

Fundamentally, we have resubmitted a 28 day notice as this application contains more information in order to assist in the Local Authority Assessment.

We note that in the Officers Report for the refused 28 day notification the conclusion states:

The proposed development has been assessed against the provisions, limitations, and conditions set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Based on the submitted plans, supporting documentation, and the findings of this report, it is concluded that the proposal does not comply with the criteria for permitted development and therefore falls within the scope of Class A.

Having considered the relevant matters, it is concluded that the proposal fails to demonstrate that it is a working agricultural holding, and fails to provide sufficient evidence that a new agricultural building in this location is reasonably necessary for the workings of an agricultural unit. Furthermore, the building would not be acceptable in terms of its proposed siting. It is considered by the Local Planning Authority that for these reasons, prior approval is required, has been assessed and is consequently refused on the basis of the above.

This application provides sufficient detail to prove the working agricultural holding and we also do not agree with the conclusions of the impact of the proposed siting. Again this is covered in the DAS statement submitted as part of this application but also below.

Firstly we have reviewed the previous application and the Officers Report.

A number of matters and observations arise from the previous Officers Report. The comments below are ordered sequentially in relation to that Report.

1. None of the land is private amenity land.

2. None of the fields are 'associated' with Merkins Farm Cafe. Merkins Farm Cafe is a distinct area as set out in the associated applications and redline drawings.
3. The circled building in the Location Plan is in fact the Farm House dwelling, not the holiday lets
4. No aerial photos were included but are referred to.
5. Black Acre Cottage was originally 3 cottages and not 2.
6. Suggesting that Black Acre Cottage retains its historic form and character is not reflected on the ground. Whilst the east elevation may retain some historic detail, the 3 cottages are now 1 dwelling, the building has been substantially altered and extended and is now substantially larger than the original simple three workers cottages and there has been a separate outbuilding constructed immediately against the Highway on the north west corner which is highly visible.
7. The barns which were converted into holiday lets are not modern in character. Indeed, these structures are part of the earliest agricultural buildings on the site and appear on the OS map published in 1926 making these structures in excess of 100 years old. (see attached). Whilst they may have been refurbished their external appearance has not been substantially altered other than the introduction of glazed openings.
8. It is not clear what the labelling of the photo on page two refers to. It appears to suggest that the fenced area in the middle of the field was the location for the proposed barn? If this is what it is saying this is incorrect as this is an area of new tree planting which is fenced off to stop livestock eating the new planted trees.
9. On the Relevant Planning History, it is not clear why the first 3 applications have been included. These are in connection with a massive agricultural structure on an adjoining farm which is discussed later in this email. The only connection here is the fact that Merkins Farm appears in the title - **'NORTH OF MERKINS FARM'**
10. The report states that the proposal site is 'a greenfield primarily currently used as amenity land and not cultivated for a crop. The entire 8ha is connected to Merkins Farm Café, a very successful farm café, with holiday accommodation, however this is not primarily an agricultural use but instead at best mixed use/sui generis use class and not primarily working farm and agricultural holding' which is contrary to the application forms and is not substantiated or evidenced in the report. In short, this is not correct.
11. All of the land is used for agricultural operations and so the reference to the proposed barn being on amenity land is not correct.
12. There is no supporting evidence in the report to suggest that the view is an 'open verdant landscape' The photo included in the report clearly shows that this is a small view from the highway, only over the gates (as there are high hedgeway either side). This

looks into a narrow gap also lined in high hedgerows with the distant views been foreshortened by trees and existing hedgerows to the southside of the field which will become even further enclosed by the new tree planting as it grows. So this statement is considered to be misleading. Any view back to the site from the south is block by tall hedgerows (other than a short gap which is being replanted for consistency). In any event, from the south the new building would simply form part of the built context in this area, not open countryside.

13. The original frontage of Black Acre Cottage does look east onto the site but the significant reworking and extending on this building means that the use of the building has been directed more to the private amenity space to the south and west.

14. Merkins farmhouse is virtually unaffected by the proposals as the dwelling and its amenity land predominantly faces south. In any event, this Farmhouse is currently connected to the farm land and so surely it is in the gift of the owners / applicants to establish if they are happy or not with any real or perceived impact. There is heavy mixed planting within the residential curtilage between the dwelling and the proposed siting in any event.

15. Part of the reason for siting the building where it was is that it would have fit in with the general built grain in this area and so the built form would not be incongruously located in open countryside. As part of the 28 notice agricultural buildings are expected to be constructed a minimum of 25m away. Given that the building was further away than this and had been orientated in such away to present its narrowest dimensions fronting the highway it is entirely counterintuitive to suggest that this would have an adverse impact any greater than any other agricultural building and so on this basis and in a similar relative proximity to a residential building, all prior approvals siting a building at a similar distance would be refused? That is unless it was sited behind an existing structure.

Secondly, proving that the application site is a working agricultural holding.

We agree with the conclusions given the scope of the submission and so the new application seeks to provide all the information required. Although the comparison below does show potential inconsistency of decision making.

Thirdly, siting

We entirely disagree with the conclusion that this is an appropriate location and the reasons for this position are below and within the Design, Access and Planning Statement below.

Turning finally to the points raised specifically in your email:

1. The agricultural unit is in excess of the minimum 5 hectares required for a 28 day notice application. Indeed at nearly 8 hectares it is nearly 60% over the threshold. It must be the case that planning policy assumes the potential need for an agricultural structure to support all farms in excess of 5 hectares by virtue of the stated threshold and this helps avoid the agricultural community being bogged down in the bureaucracy that comes with full application and the disruption to their operations this might cause. Otherwise, this would not be the threshold stated within the 28 day notice. Whilst it is the case that barn buildings were historically redundant on the site and were repurposed, it is the case that Planning Policy supports diversification of farmsteads and so the cafe usage is entirely reasonable and indeed similar developments are commonplace throughout the area. This change of use is now nearly 10 years old. As it stands today, there is an agricultural holding in excess of 5 hectares and with the exception of a small domestic scale shed, has no operational buildings or other facilities. It is therefore reasonable, however intensive the operations may be, that an agricultural farm building is entirely justified in principle.

Your email correctly states that two of the fields are generally used for crops but fails to identify that the field within which the barn is to be located is and has been used for livestock. Every historic Google Street View bar 1 in the narrow gap over the gates shows sheep. In addition, one of the Google Earth images shows sheep. These are in the Design Access and Planning Statement

In terms of evidence;

- We have provided the Rural Land Registry Documents outlining the scope of the agricultural holding. Up until 2025 this was used for agricultural payments but now the system has changed.
- We have provided a letter from an independent farmer who has been involved with the ongoing use of the farm including livestock. This 'note' could be turned into an affidavit should the LA wish.

- Google street view google earth images are included in the application showing livestock in this field.
- We have also included photos of the recent cutting hay in the field

With all due respect, what more does the LA expect in order to prove usage.

I note there were no sheep in the field when you were onsite but I don't see how your visit can be considered to form a fully representative view of operations. You state that Google Earth supports your position but that's not entirely the case. We have submitted a google earth image showing livestock. Livestock is also moved from field to field and so no one field is ever occupied by livestock for 365 days a year.

Finally the applicant knows all the residents in the hamlet, none of which have voiced any concerns to him. Admittedly what they say in private may vary. However, we assume that the 'third party' comments you have are from the occupants of Blackacre Cottage. There is a break down in the relationship between the applicants and the occupants of Black Acre Farm and so we are concerned that their concerns are not self motivated rather than being based in genuine material policy grounds.

Turning to siting, We have already stated above why the building is justifiably located as proposed. We also note that the primary entry to the agricultural unit is at the field entry to the north of the proposed barn sitting. The Merkins Farm Cafe entry is very much restricted to avoid conflicts with the public. It therefore follows that the barn should be located close to this entry for practical usage. This avoids extensive trackways across the fields making farming difficult, introducing visually intrusive elements in the countryside or introducing the risk of large areas of churned up ground in poor weather. In terms of security, the proposed barn is located close to Merkins Farmhouse which ensures natural surveillance which will reduce the risk of theft and anti-social behaviour.

The location of the barn doors is, in reality, not considered to be a material consideration to the application. However, the applicant who is the farmer and will be using this building believes that this is entirely reasonable and he has historically had barns that operate in this manner. As an aside, it also reduces the amount of hardstanding and access tracks. It should be noted that part of the reason for this

configuration was actually to remove 3 sets of barn doors along the west elevation which was considered to be more intrusive to the occupants of Black Acre Cottage.

The scale of the building has been reviewed and the applicant believes a building of this scale is required in order to allow for the current and future operations and provide flexibility of space and to avoid the risk of requiring further structures in the future.

The marginal increase in scale has come from a more detailed discussion with the barn suppliers and results from a standard 20ft x 30ft structural bay. However, in agricultural terms this is still a small building. We note the scale of the barn which has been constructed on land to the north of Merkins Farm, just 100m away. This building is some 36.6m long, 21.3m wide, 6m to eaves and 10m to ridge. This is nearly 6150 cubic metres opposed to the 400 cubic metres of the proposals or 1500% larger.

We draw your attention to 20/07499/APD for 28 day notice. We note that despite the enormous scale of this building, its entirely incongruous impact on local visual amenity and the fact that there was no justification for its requirements or any detailed information in the application, the 28 day application was successful. The purpose here is not to challenge its necessity but to provide a meaningful comparison on visual impact. We would also note that you consider the proximity of this mega barn to residential buildings and amenity space to the west.

If nothing else, given this application and in the interest of consistent decision making, this new application should conclude that Prior Approval for the proposed development

I apologise for the scope of the information above but I feel it is important to get across that this proposal has not been put together on a whimsical basis. We consider that all the factors are there to conclude that the proposals are not only really required given the active farm use but is entirely appropriately scaled, sited and has minimal impact.

BR

Nigel

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MSc Conservation of Historic Buildings