**From:** Simon Chambers <simon.chambers@lpctrull.com>
**Sent:** Monday, April 29, 2024 8:01 AM
**To:** NEW West 2 <west2@planninginspectorate.gov.uk>
**Subject:** FW: Planning Inspectorate APP/Y3940/W/23/3334589: Ridgefield Farm SN13 9PW

Dear Mr Ernsting
Thank you for forwarding the Council's appeal statement and the related third party comments attached. In response to the attached I'd be grateful if the following additional comments could be forwarded to the Inspector to assist with the assessment of the appeal.
First, regarding the Council's statement, paragraph 1.3 therein merely highlights the appellant's treatment of the commercial premises, acquired when he purchased the farm. The appeal buildings are not treated or considered part of the agricultural holding. They have been surplus to the needs of the farm for many years and there has been no need for additional building development, so in answer to paragraph 1.4 there is no anticipated need for more built development generated by the appeal development.
Regarding the plan at paragraph 2.3 to the appellant's statement there is no attempt to change the parameters of the red lined application but merely provide a reference point for the inspector to appreciate the modest extent of outside storage. That could be conditioned by reference to this plan or with a negatively worded condition requiring submission and approval in writing of the areas in question, within the red lined appeal site. The Class B2 operations are not being changed it is merely clarifying the extent of outside storage present.
There is nothing excessive about the extent of the red lined appeal site as suggested by the Council at paragraph 1.8, as it merely includes the access route from the public highway, the application buildings and space around them for parking and vehicles to manoeuvre in association with deliveries and collection, as an informal turning head north of the buildings. The above suggested condition would of course limit any external activities and presumably sets aside any unfounded concerns.
The positive use of conditions to address the Council's stated concern was addressed at paragraph 3.8 to the appellant's statement. It is disingenuous, as suggested at paragraph 1.9 of the council's statement not to see the discussions evidenced regarding the use of suitable conditions as indicating a clear and positive direction of travel that was quashed, reversing the position without any material change in circumstances. The stated concerns would clearly be addressed by the use of suitable conditions.
The suggested use of the premises in question by only one operation physically restricts the activities so as to prevent a more intensive single operator and is far clearer than the personal condition reference made at paragraph 1.12. It runs with the land and satisfies the 6 tests for a condition and addresses the purported concern.
Moving on to paragraph 2.4, and onwards, it remains a matter of fact that the council has not sought to instigate any actions to remove the building and although of course the inspector is not being requested to decide on the lawfulness there is no evidence the 4 year rule has not been satisfied and it is to be expected that if that was finely balanced the Council would have instigated enforcement action to safeguard their position by now.
The aerial photographs referenced at paragraph 2.6 show the appeal building present by 2019 which is clearly more than 4 years ago. The appeal and retrospective application do not propose a retention of use as that is not development, but rather the permission sought is to go forward and consequently the appeal development clearly relates to the use of the lawful rural building. The correct policy to assess the development is CP48 where no objections are raised, as there is no evidence the single barn group to the west of the site was not constructed as one, for agriculture, and the use in part diversified thereafter.
It is of course acknowledged that Class R (see paragraph 2.11) excludes B2 uses but that is presumably because of the distinction in their externalities regarding the production of dust, soot,

smoke, fumes and noise etc and not because the internal use of the building is notably different in perception regarding the impact on the area's rural character and appearance, especially on an unrestricted working farm.
It is understood that the large lorry movements associated with the site's historic mushroom farming were noticeable in the past, so objections to the appeal referred to at paragraph 2.13 do not evidence a new and unacceptable level of usage. Indeed, it can be seen that the third party comments have cited activities regarding the site's agreed agricultural use and the appellant's use of his own work van (presumably as it is sign written) as unacceptable. Both such vehicle movements are entirely unrelated to the small scale operations, the subject of the appeal. Neither appeal business generates articulated vehicle movements. There is no suggestion in the council's reasons for refusal that there are any amenity impacts in terms of noise and air quality etc referenced at paragraph 2.13.
The highway objections made do not substantiate a serve test falling within the scope of the NPPF paragraph 115 and notwithstanding that no actual highways objection has been made there appears to be more of a catchall objection to traffic generally by the third parties which the council are trying to argue supports their landscape character concerns. This is not tenable. The council's second reason for refusal concerns the changes to the landscape characteristics and these have not been substantiated by the word play employed to try and manufacture evidence of harm. It is also a fact that no objections were raised for many years whilst the commercial users present have been in operation and there is a public footpath close at hand so they have been as evident then as they are now.
The appeal development is maintained to have a low impact and by reference to paragraph 2.14 I have already explained how the external storage can be conditionally controlled. It is not excessive and does not 'spill out onto surrounding land as alleged'. The council's suggest conditions 3 and 4 are unreasonable, particularly as it could curtail the forestry operator for instance parking his chipper outside and a stone mason is bound to have materials stored outside as well as finished works to be dispatched, which couldn't reasonably be accommodated within the small workspace in question. There are of course no limitations on the storage of comparable farm machinery and other paraphernalia. A condition as suggested to define the storage and parking areas seems more reasonable.
Finally, the third party comments attached, in the main raise highways concerns and the language used appears more worried about increased activities than the current and historic use. The Council's specialist highways officers have raised no highways related objections and I see no reasons to disagree.
I trust these brief rebuttal comments address the key issues raised and that these comments can be forwarded to the inspector to balance the assessment.
Regards

**Simon Chambers** B.Sc (Hons) MA MRTPI
**Director**

LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ