PLANNING APPEAL STATEMENT
Grain Store, Fowlmere Road, Foxton

September 2018
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1. BACKGROUND

1.1 This statement has been prepared by Beacon Part of Turley on behalf of Thriplow Farm Ltd, the appellant, to put forward their case to appeal the decision of South Cambridgeshire District Council to refuse planning permission for:

*S/3566/17/FL – Construction of a new grain store and creation of an access from Fowlmere Road together with planting and formation of an acoustic bund.*

1.2 The application was refused by Planning Committee on 24 April 2018. The Committee’s resolution to refuse the application overturned the Planning Officer’s recommendation for approval.

1.3 A single reason for refusal was given which related to the principle of development as a whole. Relevant local and national planning policy, and other material considerations, will be assessed in line with the proposals.

1.4 As set out in paragraph 6 of the Council’s Committee Report, it identifies that the appeal site was submitted in tandem with a concurrent application for housing and an application to relocate an existing car repair workshop, all of which comprised land within the appellant’s ownership.

1.5 These three applications were all refused by the Committee against officer recommendation at the same Planning Committee on 24 April 2018. The purpose of submitting the applications together was to enable the appellant to secure consent for new grain store premises due to the growing business need for buildings which conform to modern farming standards.

1.6 This appeal has been submitted because, as identified in paragraph 6 of the Council’s Committee Report, it is recognized that irrespective of the future development proposals on the other sites, there is an ongoing business need for these new grain store facilities. For this reason, the appeal can be considered independently and on its own merits. The appeal site represents the most practical solution for the farm in respect of its ongoing operation, which is set out in further detail in Section 2 of this statement.

1.7 This statement relies not only on the original documents submitted with the application, but also information that was submitted to, and accepted by, the local planning authority during the period up to determination, in order to address comments made by officers. Additional information was provided to the Council as set out in the ‘List of Documents and Correspondence’ submitted with this appeal. To summarise, amendments were made to incorporate a wetlands area for the purpose of a surface water drainage scheme. This necessitated an amendment to the application site boundary and the description of
development, although the Council never updated the application description to include the suggested wording on the amended application form.

1.8 A full account of the background, site context and the proposed development are contained within sections 2, 3 & 6 of the Planning Statement submitted with the planning application.

1.9 There were no objections to the proposed development from statutory consultees, subject to the imposition of appropriate conditions as set out in the Committee Report.
2. REASON FOR REFUSAL

2.1 The reason for refusal reads as follows:-

The proposed grain store, new access and acoustic bund would represent inappropriate development that is, by definition, harmful to the Green Belt in policy terms. The proposal is therefore contrary to Policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states that there is a presumption against inappropriate development in the Green Belt and paragraph 87 of the National Planning Policy Framework 2012 that states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been demonstrated that would clearly outweigh the in principle harm to the Green Belt though inappropriateness and the other harm by the adverse effect on the rural character and openness of the Green Belt as a result of the scale, height and mass of the proposed buildings contrary to Policy GB/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.

2.2 It is considered that the key issues are:

- Whether the development represents inappropriate development in the Green Belt for the purposes of the NPPF and the Development Plan;
- Whether all elements of the development fall within the category of inappropriate development
- The effect of the development on the openness of the Green Belt;
- The effect of the development on the rural character of the countryside; and
- Whether any harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

2.3 This chapter has been structured around the issues identified above with reference to local and national planning policy, as well as other material considerations. Other matters are also addressed for the avoidance of doubt.

Planning Policy Context

2.4 The Planning and Compulsory Purchase Act 2004 came into force in September 2004. It carries forward the provisions of the Town and Country Planning Act 1990, giving statutory force to a plan-led system of development control. Under Section 38 of 2004 Act, the
determination of planning applications must be in accordance with the approved development plan unless material considerations indicate otherwise.

2.5 Since the determination of the planning application, the new National Planning Policy Framework (hereby known as ‘the NPPF 2018’) has been published and adopted (July 2018).

2.6 As set out in paragraph 7 of the NPPF 2018, ‘the purpose of the planning system is to contribute to the achievement of sustainable development’. To this end the proposed development for a new grain store meets the three strands of sustainable development in the following ways;

- Economic: The provision of a new purpose-built grain store with additional capacity will enable the appellant to contribute to the local economy through the provision of jobs and supply of grain to the local market. The new facilities will enable the business to improve its productivity and enabling it to be more competitive within the local and national markets.

- Environmental: The proposal incorporates significant new planting, both trees and hedgerows, which will contribute to the local biodiversity. A drainage basin is also incorporated at the eastern end of the site which will provide a habitat for wildlife in the area. With respect to the proposed buildings, these will include storage for 500,000 litres of rainwater, which will be used to serve the annual water usage of the site.

- Social: The use of modern buildings will contain the noise and dust of the associated use contributing to a well-designed scheme which protects the amenity of nearby residents.

2.7 The NPPF 2018 directs decision makers to ‘approve development proposals that accord with an up-to-date development plan without delay’. The development plan policies relating to this appeal are in accordance with the NPPF 2018 in that they seek to protect the Green Belt from inappropriate development. The NPPF 2018 also refers to the importance of developing a strong and competitive economy. Therefore, the NPPF should be read as a whole as set out in paragraph 3 of the document.

2.8 In terms of the Development Plan the reasons for refusal refer to South Cambridgeshire Local Development Framework Development Control Policies DPD (2007), policies GB/1 and GB/2.

2.9 Policy GB/1 sets out the presumption against inappropriate development (as defined at the time in Section 3 of the PPG2: Green Belts) in the Cambridge Green Belt as defined on the Proposals Map. While the policy refers to superseded national guidance, the policy is still in accordance with Section 13 of the NPPF 2018.

2.10 Policy GB/2 sets out that where development is considered to be appropriate within the Green Belt, it should be located and designed so that it does not have an adverse effect on
the rural character and openness of the Green Belt. Again, this is in accordance with the provisions contained in the NPPF 2018. The policy goes on to identify that where permitted, landscaping conditions will be imposed in order to ensure that the impact on the Green Belt is mitigated. Although relevant to the proposed development, at no point in the planning assessment contained in the Committee Report did the planning officer refer to this policy.

2.11 On 3rd September 2018, the Local Plan Inspectors published their report confirming that the emerging Local Plan is sound. Formal adoption of the Local Plan will take place at the end of September 2018. It is considered that the new Local Plan policies relating to Green Belt (S/4 replacing GB/1 and NH/8 replacing GB/2) are not fundamentally different in their approach and continue to align with the NPPF 2018. If on adoption the emphasis of these policies changes, then it is expected that the appellant will be given the opportunity to comment on any implications this may have during the course of the appeal.

2.12 Paragraph 87 of the old National Planning Policy Framework (hereby known as ‘the NPPF 2012’) is specifically mentioned in the Council’s reason for refusal. With respect to the paragraphs referring to development in the Green Belt, the content has remained consistent between NPPF 2012 and NPPF 2018 for the purposes of this appeal.

2.13 In addition to the policies referred to in the reason for refusal, this statement also makes reference to policy ST/1 of the Core Strategy 2007 (see Appendix 1) relating to Green Belts. This policy refers to maintain the Green Belt around Cambridge and the purposes for containing land within it.

Inappropriate Development

2.14 The reason for refusal states that all three parts of the proposal, the grain store, the new access and the acoustic bund would represent inappropriate development contrary to policy GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007.

2.15 It is understood that Planning Committee were of the view that while the principle of the grain store was appropriate development in line with paragraph 145 of the NPPF 2018 (paragraph 89 NPPF 2012), its scale, height and mass had an adverse effect on the rural character and openness of the Green Belt meaning that it was inappropriate. With respect to the hardstanding and acoustic bund, Committee came to the conclusion that these were by definition inappropriate development. See the Committee minutes at Appendix 2.

2.16 Therefore, the Council were of the view that no very special circumstances had been advanced which outweighed this harm. Clearly the appellant does not share the same view.
Grain Store Buildings

2.17 The proposed buildings comprise of a grain store and associated silos, a maintenance building for farm machinery and a fertilizer shed. These facilities are required as the appellant does not presently have sufficient capacity at the existing grain store to accommodate all of the grain that the farm produces. For this reason, the buildings are clearly for an agricultural purpose. Paragraph 145 (a) of the NPPF 2018 (paragraph 89 NPPF 2012) does not include a requirement in relation to agricultural buildings that, in order to be appropriate, they must preserve the openness of the Green Belt. Therefore, in accordance with paragraph 145 (a) of the NPPF 2018, these buildings clearly fall within a specified exception and are considered to be appropriate development in the Green Belt.

Hardstanding and Acoustic Bund

2.18 Paragraph 146 of the NPPF 2018 (paragraph 90 of the NPPF 2012) identifies that engineering operations can be appropriate development where it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

2.19 A 2015 decision by the local planning authority\(^1\) for the laying out of hardstanding associated with a commercial premises, identifies within the last paragraph on page 2 of the delegated report that:

> Paragraph 89 and 90 (as was) of the National Planning Policy Framework sets out categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. With respect to the provision of hardstanding, this is classified as engineering work and may not be inappropriate provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

2.20 Furthermore, a decision\(^2\) in June 2018, after the application for this appeal was presented to Committee, which states that:

> ‘Paragraph 90 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes engineering operations such as the concrete (hardstanding) and chippings proposed and would be considered an exception.’

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\(^1\) S/1820/15/FL – Retention and Extension of Hard Core for Use as Overflow Car Park, Notcutts Garden Centre, Horningssea (Appendix 3)

\(^2\) S/1085/18/FL – Proposed extension to existing grain store to provide additional grain storage, workshop and office area, Washpit Lane, Harlton (Appendix 4)
2.21 It is clear from both of these delegated decisions by the Council, both before and after the decision on the appeal site, that they are of the view that hardstanding is an appropriate form of development in the Green Belt subject to the relevant provisions. Such a decision directly contradicts the information set out within the Committee Report pertaining to this appeal at paragraph 50 and the basis on which, Members of the Committee considered the application and subsequently formed their reason for refusal.

2.22 Case law is also relevant to this matter and supports the two decisions the Council came to, together with the appropriateness of a bund.

2.23 Paragraph 33 of the relevant appeal\(^3\) explains that ‘engineering operations tend to include works which change the physical nature or character of land, such as, in this case, the laying of hardstanding, or the creation of a bund.’ It concludes at paragraph 35 that ‘the laying of the hard surface, the creation of the bund (and the re-use of the building) are potentially not inappropriate.’ The inference being that providing the hard standing and bund preserve the openness of the Green Belt and the purposes for including land within it, these engineering operations can be deemed appropriate development in the Green Belt.

2.24 Therefore, in accordance with policy GB/1 of South Cambridgeshire Local Development Framework Development Control Policies DPD (2007) and other material considerations including the NPPF 2018, the three elements that form this appeal are considered to be appropriate development, providing they preserve the openness of the Green Belt and the purposes for including land within it.

2.25 The appellant considers that the Council have not correctly assessed the proposed development in accordance with the above policy and in line with previous decisions made by the local planning authority.

**Impact on Openness**

2.26 Openness is an essential characteristic of the Green Belt. There is no definition of openness in local or national policy or guidance. However, it has generally been established through case law, that openness means an absence of buildings or structures.

2.27 The appellant recognises that the construction of the grain store, hardstanding and bund in the proposed location leads to a loss of openness to the Green Belt because buildings are being built in a location that is otherwise free from development. However, as cited by the Courts in Samuel Smith Old Brewery v North Yorkshire County Council [2018] EWCA Civ 489 (thereafter known as Samuel Smith case) the use of the word ‘preserve’ in paragraphs 145 and 146 of the NPPF 2018 (paragraphs 89 and 90 of NPPF 2012) requires an assessment of whether the openness of the Green Belt is left unharmed rather than unchanged.

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\(^3\) Appeal B: Appeal Ref: APP/Y3615/A/12/2181897 Whipley Manor Farm, Aldershot Road, Worpleston, GU3 2BE (Appendix 5)
2.28 Furthermore, Turner v SSCLG [2016] EWCA Civ 466 established that openness is an open texted concept incorporating a spatial and a visual dimension. Therefore, the judgement of whether the openness of the Green Belt is preserved should be formed on both the spatial and perceived effects of a development.

Grain Store Buildings

2.29 In paragraph 36 of the Samuel Smith case it recognises that the first category of paragraph 145 in the NPPF 2018 (paragraph 89 of the NPPF 2012) is unqualified and is not subject to the proviso that the development should preserve the openness of the Green Belt.

2.30 It is not unreasonable to deduce from this that the absence of such a qualification or proviso reflects the recognition and inevitable scale of modern agricultural buildings and the fact that there is likely to be an ongoing need for them in the Green Belt, or countryside, close to the operation of the associated farm. It is acknowledged that as stated in paragraph 144 of the NPPF 2018 any harm from any planning application needs to be considered.

2.31 However, notwithstanding this, Development Plan policy GB/2 requires even ‘appropriate development to be located and designed so that it does not have an adverse effect on the rural character and openness of the Green Belt’.

2.32 The appellant accepts that by virtue of constructing the buildings on land free from development the openness of the Green Belt is changed. However, that change does not mean that it is necessarily harmful to the Green Belt. In assessing harm, the spatial and visual dimensions of openness needs to be taken into consideration.

2.33 The appeal site is located in the open countryside approximately 1 km to the south of Foxton. It is accessed by an existing farm access into the field.

2.34 The site lies at the lowest point on Fowlmere Road, where the land rises to some degree to the north and south. Approximately 500 m to the north of the site is an established tree belt between the site and the southern edge of Foxton, which is within the appellant’s ownership.

2.35 The land within the appellant’s ownership does not have topography that varies greatly. Therefore, in considering locations for the proposed grain store, sites which had some undulation but in positions that worked operationally for the farm were few and far between. The appeal site offered the most variation in topography, whilst also delivering the following benefits:

- It is located near to some built development;
- It is on the boundary of the Green Belt (as shown in Appendix 6); and
- It is in a position that works in highway safety terms and logistically for the appellant.
2.36 The site is within a landscape character area designated by the Countryside Agency as The Chalklands. The key characteristics of this area are set out in paragraph 3.17 of Appendix 6. The most relevant to this appeal are:

- A distinctive landform of smooth rolling chalk hills and gently undulating chalk plateau;
- A mostly large-scale arable landscape of arable fields, low hedges and few trees, giving it an open, spacious quality; and a
- Mostly strong rural character.

2.37 With a large-scale arable landscape, the presence of a grain store on the appeal site would not be at odds with the prevailing rural character of the area. The Council accept that they are in a ‘rural authority’. This wording is used within both their adopted and emerging Local Plans as part of the authority’s vision for the plan period (see Appendix 1 paragraph 1.5 and point 1 of the Strategic Vision).

2.38 The application was supported by a Landscape Visual Impact Assessment (LVIA) which acknowledged that at the time of construction, the buildings will be more intrusive due to the immaturity of the extensive planting proposed as part of the development. However, over time, the planting will develop and mature and the effects of these buildings will reduce to neutral. In paragraph 61 of the Committee Report, it acknowledges that the Council’s Landscape Officer agrees with this analysis. If the visual effects are reduced to neutral, then the level of harm caused is negligible and does not substantiate a reason to refuse this application.

2.39 At paragraph 3.22 of the Design Guide SPD (Appendix 7) it sets out that based on an analysis of the landscape character with ‘The Chalklands’ are a key design principle is that ‘new agricultural buildings, such as large storage sheds, are sited and designed to reduce their apparent mass, minimising their impact on the wider landscape by the appropriate use of texture, colour and planting.’ The buildings are located along Fowlmere Road where there are existing buildings. Furthermore, the new buildings will be finished in a green corrugated metal, not dissimilar to those industrial buildings opposite the appeal site at Orchard Farm, together with a comprehensive planting scheme.

2.40 For these reasons, while the proposed buildings will change the openness of the Green Belt, when one takes into account the spatial and the visual dimension of openness they are not considered to cause sufficient harm to the openness of the Green Belt to sustain a refusal of this application. The position of the appeal site within the arable countryside surrounded by native planting which with time will reduce the visual effects of the buildings to neutral means that the proposed buildings will preserve the openness of the Green Belt in accordance

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4 South Cambridgeshire District Council, District Design Guide SPD, March 2010 (Relevant extracts at Appendix 7)

**Acoustic Bund and Hardstanding**

2.41 Within this statement we have ascertained that these aspects of the proposed development are appropriate development in accordance with paragraph 146 (a) of the NPPF 2018 (paragraph 90 of the NPPF 2012) subject to preserving the openness of the Green Belt and purposes for containing land within it, which will now be assessed.

2.42 The acoustic bund will be formed using spoil from the proposed development and is located on the northern side of the main grain store building. As with the grain store buildings, the very nature of constructing a bund in the location proposed does result in change to the Green Belt as there is no development there at present. However, that change does not mean that it is necessarily harmful to the Green Belt. In assessing harm, the spatial and visual dimensions of openness needs to be taken into consideration.

2.43 The bund is located as close as physically possible to the north side of the larger grain store building (which will be finished in a dark green corrugated material). This element of the proposal will be obscured from view by the buildings and landscaping which will mean that it is visually unobtrusive.

2.44 The extent of hardstanding proposed serves the purpose of providing access into the site and manoeuvring around the edges of the buildings. The extent of is it reasonable for the purposes of serving the proposed use and does not unduly encroach into the countryside or harmfully impact on the openness of the Green Belt. It is not intended that farm machinery will be left here permanently, with vehicles either returning to the farm yard or parked within the buildings.

2.45 Furthermore, both of these aspects are located inside the line of planting proposed around the site. Therefore, as this vegetation matures over time, the LVIA has demonstrated that the visual effects of the bund and the hardstanding will reduce to neutral.

2.46 Therefore, while the proposed bund and hardstanding will change the openness of the Green Belt, the level of harm that they cause is negligible when taking into account the spatial dimension and the visual dimension of openness. As such the bund and hardstanding will preserve the openness of the Green Belt in accordance with policy GB/2 of the Development Plan.

**Impact on Purposes for Including Land in Green Belt**

2.47 Although not cited within the reason for refusal, policy ST/1 of the Core Strategy (2007) is relevant to this appeal. It identifies that the purposes of the Cambridge Green Belt are:
To preserve the unique character of Cambridge as a compact, dynamic city with thriving historic centre;

To maintain and enhance the quality of its setting; and

To prevent communities in the environs of Cambridge from merging into one another and with the City.

2.48 Given the distance from the city the proposal would have no impact on the character of Cambridge.

2.49 Within the Cambridge Green Belt Study 2002, drawing 1641LP/08 (Appendix 8) identifies the townscape and landscape role and function of land within the district. However, in the case of all the drawings, land in the south of the district, beyond Harston, which includes Thriplow, has been omitted. While a number of conclusions could be made regarding this oversight, it is assumed that the intention is for land around Thriplow to be categorised as 'Outer Rural Areas of the Green Belt'. These include areas of landscape from which distant views of Cambridge are scarce or absent. The function of this landscape is in providing a backdrop to views of the city, and in providing a setting for approaches to connective, supportive and distinctive areas of townscape and landscape.

2.50 The appeal site is visible within the local rural landscape. However, the proposed development is for a grain store which is considered to be in keeping with the character of the arable landscape. The development will read against a backdrop of the adjacent Orchard Farm and its associated industrial buildings together with the existing hedgerow and tree belts along field boundaries.

2.51 The utilitarian design and appearance of the buildings are as expected for an agricultural use and replicates the same materials as the industrial buildings which can be seen on Orchard Farm. In this context, the appeal buildings together with its associated infrastructure do not jar with the character that has been set out above. For these reasons, the proposed development will contribute to support the first two purposes of policy ST/1 of the Core Strategy 2007.

2.52 This brings us onto the third purpose, which is to prevent coalescence between settlements. The nearest settlement is Foxton, approximately 1 km to the north of the site and Fowlmere approximately 1 km to the south. A significant separating distance from the nearest settlements.

2.53 Development already exists on the opposite side of Fowlmere Road and the introduction of an agricultural use which is associated with the rural character of the area will not lead to coalescence between two settlements.

2.54 The proposed development will incorporate boundary planting around all boundaries of the site thereby significantly enhancing the vegetation and biodiversity opportunities on the site. The proposed changes would be in keeping with the existing view. As such, the proposed
development complies with policy GB/2 of the Development Plan which includes that landscaping conditions can be imposed on a planning permission to mitigate any impact on the Green Belt.

2.55 From the above analysis, the appellant has demonstrated that the proposed development will not cause any harm to the purposes of containing land within the Green Belt.

Cumulative Impact

2.56 The appellant is of the view that even when considered cumulatively, the presence of the grain store and its associated infrastructure amounting to an acoustic bund and hardstanding are by definition appropriate development within the Green Belt and where required, preserve the openness of the Green Belt and the reasons for including land within it.

Impact on the Rural Character

2.57 The reason for refusal cites that the ‘other harm’ caused by the proposed development is the ‘adverse effect on the rural character (and openness of the Green Belt) as a result of the scale, height, and mass of the proposed buildings.’

2.58 The character of the site is associated with the agricultural and largely arable nature of the wider area. These very characteristics are what comprise the rural character of the area. As such, the positioning of a grain store on the appeal site in this location would be in keeping with the prevailing character of the area.

2.59 To the south west of the site are buildings which belong to Orchard Farm and its associated yard. The farmhouse is a two-storey property, which sits close to the road frontage. The yard to the northern side of the farmhouse, comprises of two large single storey industrial buildings with shallow roofs and associated hardstanding.

2.60 The reason for refusal relating to the appeal site refers to the fact that the scale, height and mass of the proposed buildings is harmful to the rural character. These buildings are fit for purpose and of a scale and height to reflect that. The new buildings need to accommodate modern farm machinery as well as being high enough to allow an articulated lorry to tip grain into the stores. This together with new storage and drying facilities means that the buildings are of a size and massing which relates to their ability to perform as a grain store.

2.61 It is proposed that the buildings would be finished in a green corrugated metal, not dissimilar to those industrial buildings opposite the site at Orchard Farm. The buildings will reflect their use as agricultural grain stores, a use which is familiar within the arable countryside of South Cambridgeshire. As such, their presence would not adversely affect the rural character of this area to such an extent as to warrant refusal and is in accordance with policy GB/2 of the Development Plan.
Other Harm

2.62 This statement has focused on the points set out within the reason for refusal and provides responses specifically in relation to it. There are not considered to be any other matters that pose a significant constraint to development.

2.63 Aside from the principle of development, local residents also raised concerns within their objections relating mainly to the traffic movements associated with the proposed use and the noise from both vehicles and the plant associated with the grain store use.

Vehicle Movements

2.64 Although the proposed development increases the capacity in the stores, the new facility will result in different vehicle movements due to the ability to access more of the appellant’s fields without using the public highway, but also because they will have the ability to sell grain throughout the year. As such, rather than spikes happening in vehicle movements caused by a lack of storage at harvest time, the movement of grain will be spread throughout the year as the appellant is able to store the crops for longer periods. This is demonstrated within tables 1.1 and 1.2 of the Transport Statement which supported the planning application.

2.65 Furthermore, the proposed location of the facility on Fowlmere Road will mean that those lorries travelling to the M11 can avoid travelling through the village of Thriplow, instead using Cambridge Road to reach Newton. See Appendix 9 for further explanation. With respect to all other routes presently used by the grain lorries, these will remain as existing with no new routes required.

2.66 The position of the appeal site on Fowlmere Road also provides appropriate visibility splays in accordance with the 60 mph speed limit on this road. All vehicles entering and exiting the site can do so in a forward gear as demonstrated within Appendix B and C of the Transport Statement.

2.67 For these reasons, the proposed development will not cause any significant impact on the local highway network and the local Highways Authority shared this view with no technical objections to the scheme.

Noise

2.68 The planning application was supported by a Noise Impact Assessment. The layout of the site was undertaken so that the maneuvering of vehicles into and out of the grain stores would be on the southern side of the building, furthest from Orchard Farm. The noise report predicted for a worst case scenario, which would be rare and sporadic occurrence, more likely during harvest time. In this scenario the noise from the grain store complied with the local authorities criteria other than a 2 dB exceedance at Orchard Farm during the daytime (i.e.
between 07:00 and 19:00). However, this marginal increase would happen very rarely and would be further limited during daytime hours, through the conditions suggested in the Committee report, which limits deliveries and its associated movements outside the hours of 07:30 and 17:00 hrs. The noise report confirmed that there was no exceedance during night time hours (between 19:00 and 07:00).

2.69 On the northern side of building A it is proposed to locate the external plant. Therefore, in order to protect the amenity of those residents on the southern edge of Foxton, the acoustic bund has been proposed and as demonstrated in the noise report, achieves the required day and night time criteria.

2.70 The Council’s Environmental Health Officer agreed with the findings of the noise report and suggested a series of conditions which were included in the Committee Report and which the appellant is content to accept. Providing these are included, then according to the supporting noise report, the proposed development would not harm the amenity of neighbouring residents sufficiently to form a reason for refusal.

2.71 As part of the local authorities consultation exercise, the proposed development was assessed by a number of statutory consultees. Some amendments were made to the application during the determination period relating to drainage and ecology specifically. However, by the time the application came before Planning Committee for consideration, there were no outstanding technical objections as supported by the summaries provided at paragraphs 21 to 34 of the Committee Report.

Very Special Circumstances

2.72 As set out above, the appellant is of the view that the proposed development has successfully demonstrated that each part of the development is by definition ‘appropriate development’. Therefore, either individually or cumulatively, there should not be a requirement for this development to demonstrate very special circumstances as set out in the Council’s reason for refusal.

2.73 However, should the Inspector exercise their planning judgement to conclude that very special circumstances do need to be demonstrated, then the appellant would request that substantial weight be given to the following case.

Operational Considerations

2.74 Prior to submission of the application the appellant considered all possible locations for the grain store, within their land ownership, including the existing site.

2.75 Whilst the existing grain store site could be adapted to modern farming methods, it does occupy a location on the edge of the settlement next to residential properties. Furthermore, there are a number of factors identified below which constrain the existing site
such as heritage assets given the site is adjacent to the Conservation Area and listed properties, as well as access to the site along a narrow road.

2.76 While local residents are very tolerant of the farming activities on site, the opportunity to remove this use from a residential area would be a benefit to both the local residents and the farm.

2.77 Therefore, the entire 900 hectares of land was reviewed all of which is within the Green Belt and Grade 2 agricultural land. In order to reduce this in quantity, important factors were considered:

- Productivity of the land;
- The position of the site within the wider farm holdings for operational reasons;
- A location which provided a safe access onto the public highway for larger vehicles;
- A location that enabled the grain lorries to use existing routes to reach principal transport corridors;
- A location which was not within a residential location, which could lead to concerns regarding noise;
- No potential impact on heritage assets;
- No trees on site which could be harmed by the proposal;
- Ability to use an existing farm access/routes; and
- A site with ample space to provide generous landscaping.

2.78 For these reasons, the appeal site provides significant advantages for the operation of the farm and represents the site which was determined as the best fit in meeting these criteria.

**Business Case**

2.79 The appellant farms 900 hectares of land, the furthest of which is 3 miles from the farm office on Brooks Road, Thriplow. Their existing grain store is in the village of Thriplow on the corner of Lodge Road and Fowlmere Road and was developed piecemeal over the last 70 years. As a consequence, the site has not efficiently been used, the buildings do not provide sufficient storage capacity and despite maintenance are out of date and no longer able to support the requirements of modern farming. The relocation proposal would mean new storage and drying facilities could be built which would make more efficient use of the available land and an increase in storage capacity. The proposed layout on the appeal site is 50% smaller than the existing site but has the ability to increase capacity through its effective layout.
2.80 Currently, the existing grain store does not have enough capacity to store all of the grain that the farm produces. The existing store has capacity for 6,000 tonnes of grain which forces sale at the point of harvest when the price for grain is at its lowest. At present, the business does not have the flexibility of marketing their grain to obtain the best price. Instead they are forced into selling some at a time when prices are not as competitive as they could be. This is a disadvantage to the business, particularly as the harvest price and the forward price can differ by as much as £20 per tonne. This lack of capacity impacts upon the farm’s profitability.

2.81 The appellant is a progressive farm and it uses sustainable farming techniques which regenerate the quality and productivity of their soils. The grain store will enable the farm to compete in a volatile market with the benefit of improving their logistics, increasing the flexibility to store their produce and with a new building comes the benefit of reducing energy costs.

2.82 For this reason, the proposed grain store would have 9,000 tonnes of capacity. It is not the intention of the appellant to increase the size of their farm or to take in grain from other farms and is for their use only. The additional capacity is for their sole use and to enable the business to increase their production through intensification of use of land through modern farming methods within their ownership. It provides the business with the capacity to store all of their produce and allows the flexibility of selling the grain when they chose to, rather than because they do not have enough space, thereby being able to operate more effectively.

2.83 Furthermore, the advantage of providing purpose-built buildings is that the business will be able to maintain the crop quality in a more efficient manner. As a farming business, there is UK and European legislation governing the storage and handling of food stuffs, either for animal or human consumption, which the farm has to comply with. Furthermore, the appellant also complies with the relevant Red Tractor standards which is a scheme that means the way food is farmed is regularly checked by an independent expert to make sure it is of a good standard. The proposed buildings will enable the farm to do this and to adapt to relevant legislation over the coming decades.

2.84 As a rural local authority, there are a number of farming businesses contained within it, such as the appellant’s business, who are seeking to adapt and protect themselves against a changing market. The appellant’s business supplies grain to the local market and should be supported in investing and expanding their business.

2.85 Paragraph 80 of the NPPF 2018 states that ‘planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.’ Furthermore, footnote 40 of the NPPF 2018 refers to the Government’s Industrial Strategy which sets out a vision to drive productivity improvements across the UK. This includes within the agricultural sector, where the document refers to putting the UK at the forefront of the global move to high-efficiency agriculture. Through the Government’s ‘From Farm to Fork’ programme it will put the UK at
the forefront of advanced sustainable agriculture (page 47). As such there is a national drive to ensure that farmers are prepared and have the facilities needed to improve their productivity. This footnote is important in the consideration of the appeal, given that paragraph 3 of the NPPF 2018 informs decision makers that ‘The Framework should be read as a whole (including footnotes and annexes)’.

2.86 With specific reference to the rural economy paragraph 83 NPPF 2018 (paragraph 28 NPFF 2012) sets out that ‘planning policies and decision should enable:

- A) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and

- B) the development and diversification of agricultural and other land-based rural businesses.

2.87 The appellant has a successful farming business that contributes to the wider economy through the provision of 3 FTE jobs and 4 part time positions. In order to support this growing business, it needs the right infrastructure to allow it to compete within a challenging and changing market. The appeal site has been chosen following a careful site selection process and represents the location which fulfils not only the operational requirements of the business, but also taking into consideration the character of the local area. The delivery of this grain store is suppressing the appellant’s business and the sooner it can be constructed, the sooner their business can thrive and fulfil its potential, which the NPPF 2018 fully supports and endorses.

Consultation

2.88 This appeal site formed part of the extensive public consultation which took place prior to submitting the applications. Full details of this can be found in the Statement of Community Involvement. Given the nature of the proposals for the grain store, the appellant attended meetings with the affected Parish Council’s at Foxton and Thriplow, together with a number of public exhibitions and meetings.

2.89 Through the exhibitions and meetings the feedback was that people objected to the development on the grounds that the site is in the open countryside and the traffic it would generate.

2.90 Clearly the development of buildings for agriculture are appropriate in the Green Belt but also the countryside (Development Plan policy DP/7). With respect to the traffic generated, it was explained that as a result of the increased capacity, the vehicle movements would even out across the year rather than being in peaks. Furthermore, with respect to the existing vehicle routes through Foxton, Newton and Fowlmere, these would remain the same and not be excessively worse.
2.91 Enhancements to the planting scheme were included following comments received, but due to the nature of the buildings, these could not be reduced to the degree that local people would have liked to see.

2.92 Therefore, it is considered that the appellant engaged with the local community regarding the scheme. While their concerns could not be overcome, given the ‘in principle’ objection to the scheme paragraph 128 of the NPPF 2018 states in the last sentence that ‘applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.’ This appeal can demonstrate that it took early and effective engagement and that where changes could be made they were. As such, this appeal should be looked on favourably.
3. CONCLUSION

3.1 The proposed new agricultural grain stores, acoustic bund and hardstanding are essential for the long term economic future of the farm. The design and layout are in keeping with the surrounding area and appropriate for carrying out the proposed use. Careful consideration has been given to the appropriate siting of the proposed building so that it is well situation in relation to existing buildings along Fowlmere Road.

3.2 The proposed siting of the grain store ensures easy and safe manoeuvring for agricultural vehicles and access for grain trailers and lorries. The proposed position and landscaping enhancements will in time minimise its visual impact on the locality to neutral.

3.3 This statement has demonstrated that all parts of the proposed development can be defined as ‘appropriate development’ in accordance with paragraphs 145 and 146 (a) of the NPPF 2018 and development plan policy GB/1. It has been accepted that the openness of the Green Belt will change but that in accordance with recent Court of Appeal decisions, the impact on the openness of the Green Belt should be considered in terms of visual and spatial harm. As set out in this Statement of Case, the level of harm caused by the buildings and associated bund and hardstanding is negligible and will continue to preserve the openness of the Green Belt and purposes for containing land within it, in accordance with the NPPF 2018 and Development Plan policy GB/2.

3.4 The NPPF 2018 provides support for the development of agricultural, rural based businesses and recognises the significant contribution that farming businesses can make to the local and national economy if provided with the correct facilities and services to do so.

3.5 Should the Inspector consider that very special circumstances need to be taken into consideration, these are clearly set out in the statement. It has been demonstrated that the appeal site represents the correct location for a new grain store for operational reasons.

3.6 As set out in this Statement of Case, there is a genuine business need for this new agricultural grain store in the location proposed. It will help to support the expansion of the farming business with no adverse harm identified which is sufficient to outweigh the significant benefits of this proposal.

3.7 Given the local and national policy context and the information supporting this appeal, we consider that the proposal is acceptable and that the appeal should be allowed.
APPENDIX 3 DELEGATED REPORT FOR NOTCUTTS GARDEN CENTRE
APPENDIX 4  DELEGATED REPORT FOR GRAIN STORE AT HARLTON
APPENDIX 5  RELEVANT APPEAL DECISION IN WORPLESDEN
APPENDIX 7  RELEVANT EXTRACTS FROM COUNCIL’S DESIGN GUIDE SPD (2010)
APPENDIX 8  RELEVANT EXTRACTS FROM CAMBRIDGE GREEN BELT STUDY 2002