



Lavata Group

4th March 2019

Jaydine Keenan
London Borough of Barnet
Planning Services
Barnet House
10th Floor
1255 High Road
Whetstone
London
N20 0EJ

64 Anderson Drive
Whitnash
Leamington Spa
CV31 2RN
T: 07809583921
lavatagroup@outlook.com

Dear Ms Keenan,

RE: SWEETTREES FIELDS FARM, MARSH LANE, NW7 4EY – OBJECTION TO APPLICATION 19/0581/RCU

We are instructed by and write on behalf of local residents along Marsh Lane concerning the current retrospective planning application for the use of agricultural land for care farming with retention of ancillary buildings, structures, pathways and access road.

Context

Our client is made up homeowners along Marsh Lane and the proposed development Site is located to the rear of the homeowner's gardens. Our client has a significant and direct interest in the proposed scheme that is the subject of this application.

The application documents and material submitted have been reviewed in detail and the concerns and objections set out the formal position of our client. These concerns are set out in more detail below.

Planning History

As you are aware, the Site has been developed and been operating without planning permission, and this is the second retrospective planning application that has been submitted for the proposed development.

We note that the Site has two lawfulness certificates for the land to be used for agricultural uses, but these do not permit the structures which are now on the Site. The first retrospective application was given a recommendation for approval by Officers but was refused by Planning Committee Members. The decision notice was issued on 22nd June 2018. An enforcement notice was served to the applicant on 31st July 2018 to return the site to its lawful use within 8 months of the date of the notice

Application Documents

Following a review of the submitted documents and the national and local validation list which is available on the Council's website, we note that the documents do not include a Design and Access

Statement. This is a national requirement for the validation of a planning application which has been omitted. Whilst this may be a retrospective planning application, a Design and Access Statement should still be submitted as it is for a planning application. There is no single document which explains the design of the existing buildings, why they need to be built in that way or how despite not having planning permission the locations of the buildings were chosen. This is a procedural oversight which needs to be rectified.

The proposed development seeks to provide a farm which will be used by those with special needs or a more controlled environment to aid in their wellbeing. However, the operation and maintenance of such a development will involve plant and machinery. No details have been provided on what type of machinery will be in operation, and or how the noise and vibration of these will impact on the wider environment. A Noise and Vibration Assessment should have been submitted, and this issue not simply dismissed.

No Transport Statement has been submitted to support the planning application. We are aware that in the last application, the Council's Highway Officers had no objections (following negotiations) to the application, subject to the use of appropriate planning conditions. In the absence of any details of these previous negotiations it is unclear what the traffic impact will be because of this proposed development. It is assumed that the same access arrangement will be in place for the current application. No details on the number of cars or trips have been provided and at what times.

We also note that the applicant has not submitted a full Landscape and Visual Impact Assessment (LVIA) for the proposed development. Only a simple plan titled Landscape and Visual Analysis has been (reference EDP4381/01 which is labelled as DRAFT as well as being dated October 2017) which just shows the types of vegetation on the land and views indicated by arrows. Given that the Site is located within the green belt, we would expect more than one plan which examines the impact on the landscape. A full LVIA should have been submitted and should use the guidelines as set out in the 'Third Edition of Guidelines for Landscape and Visual Impacts Assessment (GLVIA3).

We note that on the front cover of the Ecology Report by Ecosulis, the date of the report is August 2017 and the expiration of that report is August 2018. This current application was submitted in January 2019 with what is clearly an out of date report, confirmed by the authors themselves. This needs to be updated and re-submitted.

The above points are all procedural points and should be a material consideration when determining the application for the lack of information.

Redline Plan

We have examined the redline plan submitted for the application and have also the previous redline plan submitted for the 2017 application. In the 2017 application the redline plan was amended taking the redline from the front of the access road and moved back further along the road. Certificate A was signed on behalf of the application at the time, confirming that no one else had a legal interest in the land.

The current redline plan now shows the redline extending out to the entrance of the access road, but Certificate A has been completed again. It is not clear if since 22nd June 2018 to the submission on 31st January 2019 the applicant has bought or leased the land. If the applicant had an interest in the land

in the previous application, then this should have been shown using a blue line which is a planning requirement. There is a house which also requires the use of this access road to enter their driveway.

Also, when examining the application forms for the current and previous application, the Site area given by both is the same; 6.42ha. However, the size of the land is larger in the current application based on the differences in the redline plans. This needs to be rectified.

Parking

No car parking is proposed as part of the development and the management plan states that people will be encouraged to use public transport to get to the Site. This fundamentally illustrates a flaw with the application and the intentions behind it. The Site is to allow those people who have suffered from disability or mental health issues and who require carers to accompany them. The application states in the Farm Management Plan that cars that need to park on the Site will park on the hardstanding roads. If this is the case, then we are not clear why a dedicated car park has not been proposed as part of the proposed development. Given the users of the Site, a formal car parking Site would be more appropriate in terms of safety rather than parking on a hardstanding road. Not only that, it is also reasonable to assume that adapted mini buses will also be dropping off and waiting for children to use the facility and then leave. No details have been provided as to whether cars parked along the hardstanding road can in fact allow other cars or farm machinery to pass.

This would therefore be contrary to polices 6.1 to 6.3 of the London Plan and Policy DM17 of the Local Plan Management Policies DPD.

Use of the Site as a Care Farm

A substantial part of this application relies on the fact that it is proposing to provide services which are vital to the charity's objectives and goals. Whilst we are in support of inclusive facilities, they must be appropriately located. The submitted Planning Statement omits the fact that a fully operational working farm, Belmont Farm, is located 0.7miles away from the application Site. This is a working children's farm with a larger number and a wider variety of animals, as well as formalised parking and visitor amenities. The activities undertaken that the proposed development is seeking to provide could be provided by such an alternative location with the support of the charity i.e. with infrastructure already present and being used successfully with the proper planning permissions in place. This is a major oversight by the applicant and one which appears to have been deliberate. It has not been demonstrated that this specific Site is the only place in the Borough where activities can be undertaken. Proper planning permissions ought to have been in place before any changes occurred, rather than the applicant acting unlawfully, and then submitting a second retrospective planning application.

The other issue with the proposed use of the Site is that whilst the applicant states that it is to be used by the charity, they have not provided any legal guarantees that this will still be the case if planning permission should be granted. We understand from the previous application's Planning Officer's Report to Committee that a planning condition was drafted trying to seek to control the use of the Site as well as the number of people on the Site (no more than 55 people at any one time). However, whilst a planning condition can be placed on the Site, given that this is the second retrospective planning application submitted, the Council cannot guarantee that this would not be breached. If it

was breached, then it would be contrary to what it has planning permission for. The applicant has stated several times in their application that this care farm will help those who need additional support, however they do not appear to have provided any legal assurance that this will remain the case such as entering into a S106 Legal Agreement or providing legal evidence to show that the owner of the land could not change this use in the future; which makes the need issue appear secondary.

This would therefore be contrary to polices DM01 and DM04 of the Local Plan Development Management Polices DPD.

Structures on the Site and Operations

The proposed development Site Plan (ref A-724-50 Rev A) shows the location of the pathways as well as the structures on Site. These structures primarily are located next to the gardens of the residential dwellings along Marsh Lane. The Planning Statement at paragraph 6.68 states that the applicant does *“not consider that the perceived intensification of the use of the land for agriculture, or indeed care farming, is a material increase that would impact on the amenity of adjoining residential dwellings”*. We fundamentally disagree with this statement and do not consider that it is ‘perceived’ intensification. The proposed development will in fact cause a material increase in the activities on the Site.

We note that the proposed development does not consider it appropriate to restrict the working hours of the farm and the number of people that are able to be on the Site at any one time (Planning Statement paragraph 6.68 and 6.98). This has been stated despite the previous application having a draft planning condition (condition 8) doing precisely this to safeguard the local residents. We note that the application does not definitively state how many people there are likely to be on Site but if the previous number in draft condition 6 is used then 55 people is a material change from what a Site only for agricultural use may generate. Paragraph 6.69 states that the lawful use of the Site as agricultural use remains outside of the farm’s operational hours and that the restriction on the number of farm workers and their operations should not be restricted as the farm still needs to be managed. We fundamentally disagree with this and without prejudice to the objections raised in this application, suitable planning conditions should be attached to the Site should permission be granted.

It is not clear why a care farm that has limited animals and needs to have more than 55 people on the Site at any one time. No information has been provided on the number of people that were on Site before the use, (which was minimal) and structures were developed without planning permission. The applicant clearly has not acknowledged the detrimental impact that this use will have, and they state that the intensification is not material.

This would therefore be contrary to London Plan Policy 7.16 green belt, polices DM01 and DM04 of the Local Plan Development Management Polices DPD with respect to safeguarding the amenity of residents.

Impact on Green Belt

National Planning Policy Framework 2 (NPPF2) sets out in Chapter 13 that the purpose of the green belt is to prevent urban sprawl by keeping land permanently open. Paragraph 133 and 134 sets out the five purposes of the green belt. Paragraph 143 states that *“Inappropriate development is, by*

definition harmful to the green belt and should not be approved except in very special circumstances". Very special circumstances do not exist unless the potential harm to the green belt by reason of inappropriateness, **and any other harm as a result of the proposed development** (our emphasis) is clearly outweighed by other considerations.

Whilst the lawful use of the Site is for agricultural use, and exceptions to inappropriate development in the Green Belt include buildings for agriculture and forestry use, the material change in terms of the intensity of the activities compared to what the Site has a lawful use for, is material and causes harm to the green belt.

Whilst the principle of care farms is supported, this is an inappropriate location for one. As stated above there is a farm located less than a mile away which has appropriate facilities and services. It is not demonstrated that activities could not be located elsewhere more appropriate, without seeking to build on the green belt. We do not consider that the Site meets the very special circumstances case just because it is a care farm.

The proposed development seeks to retain the woodchip pathways which crisscross the Site and connect the various services on the Site. However, the applicant states in paragraph 4.9 of the Planning Statement that *"...woodchip circulation pathways around the Site to enable visitors to access and navigate the Site, particularly participants who require wheelchair access."* We do not agree with the notion that people who need additional mobility assistance such as wheelchairs would be able to use the woodchip pathways and indeed if it is even suitable as the ground would not be stable. This seems to contradict what the applicant's stated purpose of the Site is. Whilst the development of roads on the Site might not impact on the openness of the green belt Site, it does as the submitted Planning Statement says in Table 2 page 6 that *"The paths, whilst formalising the land are reflective of the agricultural use..."* The introduction of woodchip roads is not reflective of agricultural land; it is either grazing land or land use for crops/planting. This statement when dealing with the proposed developments as an appropriate use in the green belt is incorrect.

Paragraph 6.23 to 6.25 of the Planning Statement states that the Site does not have a 'Site wide road network' and that the woodchip pathways will allow tractors and other farming machinery to move around the Site without damaging the ground. However, as agricultural land where animals were typically only grazing, the need for heavy farming machinery would have, we believe, been minimal. The need to now have heavy farming machinery is now down to the fact that the Site needs to be serviced and maintained with the use as a care farm. The pathways would not be required if it was not for the proposed development.

The proposed Yurt is the only non-agricultural structure on Site. It is to provide a rest area for users as it is the only weather tight structure on Site. In the absence of a Design and Access Statement, the applicant has not demonstrated how and why this particular design of structure was chosen. We understand that an amenity building is appropriate for a typical agricultural use, however it should be reflective of the fact that the Site is within the green belt. Without an LVIA being submitted, the appropriateness and impact of the yurt on the green belt cannot be assessed.

The Planning Statement provides an appeal decision in which a Yurt could remain in Appendix 4. However, this appeal was for a Site located in Scotland and is dated September 2009. Both the Scottish and English planning regimes and policy are separate entities and therefore the appeal decision has no weight with regards to the appropriateness of the Yurt in this green belt location.

We therefore do not consider that the proposed development is in accordance with paragraphs 143 to 144 of the NPPF2, Policies 5.3 and 7.16 of the London Plan and Policy DM15 of the Local Plan Development Management Policy DPD.

Green Infrastructure SPD

The proposed development does not consider the Council's Green Infrastructure SPD which was adopted in October 2017. As set out in paragraph 1.3.1 *"A key feature of Green Infrastructure (GI) is that individual assets spaces and places can be joined together as part of a wider network and that these networks are strategically planned. Barnet's GI includes parks and gardens, both public and privately owned, which offer valuable habitats for wildlife. The Core Strategy describes green infrastructure as "the network of green spaces, places and features that thread through and surround urban areas and connect town to country".* Green infrastructure includes green belt as well as urban farms.

The proposed development Site is included as part of Barnet Green Infrastructure provision. The proposed development has not been strategically planned nor does it help join a wider network of green spaces.

The proposed development therefore is contrary to the adopted Green Infrastructure SPD, Policy 2.18 of the London Plan and Local Plan Policy CS7.

Overall Conclusions

The following summary conclusions and objectives are drawn:

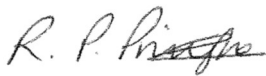
- the absence of a Design and Access Statement means that the application lacks the information which is required as part of the national validation list for planning applications.
- the absence of a Transport Statement fails to demonstrate clearly that the proposed development has adequate access which meets highways safety, as well as providing the correct parking facilities for the groups the application is seeking to cater for.
- the absence of a Noise and Vibration Report fails to consider the impact farming machinery will have on the amenity of residents as well as the propose structures, despite this being part of the reasons for refusal in the previous retrospective application.
- the absence of a LVIA for a development in the green belt should have been submitted to fully understand the impact of the proposed development.
- there is an anomaly between the previous application's red line plan and the current application's redline plan in that the Site area has increased, but the Site area figure remains the same on both applications forms and Ownership Certificate A has still been submitted.
- the proposed use of the Site as a care farm is not legally guaranteed by the applicant.
- the proposed development has not demonstrated that very special circumstances have been met. Whilst the Site can lawfully be used for agricultural uses, this does not cover the building of structures. The intensification of the Site and the harm it causes is a material consideration for this application.

There are no material considerations offered by the Applicant that would outweigh the Development Plan or allow a departure from that Plan. In such circumstances planning permission should not be granted.

The development proposed represents a wholly inappropriate over-development of the property to the detriment of the green belt, and amenity to the neighbouring properties.

We trust that you will give this representation due consideration and take full account of the serious matters and issues raised concerning this deficient application. We would be grateful if you will confirm safe receipt.

Yours sincerely,



RENU PRASAHR PRINJHA BSc (Hons) MSc MRTPI

Director, Lavata Group Limited.