

**APPLICATION REFERENCE: PL/2021/01633/PPFL****Site Address:** Chestnuts Farm Eastcote Lane Hampton In Arden Solihull B92 0AS

<b>Proposal:</b>	Retention of agricultural hardstanding and farm access tracks around farm yard area with associated bunds, fencing and landscaping
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="https://publicaccess.solihull.gov.uk/online-applications/">https://publicaccess.solihull.gov.uk/online-applications/</a>

<b>Reason for Referral to Planning Committee:</b>	<b>The proposal has given rise to substantial weight of public concern.</b>
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<b>Recommendation:</b>	<b>REFUSAL</b>
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**BACKGROUND**

This application was previously reported to the Planning Committee meeting of 7 September 2022 with a recommendation of refusal. At that meeting Members resolved to defer the application pending a formal Committee site visit. The site visit is arranged for Monday 3 October 2022.

The application is now rereported to Members for consideration and determination, and what follows below is a reproduction of the previous Committee report, updated where necessary to include additional information previously contained within the update note reported to the 7 September meeting.

**EXECUTIVE SUMMARY**

The NPPF attaches great importance to Green Belts, the essential characteristics of which are openness and permanence.

The retrospective development amounts to inappropriate development in the Green Belt. This causes harm by definition, harm to openness, is contrary to the purposes of including land in the Green Belt and no very special circumstances have been put forward in support of the proposals that clearly outweigh this harm. Therefore Very Special Circumstances (VSC's) do not exist, that would need to be demonstrated in accordance with the NPPF and Policy P17 of the Solihull Local Plan if the

presumption against inappropriate development in the Green Belt is to be overcome. The proposed development is therefore contrary to Policy P17 of the Solihull Local Plan and the NPPF and the recommendation is one of refusal.

The retrospective development also does not comply with policies P12 and P15 of the Solihull Local Plan.

On this basis the recommendation is for refusal.

## **MAIN ISSUES**

The key main issues in this application are;

1. Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and relevant development plan policies;
2. The effect of the proposal on the openness of the Green Belt;
3. The effect of the proposal on the character and appearance of the area;
4. The effect of the proposal on neighbouring residential amenities;
5. What effects would the development have on highway safety and the free flow of the road network;
6. Other Material Considerations (Landscape, Ecology, Drainage, Climate Change,);
7. Whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development;
8. The Planning Balancing.

## **CONSULTATION RESPONSES**

Statutory Consultees

- Parish Council - Objection. An appointed Planning Agent has provided a comprehensive 13 page objection letter, objecting for the following summarised reasons:

*60. It is considered that the non-agricultural development under planning application PL/2021/01632/PPFL is inappropriate development in the Green Belt. It is considered that the effects on Green Belt Green Belt openness are and will be significant and, therefore, harmful to the character and appearance of the predominantly rural setting. There are also other potential harms, although further information should be requested, e.g. relating to highways, residential amenity (noise, dust, lighting), contamination and any impact on heritage assets.*

*61. It is fully acknowledged that farm diversification accords with planning policy, in order to support farm enterprises and the management of land, providing it is in an appropriate location, of a scale appropriate to its location, and does not harm the Green Belt, conservation or enhancement policies. In this particular instance, however, the extent of the non-agricultural operation at Chestnuts Farm is*

*considered to be significant, notwithstanding the future intention to expand the farming capabilities. Albeit there are some doubts about the compatibility of operating the intended farming business as set out in the agricultural applications in the midst of the non-agricultural uses.*

*62. Unfortunately, it is not considered that the arguments advanced in the planning application PL/2021/01632/PPFL clearly outweigh the totality of the harm to the Green Belt that has been identified. As presently submitted, it is not considered very special circumstances necessary to justify the approval of the planning application have been presented.'*

An aerial photo is also submitted detailing the extent of development on site regarding the non-agricultural activities of the resident non-agricultural companies on site.



The Parish Council wishes to draw to your attention to the developments proposed in these applications which if permitted, go further to contravene Policy ENV 3-Views in our adopted Neighbourhood Plan 2017-2028, and therefore wish to place on record our objection to these applications

The applicants have replied independently to the Council to this report detailing 'To conclude, we would suggest that this report is not fit for purpose, being neither impartial not accurate, and as such should be ignored'.

#### Non Statutory Consultees

- SMBC Drainage - No objection subject to condition
- SMBC Highways – No Objection
- SMBC Planning Policy – Objection
- SMBC Ecology – No objection
- SMBC Landscape – Further information required
- SMBC Public Protection – No objection subject to condition

#### **PUBLICITY**

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

Letters of objection have been received from Councillor Alison Rolf detailing;

'With regards to the 01633 application, there is mention of landscape planting but I can see no detail. What is proposed please? Also, hardcore and earth bunds 2 metres in height. These would be visible from the top of the hill from the village. They would not be pretty. Has any thought been given to this please?'

Also ..

The aesthetic nature of this application is the reason for my objections. This site is at the bottom of a hill and can be clearly seen from the neighbouring village of Hampton in Arden. There's an old hall which is used by residents and visitors alike and the site is visible from the grounds of the hall. The bunds being made of hardcore and earth at 2 metres high are likely to be unsightly and not at all pretty. As far as landscape planting is concerned, if there is to be any hiding of the site, this will need to be carefully planned and be at least partially evergreen to allow for the site to be hidden, even in the winter months. No information is given about opening hours and as this is a skip business being run next to residential houses, this information is vital.

26 letters of objection detailing this application number in part have been received detailing the following summarised concerns (Members have access to the full copies):

- Inappropriate development in the Green Belt with no compelling VSCs to outweigh the harm;
- My objection stems from the amount of visual and audible blight that has occurred in the last 12 months or so while they have been operating without permission;
- I suggest that had consent been sought in the first place it would have been refused for many reasons including its inappropriate location;
- There are many abuses of planning laws by the establishment of businesses and retrospective planning consent. I and my fellow villagers look to people like yourself to take heed of the serious environmental impact waste processing in the countryside has;
- We are already being subjected to major works around the village (HS2, Bickenhill Lane, proposed motorway service area). If these applications are bogus, they are totally unacceptable and we strongly oppose them;
- Air pollution from thick noxious looking smoke belching from the chimney stack;
- Heavy goods and van traffic on the residential element of Eastcote Lane;
- Air and noise pollution from heavy goods traffic along the residential element of Eastcote Lane ;
- Damage to the road and verges of the lane from excessive heavy weight usage;
- Risk to pedestrians on the narrow lane;

- Noise pollution of HGVs, skip, tractors vans etc., especially when reversing (warning beep) from the early hours of the morning with on site activity
- The farm is very close to a residential area and a Public Footpath runs along the driveway entrance. There is already regular smoke coming from the farm, which is assumed to be incineration of waste products that drifts over the surrounding fields, including Public Footpaths, and local residences depending on the direction of the wind;
- This will also have a disastrous effect on property prices in the area;
- I strongly object to the use of an agricultural farm within a conservation area being used for industrial use;
- In short Chestnuts farm's principle activity is now waste management and not agriculture. It has become a waste processing location. The development is in full view of Fentham Hall, which has public access including parking and public footpaths. Such development is not allowed on agricultural sites;
- The site is clearly not being used solely for farming work, as there are huge piles of waste materials which now dominate the land surrounding the farm. There are regular bonfires where waste is burned. This is done in an uncontrolled way and releases large volumes of smoke and whatever else is released during the burning process;
- Disruption and danger in the residential lane due to increased traffic movement skip Lorries and commercial HGV traffic. Road traffic incidents are already occurring at the site entrance on the public highway;
- Danger to walkers from vehicles on the new section of road built over the public footpath near the site between Hampton and Walsall End;
- Light pollution in the countryside at the site;
- The farm track will become 'muddy' and be churned up by these HGV vehicles, the mud is likely to get deposited onto the & heighten the risk of an incident & an accident waiting to happen;
- Inappropriate industrial development in the green belt;
- Loss of rural aspect;
- Degradation of adopted rural views;
- Regarding SLP policy P12 ,the applicants have not offered any evidence that Chestnuts Farm is a suitable location for waste recycling.
- The prevailing wind is from SW so every time I step out of my door when the burner is operating I get kippered, which is bad for my health, & the smoke clings to my nose hairs & clothes so I continue to smell it for a long time after I come indoors;
- There is considerable light pollution as they work from 7am to 10pm, & there are often lights on after that;
- There are no special circumstances offered in the planning statement;
- The application site is located in an unsustainable location with employees reliant on travel by car.

9 letters of support have been received detailing;

- The proposals appear to be in keeping with a 'working farm' furthermore they are supporting local businesses during this unprecedented time. As far as I can see the proposals would utilise and bring a redundant site back into

positive use which would benefit the environment as well as taking agriculture forward;

- As the District Commissioner of Heart of England Pony Club I am writing in support of Emma and Ian Moss of Chestnuts Farm, Barston, as members of the pony club we are regularly invited to Chestnuts Farm to take advantage of the beautiful surroundings of the farm and ride round the acres of land, something which all our members thoroughly enjoy;
- It is quite clear upon reading the facts surrounding the controversy about Chestnuts Farm that this is a vendetta against a young couple trying to make an honest living in a more sustainable way, also how wonderful is it that this Farm is trying hard to work to improve its sustainability in a Greener way and also by having licensed and regulated businesses on their premises are also supporting and keeping local business in our area which in turn create jobs for our locals and allow young families to stay in our area where in fact quite frankly a lot of the younger generations are simply having to leave due to ridiculous high prices in this area..., what then would happen to these farms..., probably become housing estates so we fully support anything they try to do to make an honest law abiding living;
- The applicants have clearly demonstrated both the need for such improved facilities and accommodation works and have sought to minimise impact on the environment and adjacent property to a level which would allow consent in each case to be granted;

This suite of applications represents an honest and responsible approach in seeking to deliver greater diversity and sustainability with rural development. It should be supported and encouraged;

- As with nearly all farms within Barston the applicants have had to diversify and look at different opportunities to generate income in order to reinvest in the farm as a whole to make it a viable enterprise going forward. As a direct neighbour to Chestnuts Farm I would like to offer my support to the above applications which as I see it support the vision the applicants have for a modern farm, adopting an element of diversification along the way;
- Not once have I experienced unreasonable levels of noise or traffic, or smelt any smoke. The Mosses are good farmers and good neighbours, keeping their land and livestock in good heart and showing endless kindness and assistance to my family. I doubt if it is a coincidence that since Ian and Emma have been responsible for the fields that surround my home, I have begun to see the return of many species of wildlife, including hover flies, ladybirds, frog hoppers, newts, bats and even hares. The view from my house has not changed or been impacted in any way, and I fail to see how a business that does not affect my lifestyle and is hidden and separated from the lane by many acres of correctly maintained farmland, can reduce the value of my property;
- They have created a very large pool on the farm to entice newts, frogs, toads, water snails as well as water beetles and various larvae etc. They have planted around 500 trees and all hedge rows around the farm are well maintained
- to preserve and encourage local wildlife, they are also leaving a cover strip of maize around the farm for winter feeding for the birds and have working bee hives. They have also installed a biomass they use not only for supplying heating for the workshops but also the office buildings and their house, so to suggest they are not environmentally friendly is a nonsense;

- According to DEFRA statistics, small family farms have more than halved in number over the past sixty years. Their only chance of survival is to diversify. This is being actively encouraged by DEFRA, to prevent our villages becoming nothing more than dormitory villages, and to preserve the appearance of the Countryside. Local people with local businesses are the life blood of any community, and should be encouraged;
- The development at Chestnuts Farm is not visible from the public highway, and with the further sympathetic screening, which is being proposed, would not be visible from public footpaths in the area;
- The site is not open before 8.00am or after 4.00pm, weekdays only, and therefore no light pollution is caused. Any noise from the site would be further minimised by the proposed landscaping. There do not appear to be any smells coming from the site, other than purely agricultural ones;

With regard to neighbour concerns, this application was submitted at the same time as other applications as detailed in the planning history detailed below in this report. Public consultation was carried out approximately at the same time for all 4 applications being considered at planning committee on 7-9-22 and 5-10-22 and many residents have replied with one response regarding all of the 4 applications. With this regard to this application many of the concerns raised relate to the other 3 applications submitted.

## RELEVANT PLANNING HISTORY

- PL/2021/01631/PPFL - Completion and extension of part constructed general agricultural building for storing farm machinery, equipment and grain and use as temporary shelter for cattle. **Approved at planning committee on 7-9-22.**
- PL/2021/02505/PPFL- Erection of new grain drying shed. **Approved at planning committee on 7-9-22.**
- PL/2021/01632/PPFL- Continued use of existing agricultural building for offices and workshops for Dovetail Group with associated vehicle parking and storage in 4 containers and screen fencing. Continued use of existing yard and building for waste recycling and ancillary skip hire - C& R Lewis - part of Dovetail Group. **Pending consideration at planning committee on 5-10-22 following being deferred at planning committee on 7-9-2022. Officer recommendation of refusal.**

## PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

‘Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise’.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with

the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

On the 13<sup>th</sup> of May 2021 the Local Plan Review was submitted (via the Planning Inspectorate) to the Secretary of State for independent examination.

This marks the next stage in the preparation and adoption of the plan. The advice in the NPPF at paragraph 48 states “Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

Greater weight, but not full weight, can therefore be given to the submitted plan, but this may still be dependent on the circumstances of each case and the potential relevance of individual policies. In many cases there are policies in the new plan which are similar to policies in the adopted plan which seek the same objectives, although they may be expressed slightly differently.

It is considered that relevant policies pertinent to this application have limited weight in the planning balance, and as a result do not alter the recommendation of approval reached in this report.

This report also considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2021, the National Planning Practice Guidance.

Whether the proposed development would constitute inappropriate development in the Green Belt having regard to the National Planning Policy Framework and relevant development plan policies;

The site is located within the designated Green Belt where Chapter 13 of the NPPF (2021) - Protecting Green Belt Land applies and is an appropriate policy context for assessing the application.

Paragraph 137 of the NPPF details the Government attaches great importance to Green Belts. 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.

Paragraph 138 details Green Belt serves five purposes including :



c) to assist in safeguarding the countryside from encroachment;

The NPPF 2021 details in 'Proposals affecting the Green Belt' the following paragraphs;

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. 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.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land (PDL) and contribute to meeting an identified affordable housing need within the area of the local planning authority.

NOTE The annex of the NPPF excludes land as PDL that is or was last occupied by agricultural or forestry buildings.

150. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Policy P17 of the Solihull Local Plan 2013 - Countryside and Green Belt advises that the Council will not permit inappropriate development in the Green Belt, except in very special circumstances. It also introduces several forms of development that may be acceptable in the Green Belt, with the final three of which being potentially applicable to this case as follows:

- The reasonable expansion into the green belt of existing businesses will be allowed where the proposal would make a significant contribution to the local economy or employment, providing that appropriate mitigation can be secured.
- Where the re-use of buildings or land is proposed, the new use, and any associated use around the buildings, should not conflict with, nor have a materially greater impact on, the openness of the Green Belt and the purpose of including land in it, and the form, bulk and general design of the buildings shall be in keeping with their surroundings; and
- Where waste management operations involving inappropriate development are proposed in the green Belt, the contribution of new capacity towards the treatment gap identified in the Borough may amount to very special circumstances, proving the development accords with the waste management policy of the plan.

In this application the Council maintain that the existing uses requiring retrospective approval at the application site including;

1. Retention of agricultural hardstanding and
2. farm access tracks around farm yard area with
3. associated bunds,
4. fencing and
5. landscaping,

do not amount to agriculture, given these additional structures are associated for use with non-agricultural activities on site also under consideration at planning committee on 7-9-2022 as detailed in planning application PL/2021/01632/PPFL - *Continued use of existing agricultural building for offices and workshops for Dovetail Group with associated vehicle parking and storage in 4 containers and screen fencing. Continued use of existing yard and building for waste recycling and ancillary skip hire - C& R Lewis - part of Dovetail Group.*

This is considered below later in this report regarding assessing the submitted documents in support of the application. Taking the above into account regarding the above policy context it is clear that the items listed 1- 5 above do not fall within the exceptions of paragraph 149 and 150 of the NPPF 2020 as detailed above or the Solihull Local Plan and can therefore only be seen as inappropriate development in

the Green Belt. The reason for this I stat they constitute engineering operations that do not maintain the openness of the Green Belt.

Regarding the additional bullet points of P17, the first criterion above is not met because the business is not established at the site (it is unauthorised, hence this application), the second has been discounted above with reference to para 150(e) of the NPPF, and in relation to the third, it is not argued and evidenced that this is the case.

The proposal can therefore only be considered to represent inappropriate development in the Green Belt. The proposal is therefore harmful to the openness of the Green Belt, to which substantial weight should be afforded, and harmful to the purposes of including land within the Green belt, again to which substantial weight should be afforded.

#### The effect of the proposal on the openness of the Green Belt;

The NPPF is explicit that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.

The uses as listed 1- 5 above will help facilitate vehicular access, on site parking, storage and site screening and landscaping of existing items already in operation on site as detailed in application PL/2021/01632/PPFL which is also under consideration at planning committee on 7-09-22. All these require retrospective approval and have resulted in the change of use of exiting farm buildings and the expansion of the existing farmyard area with erection of new buildings and structures for use on the application site in exchange for rental income to help boost the existing farm income and to secure the future expansion of the main farm business. The activities carried out in these now residing businesses, Dovetail Group and C& R Lewis are non-agricultural, but according to the applicant have 'agricultural roots'.

Nevertheless, facilities on site now provide staff office accommodation, equipment storage and vehicle parking for business vehicles and staff for the Dovetail Group business which is now centrally located at this site, managing and providing off site maintenance services activities to the wider surrounding area. This includes contracts to maintain open spaces in other settlements and highway and canal networks maintenance in surrounding settlements and conurbations. The skip hire and recycling facilities on site provided by C & R Lewis are also non-agricultural based.

The Council maintain all this expansion through the provision of items 1 – 5 listed above on site would be detrimental to the existing openness of this Green Belt land. The NPPF and policy P17 state clearly that inappropriate development is by definition harmful to the openness of the Green Belt. As such, it therefore follows that the proposal creates harm.

The NPPF and P17 state that the Green Belt has 5 main purposes, which are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;

- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In its simplest terms, openness can best be described as being land devoid of urbanising features or structures, and as such, as soon as urbanising features are proposed on an area of land, openness is physically and visually harmed irrespective of the degree of visual impact of said structures.

Having regard to the 5 purposes of including land within the Green Belt as set out above, it is considered that the proposal would conflict with the third purpose. The third purpose seeks to safeguard the countryside from encroachment. The existing farm is situated off a small country lane surrounded by open fields and visible from surrounding settlements across the landscape. As such, expanding the existing farm yard with additional hard-standings, access tracks associated bunds and expanses of new fencing and landscaping used in association for non-agricultural uses and the provision of storage areas and additional parking areas for significant numbers of commercial vehicles and staff cars on a daily would result in urbanising development that will clearly be at odds with these purposes. Employees cars are to be parked in the proposed hardstanding areas during the day for office workers, while other employees swap their cars during the day for the commercial vans used by the business and which are then returned to be parked overnight in the existing farm yard. Overall, this would cause encroachment of built form and urbanisation on the site. Substantial weight against the proposal is therefore afforded to the proposal by virtue of it constituting inappropriate development in the Green Belt and being harmful to one of the stated purposes of including land within the Green Belt.

The applicant's consider that in this instance there are VSCs that clearly outweigh the harm of the proposal by reason of its inappropriateness and any other harm. The significance and weight to be attached to the submitted VSCs will be assessed at the end of this report in the balancing exercise, once the extent of any potential 'other harm' has been properly assessed and identified.

#### The effect of the proposal on the character and appearance of the area;

Policy P15 of the Solihull Local Plan advises that the Council will seek to achieve good quality design which conserves and enhances local character, distinctiveness and streetscape quality.

The expansion of the existing farmyard access tracks, hard-standings, associated bunds, expanses of new fence lines and landscaping to facilitate and service buildings for non-agricultural use and the introduction of significant numbers of additional parking for commercial vehicles and staff cars associated with these uses requiring retrospective approval, would be clearly visible across open surrounding fields. As such they would be considered to be visually prominent urbanising structures within this Green Belt location and would therefore be harmful to the character and appearance of the area.

These features create a markedly different and urbanised scale of development to that which previously existed at the site, being harmful to the character and appearance of the site and area generally. As demonstrated by the Parish Council objection letter which includes comparison aerial photographs from 2013 and 2021, as detailed above in this report.

The existing development subject to retrospective approval does therefore not comply with the requirements of Local Plan Policy P15, which requires development to conserve and enhance the natural environment. The proposal therefore, causes significant other harm that needs to be put into the planning balance.

Negative weight should be attributed to this in the planning balance.

The effect of the proposal on neighbouring residential amenities;

Policy P14 advises that the Council will seek to protect and enhance the amenity of existing and potential occupiers of houses and only allow development if it will be a good neighbour.

SMBC Public Protection has requested that should the application be approved then the following conditions should be applied regarding potential noise and disturbance to neighbouring properties from the addition of new access tracks, hard-standings, associated bunds, fencing and landscaping within the expansion of the farm and which share boundaries with the application site field boundaries, detailing;

- 1) Hours of use shall be restricted to those applied for, meaning no activities associated with the proposed development shall take place outside of the hours of:
  - 07:00 – 17:00 hours Monday to Fridays
  - 07:00 – 13:00 hours Saturdays
  - No activities Sundays or Bank Holidays

These activity hours shall also apply to deliveries and to the collection and dispatch of goods and materials to and from site, including waste.

- 2) Before the use of the development hereby permitted commences, a noise assessment report shall be submitted to and agreed in writing by the Local Planning Authority. The report shall detail the measurement, prediction and assessment of cumulative noise impacts from the proposed development, so as to evidence that impacts are acceptable on noise grounds. Assessment shall be undertaken by an appropriately qualified and experienced acoustics professional.

Findings shall be contained in the noise assessment report which shall specify the provisions to be made for the control of noise emanating from the site (to include use of access roads, tracks or lanes). It shall demonstrate that noise impacts from activities comply with relevant British Standards (e.g. British Standard BS 4142:2014+A1:2019 'Methods for rating and assessing industrial

and commercial sound') and other recognised national and international noise guidance and standards.

Once written approval has been issued, specified noise control measures shall be implemented before the use commences, maintained and used in accordance with the agreed scheme thereafter.

#### Air quality, dust and odour

Waste sites that present air quality, dust and odour issues are controlled via Environmental Permitting regulations (which require waste handling sites to secure Permits to operate such activities, and via permit conditions, to control such issues) unless exempted. A permit has been secured for this site.

The Environment Agency (EA) are responsible for overseeing ongoing mitigation and enforcement of such matters via the permit, which should also address other relevant environmental matters e.g. contamination issues presented by operations if relevant.

Any forced ventilation or extraction systems associated with this application or use (that relates to waste activities) should likewise be controlled via the environmental permit, though noise impacts should be noted and addressed in Condition 1) above.

As such PP do not comment further on air quality, dust and odour (though see AQ Informative below)

#### Lighting

At the separation distances proposed, light overspill levels are not likely to trigger non-compliance with Institution of Lighting Professionals (ILP) Guidance Note GN01/21 'The

Reduction of Obtrusive Light'. However, if roadways are intended to be lit, the following condition is recommended by PP:

1. No development shall commence until a scheme of lighting and/or floodlighting has been submitted for approval by the local planning authority, where such lighting is proposed on any part of any access route between Eastcote Lane and the main Chestnut Farm complex. The installation and subsequent operation of lighting on site shall be in accordance with the approved scheme which shall thereafter be retained.

#### Informatives

PP would recommend the following informatives be attached to any approval:

##### EV charging

Public Protection would welcome the submission of measures as described in the West Midlands Low Emission Towns and Cities programme publication "Good Practice Air Quality Planning Guidance", 2014, in particular those relating to the provision of electric vehicle (EV) charging. The document and associated measures can be found at:

[https://go.walsall.gov.uk/Portals/0/Uploads/PollutionControl/letc\\_good\\_practice\\_air\\_quality\\_planning\\_guidance\\_may\\_2014.pdf](https://go.walsall.gov.uk/Portals/0/Uploads/PollutionControl/letc_good_practice_air_quality_planning_guidance_may_2014.pdf)

Having regard to the separation distances between the application site and other dwellings in the wider landscape and the above conditions, it is not considered that the proposal to approve retrospectively will result in detriment to the amenities currently enjoyed by these occupiers. Given the conditions imposed above in the event the application were approved, the existing development subject to retrospective approval would therefore be compliant with Policy P14 of the SLP and neutral weight should be attributed to this in the decision making process.

What effects does the development have on highway safety and the free flow of the road network?

The Highway Authority is satisfied that the development proposals will not have a severe impact on public highway safety, or on the operation of the local highway network.

The existing development requiring retrospective approval is therefore compliant with Policy P7 and P8 of the Local Plan and neutral weight should be attributed to this in the planning balance.

Other Material Considerations (Landscape, Ecology, Drainage, Climate Change).

Landscape.

The SMBC Landscape Officer has stated further information is required detailing;

In general, the information provided in relation to the landscape elements is somewhat lacking. To establish the level of Landscape elements (existing or proposed) we would require accurate section plans through the bunds, Specification/elevations of the fencing, a tree survey particularly relating to the Poplar trees planted in (2017) to include extent, numbers sizes and condition etc. but from arial photography it appears that there are other trees that could also be in the zone of influence.

Whilst this could be dealt with by condition, it would be useful if a landscaping scheme could be provided in order for us to understand the extent of any proposed planting. Any proposed planting should be of Arden characteristic species.

In terms of the Green Belt we consider the use of the land that has taken place (where unauthorised) or proposed, add engineered features into the landscape and do not preserve Green Belt openness and therefore conflict with the purposes of including the land in the Green Belt. The development, as set out in this application, is likely considered to represent inappropriate development in the Green and may result in an objection from Landscape but is likely more appropriately dealt with by the case officer.

The existing development requiring retrospective approval would not accord with Policies P10 and P14 of the SLP but if the application was to be approved, planning conditions can ensure a suitable landscaping scheme is applied on site to accord

with policies P10 and P14. On this basis neutral weight should be attached to this in the decision making process.

### Ecology

SMBC Ecology has no objection detailing;

have viewed the plans and aerial photography.

I do not object to this application given that works for the creation of the tracks have been completed.

Planting within the site is welcomed and will contribute to achieving a biodiversity net gain. I strongly recommend that only native species are used.

Any outstanding works within the site should be undertaken carefully given there are ponds in the area, which could support great crested newts. To ensure amphibians and reptiles are not affected by the works, I strongly recommend the following measures are adhered to during any outstanding works:

- Any vegetation clearance to be carried out carefully by hand and without the use of a strimmer.
- All building materials to be stored on wooden pallets.
- The removal of any stored material/equipment should be undertaken carefully by hand.
- Any trenches or excavations should be covered overnight, or a wooden plank should be placed in all open trenches/excavations so animals can escape.
- If a slow-worm, grass snake, common lizard or great crested newt is found the works must cease immediately and Natural England or a suitably qualified ecologist is contacted. The workers on site should be made aware that these animals can be encountered at any stage of the works

It is therefore considered that the existing development subject to retrospective approval would accord with policy P10 of the SLP 2013 and neutral weight should be attached to this in the decision making process.

### Drainage

The SMBC Drainage Officer has no objection subject to conditions detailing;

The applicant is advised that according to mapping produced by the Environment Agency and held by the Council, the northern part of the site is at risk of surface water flooding during extreme storm events. It is therefore recommended that the development is constructed using flood resilient construction techniques. Flood risk information can be obtained from <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>. Further information relating to this can be obtained from Solihull Council as the Lead Local Flood Authority (LLFA) on 0121 704 8000 or [drainage@solihull.gov.uk](mailto:drainage@solihull.gov.uk).

Condition 1 - Appropriate surface water drainage scheme in accordance with details to be submitted

No above-ground work shall commence until such a time as a scheme to manage the surface water runoff from the development has been submitted to and approved in writing by the Lead Local Flood Authority in conjunction with the Local Planning Authority, with no



occupation until the scheme is operational. The submitted details shall include, as a minimum:

- Drawings showing overall site concept design principles
- Site layout plan, incorporating SuDS drainage design, site ground levels, finished floor levels, any integration with landscaping, earthworks or other features.
- Surface Water Drainage Design including:
  - Confirmation of the lifetime of the development
  - Design storm period and intensity (1 in 1, 1 in 30 & 1 in 100 year + allowance for climate change see EA advice [Flood risk assessments: climate change allowances](#)),
  - Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates in accordance with BRE365 methodology;
  - Confirmation of discharge rates and volumes (both pre and post development)
  - Confirmation of proposed discharge location.
  - Innovative and Multi-Functional SuDS Design that makes good use of the site space, supported by robust calculations and demonstrating full compliance with SMPC Policy P11 and DEFRA's Non-statutory technical standards for sustainable drainage systems to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus climate change critical event storm.
  - Engineering details for all surface water drainage features
  - Temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of finished floor levels in AOD;
  - Details of water quality controls, where applicable. For example, demonstration that the final design provides appropriate treatment for water leaving the site
- Surface Water Drainage adoption and maintenance strategy
- On and off site extreme flood flow routing and proposed resilience measures that ensure the buildings and infrastructure are safe from flooding
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

The scheme shall be implemented, maintained and managed in accordance with the approved details.

On this basis the existing development subject to retrospective approval is compliant with Policy P11 of the Solihull Local Plan 2013 and neutral weight should be attributed to this in the balancing exercise.

### Climate Change

In October 2019 the Council made a climate emergency declaration and a statement of intent to protect the environment. This was unanimously approved by the Council and has led to the development of the Council's Net Zero Action Plan and supported the evidence base to deliver new policies within the Solihull Local Plan Review (SLPR). As explained earlier in this report, the SLPR is currently going through the examination process and hearings have taken place with the Planning Inspectors. Once adopted, the plan will replace the Solihull Local Plan 2013 and will have full

weight. Until that time, policies within the SLPR hold limited weight, but not full weight in the decision-making process. Whilst adopted policy P9 sets out measures to help tackle climate change through new development, it does not set clear requirements relating to new technologies and initiatives. As such, the updated policy P9 will provide the Council with greater leverage in requiring new development to meet up to date Climate Change and sustainable policies – responding to the aims and objectives of the Climate Change deceleration.

Nevertheless, existing planning applications such as this, are already required to perform well against wider climate change and sustainable policies. To this end, officers have sought to achieve the best solutions as part of this application within the remits of adopted policy. Matters of sustainable urban drainage are secured, a net gain in biodiversity is achieved and landscaping is maximised, limiting tree loss and requiring landscape mitigation and landscape schemes more generally.

Furthermore, it is important to note that amended Building Regulations are to come into effect from 15th June 2022 and become applicable to new builds. This relates to Part L (conservation of fuel and power), Part F (ventilation) and a new Part O (overheating) of the Building Regulations. Part S (Infrastructure for the charging of electric vehicles) are also bolstered and become a building regulation requirement. Whilst new measures will not apply to schemes which are already subject to a building notice; full plans application to Building Control; or initial notice to Building control and which commence work for each building before 15 June 2023, it is our understanding that anything subject to such Building Control applications after the 15th June 2022 will need to meet these new regulations as standard. An informative is added to the recommended decision to alert the applicant to this.

### Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions)

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149, which is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to refuse permission in this case will have a disproportionately adverse impact on a protected characteristic.

### Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

Members are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents'

right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to refuse permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

Whether the harm by reason of inappropriateness (VSCs), and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Given the above, it is necessary for the applicant to demonstrate that there are very special circumstances, which are of sufficient weight to outweigh the harm by way of inappropriateness and any other harm. In this instance the identified harm is:

- The proposal represents inappropriate development in the Green Belt that is both by definition and demonstrably harmful to openness;
- The proposal conflicts with the purposes of including land in the Green Belt,
- The proposal is harmful to character of the area.

The following information (as detailed in extracts from submitted supporting documents and **numbered 1 to 8 in bold** text below) by the applicant in an attempt to tip the balance in favour of approval. The applicant states that the NPPF does not define VSC's and it is a matter for the decision maker in the exercise of their judgement in any particular case.

**1/** 'The submitted Agricultural vision statement by Howkins and Harrison details the applicant wishes to grow the agricultural business and take on farm workers as the business grows. If the applicants get to 200 head of cattle they will require 1 additional worker straight away, if the arable land increased they are likely to need 2 workers. This report goes on to detail the following points in section 7 - Justification of the farm diversification of the redundant buildings, detailing;

As stated earlier in this report the original farm buildings are not suitable for modern day agricultural use. When the applicants purchased the farm, these buildings had not been used since the previous owners bought the farm in 1986. They had had very little maintenance work done on them.

The applicants were approached by Dovetail (a current tenant of the site) in 2019. Their business is in ground maintenance and management and had rural roots. The on-farm location suited Dovetail as they could run all their business operations from one site. C & R Skip Hire came to the farm shortly afterwards as their business works alongside Dovetail in processing waste.

The rental income from Dovetail and C & R Skip Hire is put towards improving the agricultural facilities at Chestnuts Farm. The investment will enable the expansion of the agricultural side of the business and help the clients build a successful and profitable farming enterprise.

When Dovetail and C & R moved in they were given an introductory rent as there was works to do and some reorganising of the area. 2020/21 is the first year both Dovetail and C & R are paying a full rental which is as follows:

Dovetail - £4590 per month

C & R - £2040 per month

Planning policy supports on-farm diversification that creates a prosperous rural economy. Dovetail and C & R provide employment opportunities along with paying a rent to the applicants.

The applicants do not wish to turn the farm into a commercial entity, they simply need additional income to help further expand the agricultural side of the business. Until the applicants can increase their cattle numbers, they cannot increase the profit from the farm. Moreover, to increase cattle numbers, they will need new cattle sheds (along with obtaining planning they will also need funds to build these).

The diversification into commercial lettings has two key benefits to the farm. Firstly, the additional income to help further establish the agricultural business and secondly, by reusing redundant buildings that are not suited to modern day agricultural machinery and farming methods.

In conclusion, the applicants vision for Chestnuts Farm is to grow the existing business by increasing cattle numbers and taking on more land. To do this they will require new agricultural buildings as the current ones are not fit for modern day agriculture. The diversification of the old farm buildings to commercial lets has enabled the applicants to have money to reinvest into the agricultural business. The applicants do not wish to turn the farm into a commercial business park their routes are strongly in agriculture and they are trying to turn the farm into successful business. Their plans for growth are as follows:

- To grow the suckler herd by 25 to 50 head of cattle per year until they get to around 200 cattle on the farm.

- Erect new purpose built cattle sheds and general farm buildings.

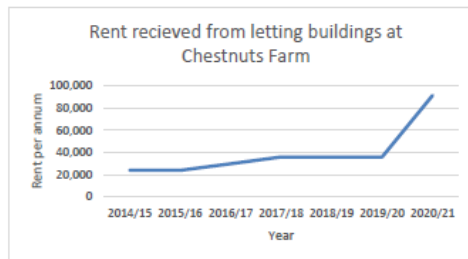
- To take on more arable land by either buying or renting land on Farm Business Tenancies. The applicants would like to get to 500 acres.

- To employ an agricultural worker on the farm once the above expansion has happened.'

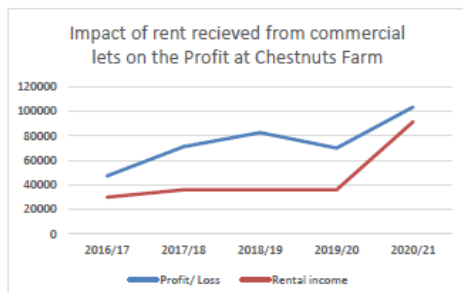
**2/** Details of diversification of the old farm buildings to commercial lets has enabled the applicants to have money to reinvest into the agricultural business as detailed in the submitted graphs below;

## 7. Moss Kirkham Farming – figures

The graph below shows how the rental income has increased at Chestnuts Farm since Dovetail and C & R have been onsite.



The next graph shows how the rental income has increased the profitability of the farming business and enabled the applicant to reinvest that money into improving the agricultural side of the business as set out in section 5 above.



**3/** Details of how this situation has arrived on site is explained in The submitted Chestnut farm brief history document by the applicant Ian Moss – Moss Kirkham Farms which details in part ;

‘In August 2019 we were approached by a neighbouring farmer who had been approached by a local landlord as he had got a tenant on a yard at eco business park - Bickenhill and his tenant who was an arboricultural and ground care maintenance firm were not fitting into his plan for the yard as their need for temporary storage for their green waste, chip and logs. He had also been approached by Balfour Beatty who are working on the HS2 station on the other side of the A45.

Because of a demand for greatly inflated rent, Dovetail, a local family run business, were without a yard, but were employing approximately 90 people, some of whom work remotely, in the local area. So we offered them a secure storage space and parking for vehicles as a base and offices for them. They have large contracts for the Canals & Rivers Trust, trimming the grass to the tow paths on Birmingham and Coventry canals also hedge and tree maintenance and other contracts within this they also clear rubbish out of the canals and towpaths etc. They also have contracts with Balfour Beatty, Solihull MBC, Warwick DC and Amey with the MOD. The owner of Dovetail had also purchased a skip and a grab lorry which were based at our farm for clearing the waste from the contracts, but to also justify the running cost of the business and permits etc he also does domestic skip hire. To put this in context his only driver for the last 18 months has been my 75yr old father. To keep within all the laws and regulations the EA recommended he went for a transfer station permit of

which the smallest option is for the 75kt so he then applied for a joint permit in the name of C&R Lewis Skip hire and Dovetail UK Ltd which he was given after 9 months of application. As stated within our contract he is only allowed to bring in waste on his own vehicles i.e., 2 skip lorries or on the grab or on his small tipper trucks. This is then sorted into either general (to be taken in a 40yard bin by Veolia) scrap (to be taken by TMR) Timber (to be taken to A&A recycling) or soil /hardcore (to be taken to a local recycling facility)

But apart from Dovetail and C&R Skips the greater part of the yard is for the agricultural use. However, the past few years have proven difficult for agriculture, and the farm alone cannot pay the bills even with our personal support.

Dovetail Group DTG is a family run business owned by current director, Lee Butterworth and his wife Laura Butterworth, since taking leadership of the business, DTG has grown into a recognised and respected Environmental Services Business.

With a growing focus on rural maintenance and maintaining key infrastructure, in 2014 DTG tendered for the Canal & River Trust contract, which we were successfully awarded, resulting in the management of over 100miles of British waterways across the Midlands, and Warwickshire.

DTG are tasked, alongside the management of vegetation and ecology on the canal network, to remove large amounts of fly tipped waste from areas used by the public and residents in order to improve both the safety and appearance of the environment.

As a higher tier waste carrier, Dovetail have historically had to rely on 3rd party waste transfer sites to process the waste returned from the canal network and other business areas. The effects of this were acutely felt in 2019, when Dovetail group cleared approx. 100tonnes of fly tipped waste, engaging with a Birmingham based waste management company. Within a matter of days, the waste had been fly tipped back onto the canal, with it being identified that the waste management company had returned the waste to the canal, resulting in further environmental impact and costs to the community.

It was then decided that in order to provide an environmentally friendly and secure operation, DTG required complete control over the provision of waste management. Lee Butterworth took ownership of a local skip and waste company, C&R Lewis Skip Hire which had been trading as a sole trader for 21 years, under 2 former owners in Knowle and Dorridge, and set about reforming its reputation in the local area of Solihull. Part of the reputational shift was not only excellent customer service, but Environmental Compliance, and in April 2020 began the process of applying for an Environmental Permit for a Standard Permit for a 75,000 tonne Waste Transfer station at our operational premises at Chestnut Farm, Eastcote Lane, alongside Dovetail Group.

Due to its rural location, the site at Chestnut Farm has offered the perfect location for the business operations, providing a site where staff can be trained in all aspects of Environmental Services with the relevant skills to carry out their works, using the land and habitat in order to achieve this, and mitigating the need to travel to various

transfer sites, or training facilities in the Midlands, and therefore reducing our carbon footprint as much as is feasibly possible, particularly as many of the waste transfer sites available are now within the Birmingham Clean Air Zone.'

**4/ Contract Examples include;**

**Canals and River Trust – OCS**

This high-profile Environmental Services contract comprises Tree works, Vegetation management and Waste Management of the British Waterways/Canal Network within the Midlands.

DTG are heavily involved with the following initiatives on the network in preparation for the Commonwealth Games which is being hosted here in the Midlands.

- Waste Management on removal of Fly Tipped waste from the Network
- Graffiti Removal from Structures
- Construction of Bin Compounds, and Waste Management areas on the network
- Installation of Street Furniture including General Waste Bins, Dog Waste Bins, Benches and Wooden Planters
- Steam Cleaning and Jet Washing to remove Algae from the towpaths and residential moorings

**Highways and Infrastructure – Balfour Beatty, Solihull MBC, and Warwick County Council**

DTG are also a preferred contractor for Balfour Beatty and deliver a large volume of works throughout the year.

We currently run 2 x AMT (Roadwork gangs) on Solihull MBC, and Warwick County Council completing essential maintenance for our road network in the local area.

We have also delivered the winter maintenance program for the last 3 years and complete the gritting services in both Solihull and Warwick council districts.

Part of this contract is the cyclical filling of over 350 grit bins in Solihull, and 1200 grit bins in Warwick Council area. This contract is delivered in its entirety with local in house, directly employed labour.

**Meriden Parish Council**

DTG are the principal contractor for the Environmental Services Contract for Meriden Parish Council and have been for the last 5 years. During this period, we have been involved in multiple projects within the local community, including Solihull Neighbourhoods in Bloom, 1st Prize for the Best Village 2015.

Photographs of our team hard at work in Meriden can be viewed on the Parish Councils website, by selecting the following link:

DTG have recently re-tendered for this contract and are responsible for the delivery of the following environmental services contracts.

Contract 1: Meriden Sports Park Outdoors (Non-Specialist Works) Contract 2:

Meriden Sports Park Outdoors (Specialist Works) Contract 4: Meriden Village &

Parish Contract 5: Meriden Village & Meriden Sports Park Street Furniture Contract

7: Meriden Sports Park Opening & Closing Contract 8: Meriden Sports Park

Essential Maintenance (Mechanical & Electrical)

**Winter Maintenance – MITIE Landscapes**

DTG are also a preferred supplier to Mitie Landscapes, and in 2020 delivered the winter maintenance programme on behalf of Mitie. This contract included the Maintenance of our train network in the Midlands, where we were tasked with completing pre-salts, gritting during snow events, and also snow clearance on platforms, all of this work was within close proximity to our operational base including all local train stations for the route into Birmingham from both Coventry and Warwick Parkway.

#### HS2 and Church Commission

DTG are an approved contractor to Savills and works closely with their forestry department in delivering a large scope of Tree works on a number of managed properties detailed below.

- HS2 properties annual tree survey work programme which includes the full scope of tree works.
- The Churches Commission tree works, including works within cemeteries and within areas of historic importance again delivering a full scope of Arboricultural works to BS3998:2010
- Tree works for Highways England, including dangerous trees effecting property, often adjacent to highways

Our most recent program of works was for remedial tree works across the Church Commissioners, West Midlands Estate.

DTG recognise the importance of environmental protection and sustainability, and we continue to operate the business in this way.

Dovetail Group hold the following Environmental Accreditations:

- Iso 9001:2015 – Quality Management
- Iso 14001:2015 – Environmental Management
- Arboricultural Approved Contractor
- BALI – Environmental Training Provider
- WAMITAB – Waste Management
- Construction Line Gold Member

#### -Training and Upskilling-

The ethos of the business is to upskill the staff sourced locally and becoming a consistent job creator for Hampton in Arden, Balsall Common and the surrounding areas, now employing approximately 75 members of staff. Our aim is to maintain a culture with environmental, ecological and waste management knowledge at the forefront of the staff's skillsets and offering significant progression and training in this area.

#### -Sponsorship and Support for Local Community-

DTG regularly engage in local charities and community initiatives, such as giving second chances to those that need them through the Dare2Dream foundation, DTG were involved in an initiative to train disadvantaged children in the use of Horticultural Machinery and upskilling the children to provide key transferable skills to help them enter works.

DTG are also very proud to be involved year after year in the Meriden tree of thought supporting MacMillan Cancer Support, and the Marie Curie Charity.



DTG/C&R Lewis also regularly complete work in the community, such as regular litter picking of the roads, and public open spaces in Hampton in Arden, Barston, Berkswell, and Balsall Common.

C&R Lewis, the waste management arm of DTG are proud Sponsors of the Knowle and Dorridge Round Table and are pleased to be supporting the Knowle and Dorridge Family day on Saturday 19th September 2021, where we will also be providing the full waste management support for the event.

We are also in discussions in relation to sponsoring the Solihull Firework display, and again providing full waste management services for the forthcoming event in 2021

**4B/** The applicant details the number of staff on site and that arrive daily in vehicles and or collect work vehicles from site that are returned and parked overnight include;

## Dovetail Group (UK) Ltd Staffing & Movement Numbers



## C&R Lewis Staffing & Movement Numbers

**5/** In the submitted supplementary Planning Statement on diversification the conclusion details;

'7.8 The diversification into commercial lettings has two key benefits to the farm. Firstly, the additional income to help further establish the agricultural business and secondly, by reusing redundant buildings that are not suited to modern day agricultural machinery and farming methods.

8.1 General planning policies support farming and businesses in the Green Belt and rural areas. Non-farming based diversification is very common throughout the Green Belt in Solihull and beyond in surrounding areas and in Green Belts around England.

8.2 Small scale diversification can help some businesses which do not wish to expand, but some larger scale diversification is necessary where significant expansion of the basic farming enterprise is the goal.

8.3 For Chestnuts Farm, the Dovetail Group are a highly compatible user of part of the farmyard and make a significant contribution to funding expansion of the farming enterprise as has been evidenced recently.'

**6/** A Powerpoint presentation has also been submitted providing details of local farm diversification examples including diversification into a number of activities including Farm shop Pub / Restaurant, Café, Pumpkin Picking, Butchery Offices, Heartwood Tree Surgery, Timber haulage, Offices, Car parking, Midland Forestry, Arden self storage, Florist GMC Motor homes Urban Audio Productions, Grow well hydroponics, Fleet vehicle parking, Waste transfer, Demolition Groundworks, Plant hire.

**7/** The submitted presentation by Phil Bicknell on Chestnut Farm Profitability and Performance concludes the following points;

'This desk-based study of farm profitability trends has identified some critical points.

The average mixed farm makes a loss on its agricultural activity, meaning that farm businesses are reliant on other revenues to make them viable.

Farmers are currently facing unprecedented volatility. Rapidly rising input prices are creating significant cost pressures across all farm types and putting further pressure on farm profitability.

The current driver of farm profitability is government support in the form of an area-based support payment (Basic Payment Scheme) However, this payment will be reduced from 2021 and completely phased out by 2028.

These trends means that diversification takes on even greater significance for farm businesses.

Diversification enterprises and income are critical for many thousands of farming businesses, with the most significant and most profitable form of farm diversification currently the rental of buildings / yard space.'

**8/** The Agent has submitted an additional 11- page document – 'General Supplementary Planning Statement - August 2022' applicable to each planning application which was received on 31/08/2022.

This document relates to analysis and response to all of the objections regarding all 4 applications at Chestnuts farm being considered at planning committee and the document concludes stating;

*4.1 'The Applicants understand that such changes in the area that appear in relation to the appropriate enabling development of Chestnuts Farm to become a viable agricultural enterprise have resulted in a large number of third party objections.  
4.2 The Applicants have responded in full to those representations and consider that the four applications are fully justified in the submissions made and should be approved with conditions.'*

This document can be viewed and read in full on the public website.

In assessing points **1- 8 above** Members are advised of the following:

With regard to this planning application the council must give substantial weight to any harm to the Green Belt. VSC's will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The general presumption is against inappropriate development in the Green Belt. Failure by officers to take account of VSC's properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration (*Tesco Stores v Dundee City Council* [2012] PTSR 983). Therefore the planning judgement to be applied is that the circumstances must be very special and not just special in the sense of unusual or exceptional. The decision maker must be able to point to a circumstance or circumstances which view objectively are reasonably capable of being described as very special.

The applicant details that it was a preferred business reason to locate all of the proposed activities on the same site, for security, convenience and financial reasons and does not want to convert the existing farm into a commercial entity, but needs the additional income generated to expand the farm and secure it's financial success and expansion as a farm. The applicant describes the activities as non-agricultural and ground maintenance and management activities and waste management activities carried out on site and all as having 'rural roots'.

Regarding the submitted documents and information detailed in points 1-8 above, the Council maintain that the alleged diversification activities now carried out on site including;

- the proposed continued use of existing agricultural building for offices and
- workshops for Dovetail Group
- with associated vehicle parking and
- storage in 4 containers and
- screen fencing, and
- continued use of existing yard and building for waste recycling and
- ancillary skip hire - C& R Lewis - part of Dovetail Group

which are now facilitated by the addition on site of;

- additional hard-standings and
- farm access tracks around farm yard area with

- associated bunds,
- fencing and
- landscaping,

as detailed in and subject to this application under consideration are associated with use with non- agricultural based activities on site. By definition the Council maintain they are all inappropriate additions in the Green Belt and their expansion on site is harmful to the openness of the Green Belt.

However, the Council acknowledge that a significant number of employees (78 in total) are now employed and operate from this site according to the slide information submitted in **4B** above.

### The Planning Balancing and Conclusion

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The weight to be attached to the 'harm' to the Green Belt and 'any other harm' arising from the proposed development is as follows: -

- Substantial weight is accorded to the harm to the Green Belt and by reason of inappropriateness;
- Substantial weight is accorded to the harm to the openness and to one of the five purposes of including land within the Green Belt;
- Other harm
  - Significant weight should be attributed to the harm that the proposal causes to the character of the area;
  - Limited weight is attributed to the loss of agricultural land.

Nevertheless the Council maintain the structures requiring retrospective approval in this application harms and does not preserve the openness of the Green Belt and it is in conflict with the purposes of including land within the Green Belt and that it is inappropriate development. Substantial weight is attached to that harm.

Furthermore, the development also conflicts with SLP Policy P15 regarding harm to the character and appearance of the area.

All other material considerations carry neutral weight in this balance.

Balanced against the totality of this harm there are other considerations carry weight in support of the development given it provides existing employment for 78 staff and

the Council have considered the effect upon the applicant and employees should the business have to cease or relocate.

For the reasons given above, the Council maintain that the other considerations do not, either individually or cumulatively, decisively outweigh the totality of the harm to the Green Belt and the other harm identified above.

It is considered that in the balance the issues raised by the applicant and their agent in their submitted documents amount to no more than material and/or other planning considerations. There is nothing special about them to the extent that they, either individually or cumulatively, outweigh the harm decisively as set out in this report.

In summary, the cumulative benefits of the proposal for retrospective use do not decisively outweigh the identified harm to the Green Belt, along with the any other harm identified; so as to amount to the very special circumstances (VSC's) necessary to justify the proposal.

Consequently, very special circumstances do not exist and it therefore follows that this application should be refused.

Since this application was deferred at planning committee on 7/9/2022, the Agent has provided details that the applicant has secured renting a further 170 acres of agricultural land, which would help expand the existing agricultural practices of the farm business at Chestnut farm which comprises of approximately 110 acres of agricultural land.

## **RECOMMENDATION**

The retrospective development is therefore recommended for refusal for the following reasons;

1/ The retrospective development considered in this application amounts to inappropriate development in the Green Belt. This causes harm by definition, harm to openness and is contrary to the purposes of including land in the Green Belt. It is not considered that any very special circumstances have been put forward in support of the proposals to clearly and decisively outweigh this harm. Therefore Very Special Circumstances do not exist that would need to be demonstrated in accordance with the NPPF and Policy P17 of the Solihull Local Plan if the presumption against inappropriate development in the Green Belt is to be overcome. The proposed development is therefore contrary to the NPPF and to Policy P17 of the Solihull Local Plan.

2/ The retrospective development considered in this application is contrary to Policy P15 of the Solihull Local Plan regarding its scale, expanse and appearance, resulting in harm to the character and appearance of this rural landscape and surrounding area.