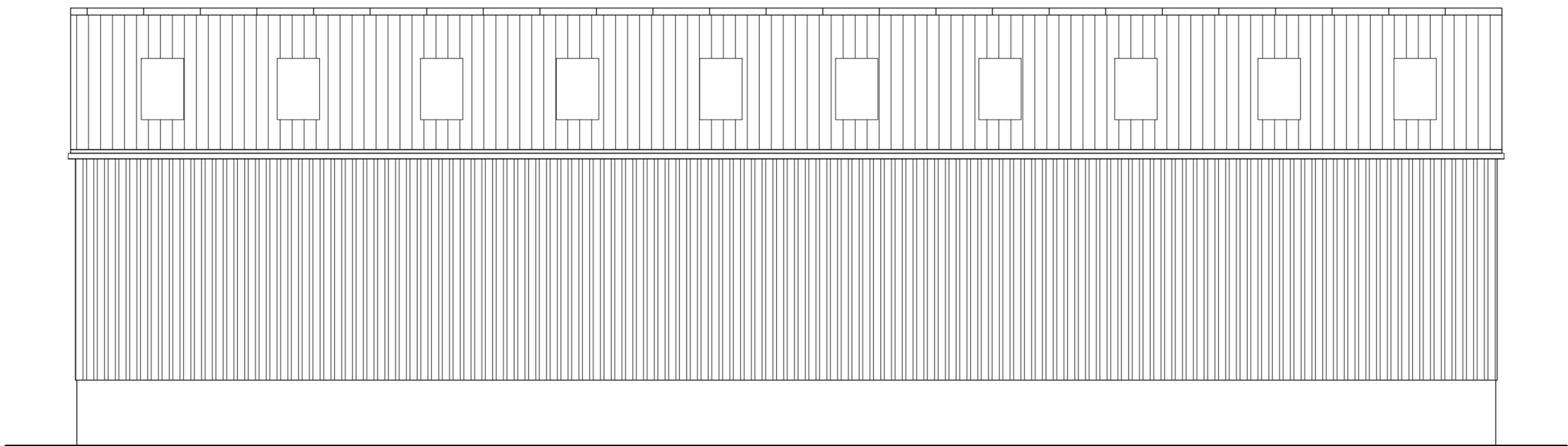
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All information shown is to be checked on site  
for accuracy and fit. Any discrepancies or omissions  
to be reported to Arcady Architects immediately.



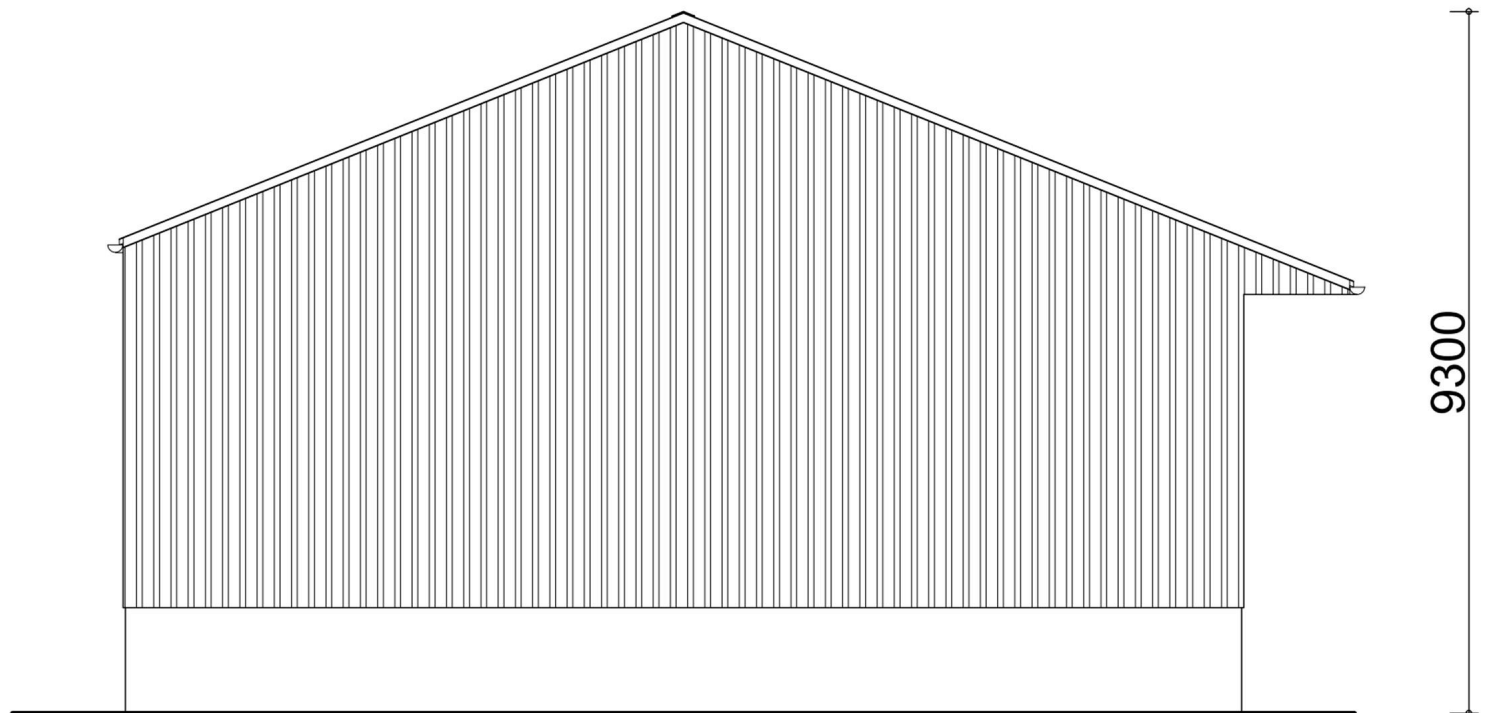
FRONT ELEVATION



SIDE ELEVATION



BACK ELEVATION



SIDE ELEVATION

9300

MATERIALS:

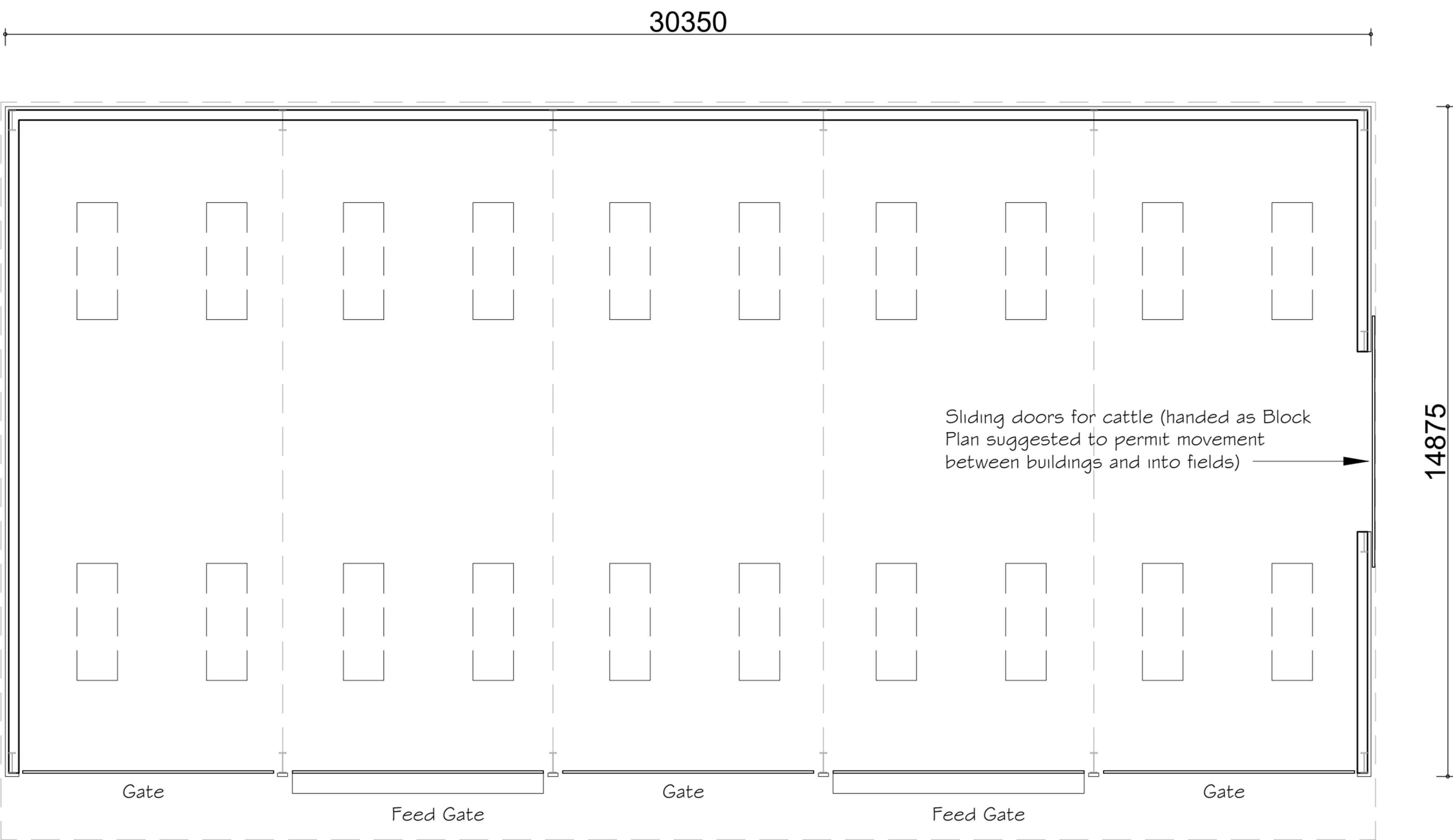
Roof - Eternit Profile G

Upper Walls - Pressure treated timber hit and miss vertical boarding

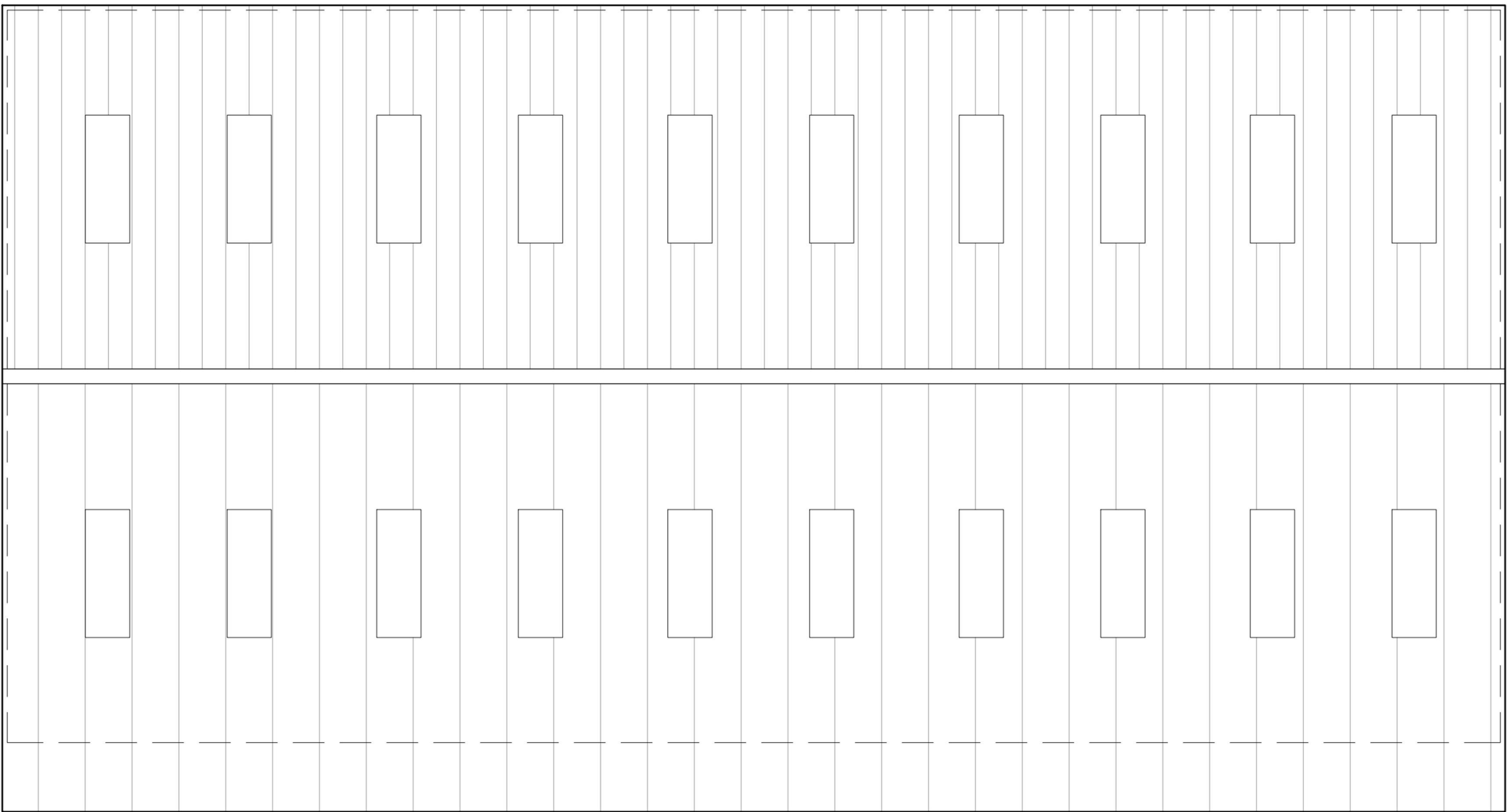
Lower Walls - Pre cast concrete panels - either natural finish or faced in Bricks/brick slips

Gutters - 200mm diameter half round 'stormflo' PVC gutters and 110mm diameter down pipes (3no. per side)

Diagonal feed gate units with galvanised feed hoppers and galvanised standard gates



FLOOR PLAN



ROOF PLAN