



Appeal Decision

Hearing Held on 25 May 2021

Site visit made on 4 June 2021

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2021

Appeal Ref: APP/A1910/C/20/3249358

Land at Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mentmore Investments against an enforcement notice issued by Dacorum Borough Council.
 - The enforcement notice, numbered E/20/00023/MULTI, was issued on 19 February 2020.
 - The breach of planning control as alleged in the notice is set out in Annex A to this Decision.
 - The requirements of the notice are set out in Annex B to this Decision.
 - The periods for compliance with the requirements are: Step 13 – one day; steps 2, 5, 6, 8 & 10 – one month; steps 1, 3, 4, 12, 14, 15 & 16 – 2 months; steps 7, 9 & 17 – 3 months.
 - The appeal is made on the grounds set out in section 174(2)(a), (c), (d), (f), and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be varied by the substitution of plans 1 and 2 attached to the enforcement notice with the plans 1 and 2 attached to this Decision and the removal of the words 'and 8' from requirement 15 and by the substitution of 10 months as the period for compliance with requirements 4, 9 and 17 and 6 months for all other remaining requirements.
2. The appeal is allowed insofar as it relates to buildings 2, 3, 4, 5 and 6 and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the retention of buildings 3, 4, 5 and 6 and the use of buildings 2, 3, 4, 5 and 6 for non-agricultural storage subject to the conditions attached as Annex C to this Decision.
3. The appeal is dismissed and the enforcement notice is upheld as varied insofar as it relates to the land shown edged red and hatched black on the plans annexed to this decision for the development as set out in allegations B 1- B 3 and B 5 (Area B) of the notice, and allegations C 3 and C 4 (Area C) and the change of use of land to non-agricultural storage (Areas C and D), and allegation 1 and construction of metal framed structure 7 (Area E).
4. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended in respect of the retention of buildings 1, 5 and 7 and the areas of hardstanding hatched black on plan 2 attached to the enforcement notice, the retention of the storage containers in Area C and the change of use of the external land in Areas B, C and D to non-agricultural storage and Area E to use as a waste transfer/recycling operation.

Main Issues

5. The appellant has confirmed that the main ground of appeal is on ground (a), that planning permission should be granted for the breaches of planning control. Planning permission is not, however, sought for building 8 as the appellants claim this already has planning permission and was constructed more than 4 years prior to the issue of the enforcement notice.
6. On ground (a) and the deemed planning application, I therefore consider the main issues are:
 - (i) whether the development represents inappropriate development within the Green Belt and, if so, whether there are any material considerations that outweigh the harm caused by such development, and any other harm, and are sufficient to justify it on the grounds of very special circumstances and
 - (ii) the effect of the development on the character and appearance of the area.
7. Grounds of appeal (c) and (d) apply only to the hardstanding referred to in allegation B 5 and the metal framed structure (building 8) in allegation E 2 and I consider the main issues here are:

on ground (c): whether planning permission is required to authorise the works and

on ground (d): whether the structures are immune from enforcement action through the passage of time.

If the preceding grounds fail then in respect of all the allegations:

on ground (f): whether the requirements of the notice exceed what is necessary to remedy the breach of planning control or any injury to immunity and,

on ground (g): whether the times for compliance are reasonable.

Procedural matters

8. At the Hearing the appellants confirmed that they are not pursuing an appeal in relation to building 1 and have agreed to demolish it in accordance with requirement B 1 of the notice. They also agree to comply with requirements E 13 and E 14 of the notice which concern the importation, storage and processing of waste and are in the process of removing the items that had been stored in area E. They do not seek planning permission for this use.
9. It was also agreed between the parties that the 'red line' area of the enforcement notice plan should be amended by the exclusion of parts of areas C and E. At the site visit I saw that these areas were not, in fact, in the uses alleged and there was no hardstanding on this part of Area C. I will vary the enforcement notice plan accordingly under the terms of an appeal on ground (b), that the alleged change of use and operational development has not taken place as a matter of fact.
10. The Council has agreed that, subject to suitable conditions, the existing use of building 2 for warehousing and storage would be acceptable. It was also confirmed that the Council were no longer pursuing the reason for issuing the notice based on the impact on the best and most versatile agricultural land.

11. The appellants agree that the hard surfacing in area B and buildings 1, 5 and 7 are inappropriate development in the Green Belt.
12. Since the appeals were lodged, the appellants have been in negotiation with the Council and have obtained recent pre-application advice containing the Council's 'without prejudice' views on the possibility of granting planning permission for some of the development enforced against.

Site and surroundings

13. The appeal site is a former farm complex set in Green Belt countryside within easy reach of the main A41 trunk road. The appellant company bought the site in 2018 and use it in connection with their business, which supplies props and scenery to arts, entertainment and event management companies. The buildings that are the subject of the enforcement notices are used for manufacturing the props and scenery that are used by film studios and theatres and which are then returned to the site and stored prior to re-purposing them prior to re-distribution.
14. There are a number of other buildings on the site that were formerly in an agricultural use, but which were let out to other companies as part of the farm's diversification prior to purchase by the appellant and which are still occupied by the original tenants. At the Hearing, the Council confirmed that these buildings are not included within the appeal enforcement notices and some of them are now accepted to be in a lawful use. There is a building containing a biomass unit that is not within the notices but which the Council considers may not be authorised.
15. The buildings that are enforced against are, in the main, newly built by the appellant although in some cases they have replaced others, albeit on a larger footprint. However, in the case of building 8 this is claimed by the appellant to be the frame of a previous structure that has now been re-clad. At the time of issue of the notices, this building was the metal framed structure referred to and at the site visit I saw that it has since been covered in profiled metal sheeting. It is attached on its north east side to a similar framed structure which has no cladding.
16. The site also contains 38 storage containers which are standing on the new area of hardstanding hatched on the revised site plan. These are single stacked and stand adjacent to a new fence that runs as a continuation of the south west elevation of building 5.
17. The area at the south east of the site (area E) was grassed agricultural land but has been used by the appellants for storage in connection with their business. The material on it has now largely been cleared but at the time of my site inspection, there were a number of piles consisting mainly of polystyrene and waste wood, that were still awaiting removal.
18. There are also a number of other items, such a weighbridge, boundary fencing and a large storage marquee that are on site but are not included in the enforcement notice. The Council consider that these items may be unauthorised but, as they are not covered by this enforcement notice, they do not fall for consideration within the scope of this appeal.

Reasons

19. As discussed at the Hearing, because there is no dispute that parts of the enforcement notice have, or will be complied with, it will remain in force, albeit with variations. As the plans attached to the notice will be varied to exclude some of the original areas enforced against, the appeal will therefore also succeed in part. For ease of reference, the disputed allegations and requirements and the individual grounds of appeal for each of them will be dealt with in the following paragraphs.

Areas C and D

Ground (a)

20. I consider these areas first, as they are where most of the development for which planning permission is sought is located. The appellants do not dispute that the alleged change of use has taken place on the areas that will remain covered by the enforcement notice after it has been amended but consider that planning permission should be granted for this change and the erection of buildings 3, 4, 5 and 6 under the appeal on ground (a). This area also includes new hardstanding and the siting of metal storage containers and planning permission is also sought for this development.
21. The appellants maintain that buildings 3, 4 and 6 are not inappropriate in terms of Green Belt policy. They submit that they have been erected on previously developed land and replace buildings that were already there. Whilst buildings 3 and 4 are now larger than previously, they are not materially so and their location amongst the other authorised buildings, where they are seen as part of the total site development, means that, in my opinion, they are not having a greater impact on openness than previously. As such, they can be justified as limited infilling on previously developed land under paragraph 145(g) of the National Planning Policy Framework (the Framework).
22. Buildings 5 and 6 are also new and although they do stand on the site of some former development, including buildings and a storage silo, these had a much smaller combined footprint. Building 5 is also situated outside the area previously used as the farmyard and is agreed to be inappropriate development.
23. However, I saw at the site visit that the location of building 6 is in the heart of the former farmyard, where it is largely enclosed from the surrounding agricultural land by other built development, which prevents it from having any undue impact. Even if buildings 3 and 4 had not been developed further, this part of the yard would have been shielded from open views by the original buildings. Although building 6 appears to be higher than the buildings it replaced, views of it are very limited and I consider that it is causing no appreciable harm to the openness of the Green Belt.
24. Building 6 is therefore also limited infilling on previously developed land and as it too does not have a greater impact on the openness of the Green Belt than existing development it can consequently be considered as 'not inappropriate' in Green Belt terms, with reference to paragraph 145(g) of the Framework.
25. I therefore conclude that buildings 3, 4 and 6 are not inappropriate development.

26. In paragraph 83, the Framework encourages the growth and expansion of businesses in rural areas. The appellants have explained how their business is well positioned not only to make good use of this former farmyard, which has already largely diversified away from agriculture, but also to support a number of film production studios sited in the local area. I therefore consider that, subject to conditions, planning permission should be granted for buildings 3, 4 and 6.
27. Building 5 amounts to a significant area of new built footprint. However, Buildings 3, 4, and 6 stand as a group which is largely contained within the established farmyard and building 5 is visually well related to this development. I have already concluded that buildings 3, 4 and 6 can remain and consider that, although building 5 occupies a significant volume, it has, along with the others, the appearance of a typical agricultural building and does not, in my opinion, detract from the character of the wider area.
28. As previously noted, the group of buildings causes no harm to the character of the area and are meeting the aim of encouraging and supporting the rural economy as they have been shown by the appellants to help to diversify the operations in the former farmyard. Although building 5 is inappropriate development and is thereby causing substantial harm in Green Belt terms, including to openness, it forms part of this support and contributes to the success of the business as a whole.
29. Ecological enhancement proposals have been suggested by the appellants should planning permission be granted and, although the weight that I attach to these is limited, they nonetheless do provide some benefits to support the retention of this building. I consider that, overall, the benefits to the rural economy through employment in the local area and the ecological enhancements, together with the beneficial re-use of previously developed land, amount to the very special circumstances that indicate that planning permission should also be granted for building 5. Any necessary conditions relating to this grant of permission will be discussed in subsequent paragraphs.
30. I do, however, take a different view in respect of the metal storage containers and the area on which they are located and the more open land to the south of building 6 and to the north of buildings 7 and 8. These areas spread beyond buildings 4, 5 and 6 into previously open land and, as with the storage racks, bring an industrial character into the agricultural fields around the former farm yard and would consolidate development between buildings 6 and 8.
31. The use of this land for non-agricultural storage would again be inappropriate development and its use for anything other than access to the buildings would, I consider, be harmful to the openness of the Green Belt and the character of the surrounding countryside. It would be contrary to policies CS1 and CS5 of the CS and Chapter 13 of the National Planning Policy Framework (the Framework) all of which seek to prevent inappropriate development in the Green Belt. Although a landscaping scheme could provide some screening to these areas, it would take up to 15 years to be fully functional in this respect and the development would also, for a considerable period of time, conflict with CS policy 25 which seeks to protect landscape character.
32. I am aware that in the pre-application advice, the Council considers there might be scope for relocating the storage containers to a different part of the site and that a temporary permission might be appropriate in the meantime.

However, this will be a matter for discussion between the parties and I will consider the length of time for compliance under the appeal on ground (g). Nevertheless, the Council also has the ability to extend the time for compliance should circumstances dictate

33. I have already concluded that some inappropriate development can be allowed on the grounds of very special circumstances to support the appellant company's business but cannot agree that these circumstances would extend to justify the considerable additional harm that the use of these external areas is causing. Planning permission will not therefore be granted for the stationing of the storage containers, the use of these areas for storage or for the areas of hardstanding identified in the enforcement notice.

Area B

34. The appellants have agreed to remove building 1 and this requirement will therefore be retained in the notice.

Ground (a)

35. Turning now to building 2, the Council agrees that this would be suitable for the current use subject to conditions and I find no reason to disagree. Planning permission will therefore be granted under the appeal on ground (a) and, as noted above, the appropriate conditions will be discussed in subsequent paragraphs.
36. The appellants also seek planning permission for the series of storage racks (described as a cantilever storage structure in the notice) and the area of hardstanding enforced against on which they are sited. One row of these racks stands close to the side of building 2, with the others between this row and building 1.
37. I saw at the site visit that whilst the racks are seen against the authorised built development they nevertheless have an impact on the openness of the Green Belt and bring an industrial element into both close and longer views of the former farm from the public footpath running to the north of the site. I consider that this prominent area of external storage, which extends into the open land to the north east and is highly visible from the public footpath, is harming both the character of the countryside and the openness of the Green Belt.
38. I consider that this area is similar to the open storage areas in areas C and D, and, as with them I have considered whether there are very special circumstances that would outweigh the substantial harm caused by this inappropriate development and the harm to the countryside. I note that the appellants say that the development could be partially screened by landscaping and reduced in height but I consider that the landscape mitigation measures proposed would not be enough to reduce the harmful impact on the Green Belt and the surrounding countryside. I note that the Council states in its pre-application advice that it might be prepared to consider granting permission for a reduced scheme, but the details of this would be a matter for further negotiation between the parties.
39. The appellants claim that the hardstanding enforced against was a replacement for what appears to have been a loose mixture of road scalpings or other unconsolidated material similar to that found on other parts of the site and that it has not resulted in any raising of ground levels. That may be so, but it is accepted that planning permission is required for the development.

40. I consider that the concrete is having a greater impact on openness than the previous surface as it provides a formal area for parking and storage which has resulted in a greater volume of development in the Green Belt. It is directly connected to the siting of the storage racks and in my opinion cannot be justified for retention in its own right.
41. For the reasons set out above, I consider that the development comprising the storage racks, new hardstanding and change of use of this area conflicts with the policies set out in preceding paragraphs and that the very special circumstances claimed by the appellants do not, in the light of the amount of inappropriate development already permitted, extend to justify the grant of planning permission for the additional inappropriate development in this area.

Area E

42. At the time of the issue of the enforcement notice, parts of area E contained a large amount of material such as scenery and props that had been brought back to the site for re-processing as part of the appellants' business. They accept that there is no permission in place to store such materials on this land and do not seek to continue to do so. At present they are negotiating with the Environment Agency to obtain a permit to use some of the material in a biomass processor, but I saw at the site visit that much of the material has already been removed.
43. As noted previously the appellants are not asking for permission to retain the waste re-cycling use on this part of the site. However, the area to the south west has not been put to this use and, as noted above, will be removed from the area covered by the enforcement notice plan. Otherwise there is no dispute that the enforcement notice should be upheld in respect of this land and planning permission is not granted for the change of use.

Grounds (c) and (d)

44. The appellants claim that the structure described as building 8 is authorised by virtue of being the original metal frame for the barn erected under planning permission 4/0404/98. As such they submit that it has also been on site for over 4 years and is therefore also immune from enforcement action for this reason. They accept, however, that it has now been modified by having the external cladding replaced since the enforcement notice was issued.
45. The Council submit that the extent of this work is tantamount to the erection of a new building and that the enforcement notice can therefore call for its complete removal. They note that the building was erected with permission but was originally a largely open-sided barn. It has now been completely enclosed and the Council suggest that the frame may also be a replacement.
46. I saw at the site visit that it appears that the metal framed structure had been extended to allow for the extension (building 7) on its north eastern side. However, it also appears that the frame is original, albeit modified in this way. I therefore see no reason to doubt the appellants' claim that this part of the building has been in place for more than 4 years. Although it has now been reclad, this work was carried out after the issue of the enforcement notice and whether planning permission for this cladding should be granted is not within the remit of this appeal.

47. However, I consider that although it has had its original cladding removed, the frame is original; and, on its own, does not constitute a new building. The appeal on ground (d) in respect of it consequently succeeds and the requirement to demolish this section of it will be removed from the notice. It should however be noted that, should it be considered expedient, that Council might nevertheless be able to take enforcement action against the addition of the external cladding.
48. Building 7 is, however, a new building that is an extension of building 8 and matches it in style. In its pre-application advice, the Council say that they cannot support the retention of this building but suggest that its loss could be compensated for by a modest extension to building 8. In respect of building 8 they also suggest that it could possibly be relocated to a more suitable location within the site as, at present, it is located at some distance from the other authorised development and would extend the non-agricultural uses further into the Green Belt. However, as I have found that the frame of building 8 does not have to be demolished, any discussions on its relocation are beyond the scope of this appeal and will be a matter for discussion between the parties.

Ground (a)

49. Although not yet complete, building 7 covers a sizeable footprint of land that was previously undeveloped. It is agreed that it represents inappropriate development in the Green Belt and, in its present condition, is performing no useful function.
50. Although it is intended to be a recycling centre in future, it has no functional use in its present form. It is a very prominent feature at present and would be even more so when completed, if clad in the same style as the other buildings on the site. It is harming the openness of the Green Belt and it extends the built development into an otherwise largely open agricultural area. In its current form the structure is inappropriate development contrary to the policies in the CS and Framework, as set out in previous paragraphs.
51. I consider that the possible needs of the business for this building do not have been demonstrated to amount to the very special circumstances needed to outweigh the harm caused by this building and planning permission will not be granted for it.

Ground (f) (all areas)

52. The arguments put forward by the appellants under ground (f) largely deal with the time to comply with the requirements and the possibility of allowing more time to negotiate a revised scheme with the Council. The matter of additional time to comply with the notice will be discussed under the appeal on ground (g) but I note that since the appeal was lodged, discussions between the parties have continued and, as noted above, pre-application advice has already been received. No particular lesser steps have been suggested and the appeal on ground (f) fails.

Ground (g) (all areas)

53. The appellants claim that the times for compliance are not sufficient to allow them to complete the requirements of the notice. As it is now the case that some of the development will be granted planning permission, I have only considered the time that would be required to comply with the remaining parts of the notice.

54. Whilst any processing of waste on area E has ceased and some has already been cleared, I consider that the time to remove the remaining waste on the land will take longer than the 3 months specified. I consider that 6 months would be sufficient time, particularly as the appellant is hoping to negotiate with the Environment Agency in order to use some of the material in a biomass unit. If the negotiations prove to be protracted, the Council is, in any event, able to extend the time for compliance if circumstances dictate, whether or not the notice has come into force.
55. In terms of the cessation of the external storage uses and the removal of all other relevant development, there are periods of either 1 or 2 months specified. Given the cumulative extent of the works involved, I again consider that a period of 6 months would be a reasonable period to allow the stored items, including the containers, to be relocated and the demolitions and clearance work to be organised and completed. Following on from this, the time for the reinstatement of the land would be likely to run into the winter months and, to allow sufficient time for any replanting, a further 4 months would be reasonable. The appeal on ground (g) succeeds to this extent and I will vary the notice accordingly.

Conditions

56. A set of suggested conditions was discussed at the Hearing, should planning permission be granted for any of the development. As I am allowing the retention of some of the buildings and the change of use of building 2, I have considered these conditions in line with the Government's Planning Practice Guidance. I have amended some of the suggested wording to comply with this guidance and to ensure that there is recourse available to the Council to call for the cessation of the use and the removal of the unauthorised buildings, should suitable details required by the conditions not be forthcoming.
57. I will limit the use to define the operations that may be carried out on site, to ensure that they are consistent with the appellant's business, as part of the justification for the permission is the economic benefits of the use of the site by this company. I will also require the development to be carried out, or retained as applicable, with the plans and documents that detail the operations on site.
58. In order to protect the amenities of neighbouring occupiers, I will impose a condition restricting the operating hours of the business. For the avoidance of doubt, this condition will not prevent the departure, arrival and parking of vehicles but does not allow loading or unloading of vehicles outside the specified operating hours.
59. The Council has suggested a condition prohibiting external storage of goods, waste materials and equipment and the appellant is concerned that this would be unduly restrictive on the day to day running of the site. I will, however, impose the condition as it is intended to prevent long term or permanent external storage only and would not prevent the normal movement of goods and equipment around the site that would take place during the working day.
60. I shall impose conditions requiring the submission of further details of security lighting, parking areas, a transport statement, ecology enhancements and landscaping to ensure the provision of these items and that the final details of how the site will appear and be operated are acceptable. I shall not impose suggested condition 11, as planning permission is not being granted for building 7 or any additional areas of hardstanding.

Conclusions

61. For the reasons given above, I conclude that the appeal should succeed in part only, and I will grant planning permission for some parts of the matter the subject of the enforcement notice, but otherwise I will uphold the notice with variations and refuse to grant planning permission on the other parts.
62. I have not removed the requirements in respect of the development permitted, to ensure that they are bound by the conditions attached to the planning permission which authorises them but, by virtue of s180 of the Act, the requirements of the upheld notice will cease to have effect so far as inconsistent with the permission.

Katie Peerless

Inspector

APPEARANCES

FOR THE APPELLANT:

Aaron Peate MRTPI
Hugo Keating
Charles Merrett

Planning Director WSP
Mentmore Estates
Of Counsel instructed by WSP

FOR THE LOCAL PLANNING AUTHORITY:

Olivia Stapleford

Assistant Team Leader, Planning Enforcement,
Dacorum Borough Council

Philip Stanley

Team leader, Specialist Services, Dacorum
Borough Council

DOCUMENTS

- 1 Suggested conditions with appellants' and Council's annotations



Plan 1

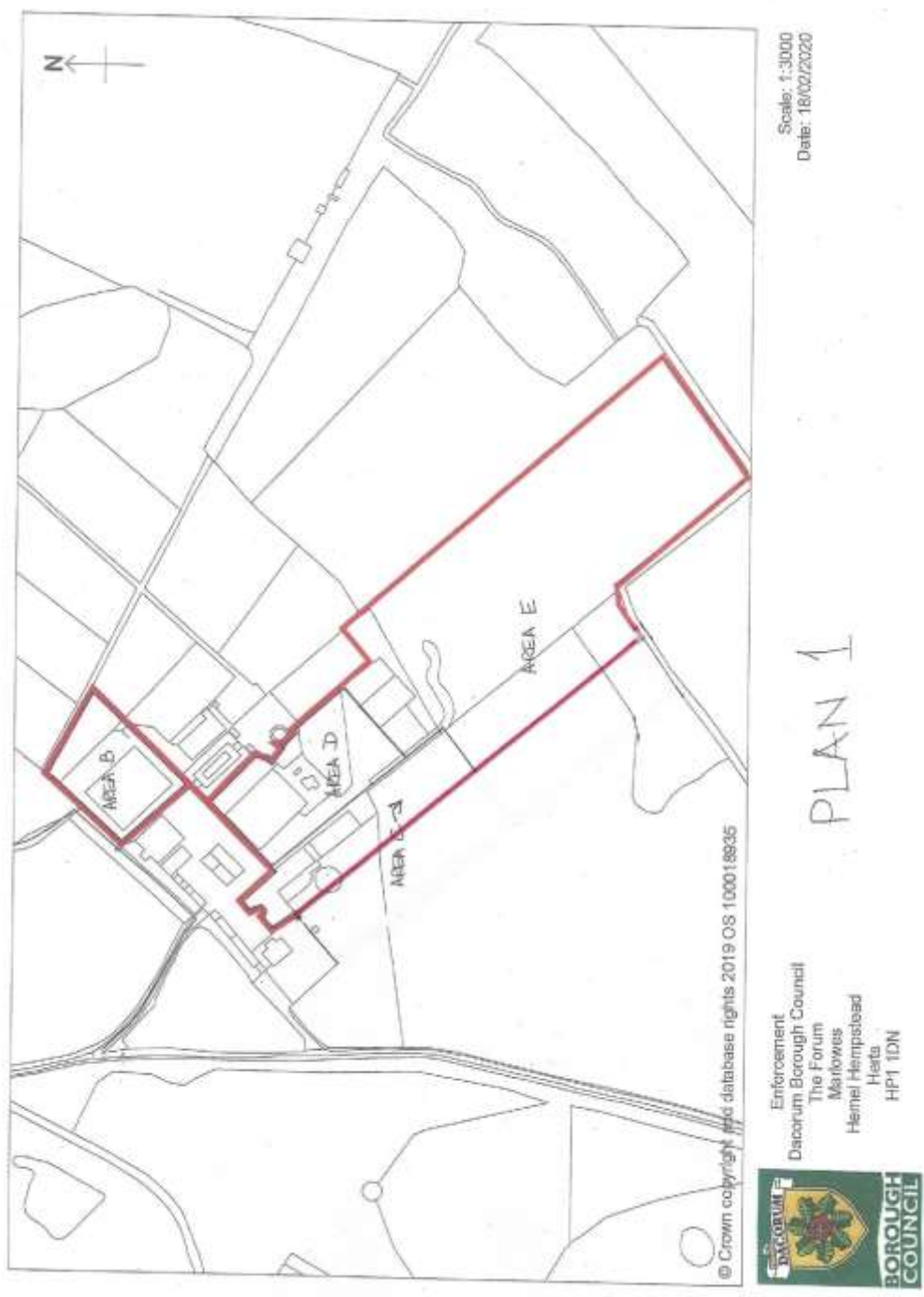
This is the plan referred to in my decision dated: 18 June 2021

by **Katie Peerless DipArch RIBA**

Land at: Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire

Reference: APP/A1910/C/20/3249358

Scale: NTS





Plan 2

This is the plan referred to in my decision dated: 18 June 2021

Katie Peerless DipArch RIBA

Land at: Haresfoot Farm, Chesham Road, Berkhamsted, Hertfordshire

Reference: APP/A1910/C/20/3249358

Scale: NTS



Scale: 1:3000
Date: 18/02/2020

PLAN 2



Annex A

Allegations of the Enforcement Notice

Land annotated 'Area B' on Plan 1 attached to the enforcement notice

1. Construction of white modular building (numbered 1 on Plan 2 attached to the enforcement notice);
2. Construction of cantilever storage structure;
3. Change of use of land to commercial storage;
4. Use of building for storage of non-agricultural items (numbered 2 on Plan 2 attached to the enforcement notice);
5. Extension of concrete hardstanding (shown cross hatched on Plan 2 attached to the enforcement notice).

Land annotated 'Area C' on Plan 1 attached to the enforcement notice

1. Construction of buildings (numbered 3, 4 and 5 on Plan 2 attached to the enforcement notice);
2. Use of buildings for non-agricultural storage (numbered 3 and 4 on Plan 2 attached to the enforcement notice);
3. Siting of metal containers for non-agricultural storage;
4. Creation of hardstanding (shown hatched on Plan 2 attached to the enforcement notice);
5. Change of use of land and buildings for non-agricultural storage.

Land annotated 'Area D' on Plan 1 attached to the enforcement notice

1. Construction of green metal building (numbered 6 on Plan 2 attached to the enforcement notice);
2. Change of use of land and building (numbered 6 on Plan 2 attached to the enforcement notice) for non-agricultural storage.

Land annotated 'Area E' on Plan 1 attached to the enforcement notice

1. Change of use of land to a waste transfer/recycling operation with associated storage and processing of waste items including, but not limited to scenery, props, polystyrene, wood, metal and other materials;
2. Construction of metal framed structures (numbered 7 and 8 on Plan 2 attached to the enforcement notice).

Annex B

Requirements of the enforcement notice

Area B

Step 1: Remove the white modular building (building 1) and all resultant materials from the land.

Step 2: Remove cantilever storage structure from the land.

Step 3: Cease the use of the land in area B for commercial storage and operations.

Step 4: Remove all hardstanding areas shown cross hatched on the plan attached to the enforcement notice, from the land and re-instate the land to its original condition, prior to the breach of planning control.

Area C

Step 5: Cease the use of the land in area C for non-agricultural storage.

Step 6: Cease the use of the buildings numbered 3, 4 and 5 for non-agricultural storage.

Step 7: Demolish buildings 3, 4 and 5 and remove all resulting materials from the land.

Step 8: Remove from the land the metal containers.

Step 9: Restore the land in Area C to its condition and appearance prior to the breach of planning control, including the removal of hardstanding/concrete (shown hatched on the plan attached to the enforcement notice).

Area D

Step 10: Cease the use of the land in Area D for non-agricultural storage.

Step 11: Cease the use of the building numbered 6 for non-agricultural storage.

Step 12: Demolish building 6 and remove all resulting materials from the land.

Area E

Step 13: Cease the use of the Land for waste processing (including processing by hand/sorting)

Step 14: Cease the use of the Land for waste storage, deposit and disposal.

Step 15: Demolish buildings 7 and 8 and remove all resulting materials from the land

Step 16: Remove all items relating to the waste transfer/recycling operation including, but not exclusively, all scenery, props, polystyrene waste, etc, from the site.

Step 17: Reinstate the land in Area E to its former condition and appearance prior to the breach of planning control.

Annex C

Conditions

1) The use of the land and buildings hereby permitted shall be limited to the storage, salvage, re-purposing and recycling of scenery and props associated with the entertainment industry within use classes B8 and E(g) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

2) The development hereby permitted shall be carried out subject to further details where required in other conditions and retained in accordance with the following drawings where relevant to the buildings and development hereby permitted:

The revised plans 1 and 2 attached to the enforcement notice (buildings 2, 3, 4, 5 & 8 only)

Block Plan 344.101.P1 (buildings 2, 3, 4, 5 & 8 only)

340-122.P1 (building 2 only)

340-Area C.P2 (buildings 3, 4 and 5 only)

340-124.P2 (building 6 only) Landscape Mitigation Strategy drawing 05-925-701

Draft workplace travel plan March 2020

Haresfoot Farm Preliminary Ecological Appraisal April 2020

3) Any activity associated with the use hereby permitted (other than the departure, arrival and parking of vehicles) shall not take place other than between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 on Saturdays.

4) No goods, waste, materials or equipment shall be deposited or stored outside of the buildings.

5) Unless within 3 months of the date of this decision details of a scheme for the security lighting of the site is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within the approved time scale, the use of the site for the B8/E(g) uses hereby approved shall cease and all unauthorised buildings, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. The scheme shall include, but not be limited to, lux levels, cowls and other measures to avoid unnecessary light spillage and a time scale for implementation.

If no scheme in accordance with this condition is approved within 11 months of the date of this decision, the use of the site for the B8/E(g) uses hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6) Unless within 3 months of the date of this decision details of the parking areas on the site are submitted in writing to the local planning authority for approval, and

unless the approved scheme is implemented within the approved time scale, the use of the site for the B8/E(g) uses hereby approved shall cease and all unauthorised buildings, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. The scheme shall include a time scale for its implementation and no other parking areas other than those approved shall thereafter be utilised.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the duration of the development.

If no scheme in accordance with this condition is approved within 11 months of the date of this decision, the use of the site the use of the site for the B8/E(g) uses hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

7) Unless within 3 months of the date of this decision a Transport Statement is submitted in writing to the local planning authority for approval, the use of the site for the B8/E(g) uses hereby approved shall cease and all unauthorised buildings, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. The scheme shall include a Transport and Highways Mitigation Strategy, which shall detail all measures proposed to control potential transport impacts within and outside the site including, but not limited to, limits to the number of daily HGV vehicle movements, details of how the HGVs will access and leave the site, where HGVs will park when on the site and HGV circulation areas within the site. The approved scheme shall be implemented within One month of implementation and retained for the duration of the development.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained for the duration of the development.

If no scheme in accordance with this condition is approved within 11 months of the date of this decision, the use of the site the use of the site for the B8/E(g) uses hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

8) Unless within 3 months of the date of this decision full details of the 'Ecological Enhancement' outlined in paragraph 5.24 of the Preliminary Ecological Appraisal (Greengage – April 2020) including the long term management of these areas/measures, are submitted in writing to the local planning authority for approval, the use of the site for the B8/E(g) uses hereby approved shall cease and all unauthorised buildings, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 11 months of the date of this decision, the use of the site the use of the site for the B8/E(g) uses hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon approval of the scheme scheme specified in this condition, all ecological enhancements therein shall be provided within twelve months of the date of that decision and shall thereafter be permanently retained for the duration of the development. There shall be a period of no greater than one month in the case of providing replacement bird and bat boxes.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

9) Unless within 3 months of the date of this decision full details of both hard and soft landscaping works are submitted in writing to the local planning authority for approval, the use of the site for the B8/E(g) uses hereby approved shall cease and all unauthorised buildings, equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

The scheme shall include, but not be limited to, all external hard surfaces within the site, other surfacing materials, means of enclosure and soft landscape works, including a planting scheme with the number, size, species and position of trees, plants and shrubs.

Any tree or shrub which forms part of the approved landscaping scheme which, within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed, shall be replaced in the next planting season with a tree or shrub of a similar species, size and maturity.

If no scheme in accordance with this condition is approved within 11 months of the date of this decision, the use of the site the use of the site for the B8/E(g) uses hereby approved shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon approval of the scheme specified in this condition, all landscaping works therein shall be provided within twelve months of the date of that decision and shall thereafter be permanently retained for the duration of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.