

# REGULATORY SERVICES COMMITTEE

# REPORT

26 April 2012

**Subject Heading:**

**P0088.12 – Youngs Organic Farm,  
adjacent 1 Franks Cottages, St Marys  
Lane, Upminster**

**Alterations to existing barn to provide  
an office and 2 bed residential unit for  
site manager. Conversion of part  
ground floor and first floor of existing  
barn for organic farm use (Application  
received 24<sup>th</sup> January 2012)**

**Report Author and contact details:**

**Helen Oakerbee (Planning Control  
Manager) 01708 432800**

**Policy context:**

**Local Development Framework**

**Financial summary:**

**None**

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[x]
Valuing and enhancing the lives of our residents	[x]
Delivering high customer satisfaction and a stable council tax	[ ]

## SUMMARY

This planning application seeks consent for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the application

includes conversion of part of the ground floor and first floor of the existing barn for organic farm use. A legal agreement is required to place an occupation restriction in respect of the barn conversion for the site manager. Staff consider that the proposal would nonetheless accord with the residential, environmental and highways policies contained in the Local Development Framework Core Strategy and Development Control Policies Development Plan Document and approval is therefore recommended.

## RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Section 106 Legal Agreement under the Town and Country Planning Act 1990 (as amended), to secure the following:

- The occupation of the two bedroom unit by the site manager only in connection with the use of the land at Youngs Organic Farm as an organic farm.
- The proposed conversion to provide an office and 2-bed residential units not to be leased or alienated separately from the property and land comprising Youngs Organic Farm
- The Council's reasonable legal fees for preparation of the legal agreement irrespective of whether or not that agreement is completed.

That staff be authorised to enter into a legal agreement to secure the above and upon its completion of that agreement, grant planning permission subject to the conditions set out below:

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

2. All new external finishes shall be carried out in materials to match those of the existing building namely brickwork, UPVC windows and timber stained doors, to the satisfaction of the Local Planning Authority.

Reason:-

To safeguard the appearance of the premises and the character of the immediate area, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no window or other opening (other than those shown on the submitted plan,) shall be formed in the flank wall(s) of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In order to ensure a satisfactory development that will not result in any loss of privacy or damage to the environment of neighbouring properties which exist or may be proposed in the future, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

5. No construction works or construction related deliveries into the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless agreed in writing with the Local Planning Authority. No construction works or construction related deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

To protect residential amenity, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

6. Prior to the commencement of the development hereby permitted, details of the measures to be incorporated into the development demonstrating how Secured by Design accreditation can be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until written confirmation of compliance with the agreed details has been submitted to and approved in writing by the LPA.

Reason:-

In the interest of creating safer, sustainable communities, reflecting guidance set out in PPS1, Policy 4B.6 of the London Plan, and Policies CP17 Design and DC63 Delivering Safer Places of the LBH LDF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Article 3, Schedule 2, Part 1, no development under Classes A, B, C and D shall take place unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason:-

In the interests of amenity and to enable the Local Planning Authority to retain control over future development, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

8. Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse awaiting collection according to details which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity of occupiers of the development and also the visual amenity of the development and the locality generally, and in order that the development accords with the Development Control Policies Development Plan Document Policy DC61.

- 9.. INFORMATIVES:

Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies CP14, CP17, DC33, DC45, DC47, DC60 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document.

In aiming to satisfy condition 6 the applicant should seek the advice of the Police Crime Prevention Design Advisor, Mr Tyler. The services of the local Police CPDA are available free of charge through Havering Development and Building Control. It is the policy of the local planning authority to consult with the Borough CPDA in the discharging of community safety condition(s).

Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

## REPORT DETAIL

### 1. **Site Description:**

- 1.1 The site is located to the north side of St. Marys Lane, Upminster and falls within the Metropolitan Green Belt and Thames Chase Community Forest. The site is currently in agricultural use and is occupied by an existing barn, mess room, toilets, kitchen and an organic farm shop, paddock and 500sq.m ménage area to the northeast corner, a smaller stable building to the western boundary of the site, a greenhouse, with the remainder pasture and grazing land. The site covers an area of 2.7 hectares. Access to the site is taken from St Mary's Lane via an access road adjacent no. 1 Franks Cottages.

### 2. **Description of development:**

- 2.1 The proposal is for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the proposal includes the conversion of part of the ground floor and first floor of the existing barn for organic farm use.
- 2.2 The existing barn currently comprises of an equipment and tack store, a shower/changing room, former stables and dry feed area and a farm tractor and cart store. The tractor and cart store would be reduced in size to create an additional packing room and cold store with a new internal staircase to a germination area and store in the first floor mezzanine area. The existing equipment and tack store, stables and dry feed areas are to be converted to site manager's accommodation consisting of an open plan kitchen and dining room, utility room, bathroom/W.C., hallway, office, living room, a bedroom and a store room. A second bedroom would be accessed using an existing spiral staircase to the first floor mezzanine floor.
- 2.3 The external alterations include the removal of the existing stable doors to the stables/dry feed store and formation of a single door to the site manager's accommodation with two additional windows on the west elevation. Two additional windows would be located on the east elevation.

### 3. **Relevant history:**

P1890.11 – Alterations to organic greenhouse to provide improved shop/organic display area. Variation of condition 3 of P0894.10 to extend opening hours for the farm shop and associated facilities from 9am and 5.30pm on Mondays to Fridays, and 9am and 1.30pm on Saturdays, Sundays

and Bank Holidays to: 7am to 4pm Mondays to Saturdays and 9am to 1.30pm on Sundays and Bank Holidays – to be determined.

P0511.11 – Temporary mobile home for Organic farm manager – Refused.

P1578.10 – Retention of new access off St. Mary's Lane. Proposed metal entrance gates, brick piers, railings, fencing and a crossover – Approved.

P1112.10 – Retention of organic greenhouse and ancillary facilities – Approved.

P0894.10 – Retrospective change of use of stable block to mess room, toilets, kitchen and shop for organic farm, 2 ramps, roof lights and external alterations – Approved.

P0722.10 – Erection of 1 no. organic polytunnel – Approved.

P0721.10 – Erection of 1 no. organic polytunnel – Approved.

P0975.08 – New greenhouse complex and ancillary facilities – Approved.

P0400.05 – Replacement of existing 3 stable block and formation of all weather ménage area (500m<sup>2</sup>) – Refused. Allowed on appeal.

P1580.04 – Proposed barn for existing stables – Approved.

P1773.03 – Retention of new entrance gates to existing stables – Approved.

P0203.03 – New access to provide direct service to stable for vet and muck clearance – Approved.

P2012.02 – New access to provide direct service to stables for vet and muck clearance – Refused.

#### **4. Consultations/Representations:**

4.1 The application has been advertised in a local newspaper and by way of a site notice as a departure from Green Belt policies. Fourteen neighbouring properties were notified of this proposal. Two letters of representation were received with detailed comments that have been summarised as follows:

- Not possible to comment on the alterations to the barn, as it is too far away from the road to view properly.
- The barn should not be used as residential accommodation as the site is located in the Green Belt.

4.2 The Council's Highways Authority has no comment or objection.

4.3 The Council's Crime Prevention Design Advisor – Recommends a condition and an informative if minded to grant planning permission.

**5. Relevant policies:**

- 5.1 Policies CP14, CP17, DC33, DC45, DC47, DC60 and DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the National Planning Policy Framework are relevant.

**6. Staff comments:**

- 6.1 The issues to be considered in this case are the principle of converting the barn, the impact on the Metropolitan Green Belt and the Thames Chase Community Forest, amenity issues and highway implications.

**7. Principle of converting the barn**

- 7.1 The application site lies within Metropolitan Green Belt. The proposal is for alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager. Also, the proposal includes the conversion of part of the ground floor and first floor of the existing barn for organic farm use. The National Planning Policy Framework (NPPF) states that the re-use of buildings is acceptable in the Green Belt provided that the buildings are of permanent and substantial construction. Policy DC45 states that particular care will be taken to ensure that the proposed use (including the use of any adjoining land) does not have a greater impact on the openness of the Green Belt.
- 7.2 It is considered that the conversion of the barn complies with the above criteria contained in the LDF and NPPF. Furthermore, it is Staff's view that the external alterations would be sympathetic to the character and appearance of the barn.
- 7.3 The principle of the barn conversion also complies with the NPPF, which states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings as well as promote the development and diversification of agricultural and other land-based rural businesses.
- 7.4 The barn is towards the rear of the site adjacent to the northern and eastern boundaries and is in close proximity to other buildings including the greenhouse and mess room/shop. It is considered that the proposed barn conversion to provide an office, a two bedroom residential unit for a site manager and rooms for organic farm use would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building in a manner which accords with guidance in the LDF and NPPF. Furthermore, there is a separation distance of approximately 120 metres between the building and St Mary's Lane, which reduces its prominence.
- 7.5 The barn is located adjacent to an existing mature hedgerow some 4.5 metres in height, to the northern, western and eastern boundaries of the site, which screens any views of the barn from the adjoining land.

7.6 The Council supports the concept of the Thames Chase Community Forest in which the application site is situated. It is considered that the change of use of the barn would not, due to its location and design, have an adverse impact on the open character of the locality. The proposal does not require any additional hardstanding or surfacing.

## 8. **Impact on Amenity**

8.1 Given the nature of the intended use it is not considered that an adverse impact to neighbours would be experienced. The location of the building is some 110 metres from adjacent residential properties in Franks Cottages. Access to the barn would be via the existing access and therefore, it is considered that the change of use would not result in a significant loss of amenity to adjacent occupiers.

8.2 The existing hedgerow to the northern, western and eastern boundaries of the site would further screen any views of the proposal and dampen noise resulting from activity within the site. It is therefore considered that there would not be any adverse impact upon the amenities of the occupiers of the neighbouring residential properties at Westbury Farm, Cranham Court or Franks Cottages.

8.3 It is considered that any likely noise and disturbance that might be generated from the existing use of the site as an organic farm would not be exceptional in such a rural location and the scale of the proposed operation is not considered such that it would be materially detrimental to residential amenity.

## 9. **Highway/Parking issues**

9.1 The plans show two car parking spaces for the site manager, which is deemed to be acceptable. Access to the barn would be via the existing access which was granted planning permission under application P0235.03. This is considered acceptable in terms of supporting the barn conversion and would not give rise to any highway issues. The Highway Authority has no objection to the proposal. Given that the barn would be used by one site manager and the scale of the proposed organic farming operation, it is considered that the proposal would not generate significant levels of traffic over and above existing conditions.

## 10. **Other Issues**

10.1 The proposal is liable for the Mayoral Community Infrastructure Levy. This a fixed rate tariff calculated on the basis of the new floorspace formed. The payment required here equals £2280, based on 114sq.m of floorspace at £20 per square metre. This payment is secured by way of a Liability Notice which will be issued with the Decision Notice should planning permission be granted.



## 11. Conclusion

- 11.1 It is considered that the principle of the development and the re-use of the existing barn are acceptable, as the barn would support organic farming activities and this agricultural use is in accordance with Policy DC45 and the National Planning Policy Framework.
- 11.2 Staff consider that the alterations to the existing barn to provide an office and a two bedroom residential unit for a site manager as well as rooms for organic farm use is inherent to the conversion of the building. It is considered that the conversion of the barn would not affect the open character and appearance of the Green Belt, as it involves the re-use of an existing building and by reason of its siting, separation distance from St Marys Lane and the quantity and quality of the screening, it is considered that the proposal would not result in a significant loss of amenity to adjacent occupiers. The proposal would not create any highway issues. For the reasons mentioned in this report, it is considered that planning permission should be granted, subject to conditions and a Section 106 Agreement that places an occupation restriction in respect of the barn conversion for the site manager.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

None.

### **Legal implications and risks:**

A legal agreement would be needed that places an occupation restriction in respect of the barn conversion for the site manager.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

None.

## BACKGROUND PAPERS

Application forms and plans received 24/01/2012.

1. The planning application as submitted or subsequently revised including all forms and plans.
2. The case sheet and examination sheet.
3. Ordnance survey extract showing site and surroundings.
4. Standard Planning Conditions and Standard Green Belt reason for refusal.
5. Relevant details of Listed Buildings, Conservation Areas, Article 4 Directions.
6. Copy of all consultations/representations received and correspondence, including other Council Directorates and Statutory Consultees.
7. The relevant planning history.