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**APPENDIX 1: Enforcement Letter**

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**APPENDIX 3: V/2021/0828 Approved Block Plan**

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**APPENDIX 7: Employment Land Background Paper**

**APPENDIX 8: Employment Land Monitoring Report**

# 1. Introduction

- 1.1 This statement is produced to support a planning application for the change of use of the existing site to a Transport Refrigeration Specialist storage yard and workshop (hand tools only).
- 1.2 This application seeks full planning permission for the change of use, whilst also seeking permission for each component of the development, as listed below:
  1. Change of use of the existing and lawful agricultural building (15x15)
  2. Replacement portacabin (10x3)
  3. The erection of two storage containers (2.4 x 12.2 & 2.4 x 6.4)
- 1.3 These components are listed separately and assessed separately as some of the above elements are lawful due to the passage of time, in accordance with Section 171B of the Town and Country Planning Act (TCPA) (1990), or via permitted development rights.
- 1.4 Therefore, this submission does include full-back positions which will be presented to justify that some parts of the proposal do not even require planning permission or are justified by other means.
- 1.5 Furthermore, the application is submitted following contact from Ashfield District Council in which it was requested that a planning application was made to avoid an enforcement enquiry on site. The letter from Ashfield Council's enforcement team is attached as appendix 1 and is defined by the following reference UCU/2025/00038.
- 1.6 This planning statement will cover the background to the application and provide the necessary information to enable its determination by

officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations.

- 1.7 In addition to this planning statement, the application is accompanied by the appropriate planning application forms and ownership certificate, duly signed and completed, and the relevant plans.
- 1.8 The relevant application fee will be submitted by the applicant separately.

## **2. Site Location and Description**

- 2.1 The application site is located outside the districts main urban areas and named settlements, in an area designated as Greenbelt, as outlined in policy ST4 and EV1 of the ALPR 2002.
- 2.2 The overall landholding relates to circa 3.01 ha of land, whilst the land subject to this change of use comprises circa 0.5 hectares. The land subject to this application is outlined in the submitted block plan via the red outline.
- 2.3 The history and current use of the land is discussed in section 3 below, alongside the relevant planning history.
- 2.4 The application site is located to the north of Park Lane (B6018) and is located to the east of an existing dwelling, High Cliff. The land subject to this application is served by its own independent access. The applicants reside in this property.
- 2.5 The site is in close proximity to the M1 and multiple larger A roads, ensuring that the site is in a suitable location for wider transport.
- 2.6 The site is also within 500 metres of the Park Lane Business Park whilst a commercial use also exists opposite the application site. The

surrounding area is commercial in nature other than the neighbouring dwelling. The commercial property adjacent is designated employment land and the land, whose entry is directly opposite; is a commercial quarry.

- 2.7 The site is located in Flood Zone 1 and has a small portion of surface water flooding that is located on the existing access.
- 2.8 Prior to the change of use in which this application seeks to regularise; the application site already comprised a 15x15 agricultural building alongside a 10x4 portacabin location adjacent to the access. The site was already laid to hardstanding (type 1) with a menage also being located in the middle of the land.
- 2.9 The site was also already served by an existing access which has not been altered via this proposal and as such, no permission is required for this as this is existing.

### **3. Planning History**

- 3.1 The following planning history is relevant to this application and provides crucial context to this application.
  - 1. V/1994/0093: Detached open field shelter for animals and storage of hay. Approved 27/04/1994
  - 2. V/1994/0449: Erection of garage/workshop and change of use of coal stocking to domestic curtilage. Approved 24/08/1994
  - 3. V/2006/0024: Restoration of former coal stacking area through the importation of soils, and retrospective planning permission for the retention of the lake. Approved 02/03/2006

4. V/2021/0828: Replacement Agricultural Building. Approved 25/04/2022

- 3.2 The relevant planning history, alongside the aerial imagery for the site (appendix 2), details the previous use of the land alongside the longevity of some of the structures on site.
- 3.3 Some of the application site, and some of the wider plot, was previously utilised as a coal stocking yard for over 50 years prior to the approved change of use of the land to domestic curtilage via application V/1994/0449.
- 3.4 However, as per the V/2006/0024 application, the use was retained and, as per the 2001 and 2007 aerial imagery, it is clear that this use continued on site.
- 3.5 Therefore, it is evident that there was a long and previous commercial use on site, which does provide a precedent for lawful commercial activity in this location.
- 3.6 In addition, application V/1994/0449 is clear in which the land was confirmed to be "domestic curtilage". Domestic curtilage is viewed to be previously developed land within the Green Belt. However, part of the land (west portion) has been used for agriculture as well.
- 3.7 This creates a strange scenario in which 60% of the site is viewed to be previously developed land whilst 40% comprises an agricultural use. However, this is caveated by a clear commercial use which dominated the entire site previously.
- 3.8 In circa 2010, High Cliff and the adjacent land was sold, and the property was utilised as a residential plot with an additional agricultural and equestrian use.

- 3.9 Crucially, High Cliff and the associated buildings located to the west are still utilised as residential and agricultural buildings. The land is still subject to a Country Parish Holding (CPH) number for the use of land for livestock and still operates in this manner.
- 3.10 Between 2009 and 2010, a portacabin building was erected (located adjacent to the access) as an office for the coal works. Alongside this, an agricultural buildings (east of High Cliff) was installed at some point between 2011 and 2013 to support the agricultural and equestrian operations on site.
- 3.11 These buildings were constructed without planning permission but were deemed to be lawful due to the passage of time. The agricultural buildings were replaced (as per below) with a new unit in 2022.
- 3.12 The applicant purchased the property in June 2021. An application was made under V/2021/0828 for a replacement agricultural building. This was approved with the building being constructed.
- 3.13 Crucially, within this application the approved block plan (Appendix 3) also detailed the replacement of the existing hardstanding on site. This block plan was approved, and the subsequent replacement hardstanding has been erected on site lawfully. In addition, the approved elevations (appendix 4) show the size and scale of the approved replacement agricultural building.
- 3.14 In April 2025 the portacabin building was replaced with a newer building of near identical measurements (slightly smaller) with the portacabin being the same height as the previous buildings.
- 3.15 In April 2025, the use of the site was changed, in which the transport refrigeration specialist storage and minor repairs use commenced. This change is the change that has triggered the submission of this application.

## 4. Development Proposals

- 4.1 Regarding the requirements of NPPG Paragraph: 029 Reference ID: 14-029-20140306 in respect of Design and Access Statements, the proposal is described as follows:
- 4.2 **Use and Amount:** This application seeks to regularise the following development on site:
1. Change of use of the land into a transport refrigeration storage a minor repair yard.
  2. Change of use of the existing and lawful agricultural building (15x15) into storage.
  3. Replacement portacabin (10x3) erected on site.
  4. The erection of two storage containers (2.4 x 12.2 & 2.4 x 6.4)
- 4.3 The proposed business on site is a Transport Refrigeration business, which essentially consists of us installing, servicing and maintaining the fridges/freezers (this includes air conditioning) on transport vehicles.
- 4.4 This is mainly vans and lorries (trailers) that other commercial business utilise in their day-to-day practice; however, the business also repairs buses and larger public transport vehicles.
- 4.5 The business installs and services vehicles for: the food logistics supply chain, the NHS, Pharmaceutical industry, local/national government, agricultural industry (including farmers, market traders and slaughterhouses) and supermarket providers.
- 4.6 CC refrigeration Ltd is the only installer of some new technology for the industry, and is the only Midlands approved independent installer

and service specialist. The business has been in operation within Ashfield for over 30 years and is a valued business within the borough.

- 4.7 The business was previously mainly on a mobile basis and operated from the applicant's previous address, Derby Road Kirkby, prior to them obtaining this property.
- 4.8 The business previously ran from the applicant's residential home in this location, in which a small area was utilised for some storage and repairs. However, the space was not suitable or large enough for expansion to support the business in accordance with the relevant health and safety guidelines for the transport refrigeration business.
- 4.9 Subject to the relevant legislation and work-related road safety requirements, it was a key need to secure a premises where customers could bring vehicles to us, rather than attempt to fix on the road side or on a third -party premise, thereby allowing us to maximise the safety of our employees and others
- 4.10 As such, an alternate site was sought within the Ashfield borough which contained enough space to house the business alongside providing a home for the applicants.
- 4.11 The proposed use assists multiple other businesses within the borough as well as the whole UK, providing additional economic impact over and above this individual business itself.
- 4.12 The business provides breakdown cover for these facilities on a 24-hour basis, ensuring that other commercial businesses can respond to failures in their transport refrigeration which would be significant if these were not addressed instantly.
- 4.13 The business has 10 employees, 8 of which live in Ashfield. The yard has opening hours between 08:00 – 17:00 on Monday-Friday. The

yard is closed on weekends, and only call-out jobs will take place on hours outside of the above range.

- 4.14 Vehicles are dropped off at site by appointment only and traffic onto and off the site is managed by a booking schedule. On average, the number of bookings for drop off/pick up per day is 4-5. This results in 4/5 trips to the facility per day.
- 4.15 **Layout and Scale:** The proposed layout is as existing, and no additional built form is to be proposed on site.
- 4.16 The replacement outbuilding is in its lawful location, subject to application V/2021/0828 whilst the portacabin is also in its lawful location subject to the passage of time. An additional two storage containers are located on the land on the previous menage area.
- 4.17 As the existing hardstanding is lawful under application V/2021/0828 and is existing, this does not make up part of the proposal in this instance.
- 4.18 The size of the large agricultural building has not changed subject to application V/2021/0828 nor has the portacabin when based on the previous building.
- 4.19 **Landscaping:** No landscaping taken place on site which was not approved per application V/2021/0828. As part of this planning application some hedging is proposed on the plans to encapsulate the site from wider views and the wider land holding.
- 4.20 **Appearance:** The appearance of the site has not been altered significantly, as detailed above the main building, portacabin, and re-laid hardstanding are all lawful due to the passage of time and the previous planning permission V/2021/0828.

- 4.21 The only difference visually on site, that required permission, is the erection of two storage containers and the storage of some vehicles on site.
- 4.22 **Access & Parking:** The existing access is utilised by the proposed use ensuring that no permission for access is sought.
- 4.23 No formal parking arrangement has been proposed on site; however, the applicant is willing to limit the number of vehicles that can be stored and serviced on site at any given time to limit the impacts created by the proposal.
- 4.24 It is proposed that a maximum of 3 vehicles will be stored in the main building whilst a further 3 vehicles are parked externally.
- 4.25 A further 3 company vehicles are parked on the facility and used by the relevant members of staff who are working that do, with a maximum of 4 employee's working on site (with the owner at High Cliff being one of these).
- 4.26 In addition, it is proposed that a maximum of 6 parking spaces are proposed on site, 3 for larger vehicles that are subject to business works and 3 normal spaces for staff parking.

## 5. Policy Assessment

- 5.1 **Principle of Development/Green Belt:** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2 As discussed above, this application seeks to obtain approval for the following items. As different legislation details why some elements are lawful, each item will be discussed separately regarding the

principle of development for clarity. Items 1 & 2 will be discussed together as they are dependent on each other.

1. Change of use of the land into a transport refrigeration storage a minor repair yard.
2. Change of use of the existing and lawful agricultural building (15x15) into storage.
3. Replacement portacabin (10x3) erected on site.
4. The erection of two storage containers (2.4 x 12.2 & 2.4 x 6.4)

*1. Change of use of land, existing agricultural building & portacabin*

- 5.3 As the Local plan is significantly outdated, more weight will be given to the NPPF. However, Policy EV1 of the Local Plan does broadly comply with the requirements of the NPPF.
- 5.4 Policy EV3 does state that the re-use of the existing buildings, specifically, agricultural buildings is something that is supported by the Council. This is also reinforced within paragraph 154h) in which the re-use of buildings is seen to be a form of appropriate development within the Green Belt as long as the re-use of buildings preserves openness.
- 5.5 At the application site, the use of the existing and lawful agricultural building and portacabin has been changed to support the proposed commercial business. No external changes have been made to the buildings whilst the size/design of the built form has not increased/changes ensuring there is no impact on openness.
- 5.6 The re-use of these buildings supports an in demand and successful business that has been in place within the borough for over 30 years.

The re-use of these buildings in the Green Belt for such cause is justified within local and national policy.

- 5.7 Paragraph 154h)v also states that changes of use of land are acceptable within the Green Belt as long as they preserve its openness and do not conflict with the purposes of including land within the Green Belt.
- 5.8 This proposal seeks to change the use of the land from agricultural to a commercial use. As discussed above, the conversion and change of use of the agricultural building and the portacabin are lawful and, thus, their proposed use has no impact on the openness of the Green Belt.
- 5.9 Therefore, the only impact created via the change in use of the land to the commercial use is the erection of two storage containers and some open storage that is likely to occur on site.
- 5.10 As discussed below both the erection of storage containers and open storage would be acceptable provisions on an agricultural site. Therefore, it is strongly argued that their impact on the openness of the Green Belt due to the proposed change of use is minimal.
- 5.11 Paragraph 143 (explains the five purposes of the Green Belt. The proposed change of use will not increase the sprawl of built up areas or will it result in merging/encroachment, as this site already contains a large amount of built form that has been converted to facilitate the proposed change of use.
- 5.12 There is also no conflict with the impact on special character or urban regeneration. As such, there is no conflict with the purposes of the Green Belt.

- 5.13 If the only impacts on the openness of the Green Belt are minor and could occur irrelevant of the proposed change of use, it is argued that the impacts are not adverse and do not warrant planning refusal.
- 5.14 As such the proposed change of use is acceptable in accordance with paragraph 154 of the NPPF and local policies. In addition, the applicant is happy to remove the two storage containers if these are elements that are viewed to "tip-the-scale" toward the development being unacceptable.
- 5.15 If the Council are minded to request this amendment, please do notify the applicant and amended plans will be submitted to reflect this.
- 5.16 In addition to the above assessment of national policy, Policy EM1 states that the Council should "*allow for appropriate employment development in the Green Belt and Countryside which helps to diversify the rural economy.*"
- 5.17 Furthermore, Policy EM3 of the Local Plan states "*Outside of these areas in the Green Belt and Countryside, opportunities for rural diversification exist through the conversion and extension of existing buildings where appropriate as indicated by policy EV3.*"
- 5.18 Therefore, the Council do accept within their local policy that rural diversification is acceptable in the Green Belt and that this should be supported in relation to suitable sites.
- 5.19 Please do refer to the economic benefits and employment section below in which the location of this development is justified in relation to local policies and information.
- 5.20 However, the local policies are clear in which commercial development is seen to be valued and acceptable in the Green Belt subject to the boroughs need and requirement for manufacturing and commercial uses which cannot be located within centres.

- 5.21 Finally, as discussed above, the site does not conflict with the purposes of the Green Belt, whilst there is ample need for this type of development within the borough and specifically this close to the M1 (as discussed below).
- 5.22 In addition, due to the historic use of the site as a commercial operation and the above policies donating acceptable commercial development/diversification in the Green Belt, it is viewed to be a sustainable location for the proposed development.
- 5.23 As such the land can also be viewed to be Grey Belt land which complies with the requirements of paragraph 155 of the NPPF. As the proposal is not for housing, there is no requirement to meet the 'golden rules', but the proposal should be viewed as acceptable development on grey belt land.
- 5.24 Finally, very special circumstances are relevant this proposal. Local policy alludes to the acceptable nature of commercial operations and diversification within the Green Belt; however, national policy is silent on this. Therefore, the economic benefits and relevant policies can be viewed to be very special circumstances to justify the development in this instance.
- 5.25 The historic use of the site, the surrounding commercial uses and the potential the loss of employment are all additional variables that justify that very special circumstances are relevant to this proposal.

### [3. Replacement Portacabin](#)

- 5.26 S171B of the TCPA states that when building or engineering works take place on site, if no enforcement action is taken 4 years after the date (due to the date of construction of the previous portacabin), the proposed construction can be seen to be acceptable due to the passage of time.

- 5.27 Alongside this, any breach of planning is lawful after 10 years if no enforcement has been served.
- 5.28 In both of these instances, the previous portacabin was erected with no enforcement being served within 10 years, thus, justifying the lawful erection of the portacabin
- 5.29 The portacabin was replaced in April 2025 and the previous portacabin has been retained and will be reinstated if the Council does not grant the permission. The portacabin was replaced with a slightly smaller and updated portacabin but the lawful portacabin will be reinstated on site if the new building is not viewed to be acceptable.
- 5.30 As such, it is strongly argued that a building in this location is not enforceable and, thus, does not require planning permission in accordance with the TCPA.
- 5.31 Therefore, the visual impact of the portacabin on the openness of the Green Belt is limited due to the historical placement of built form in this location, as such, the erection of the portacabin must be given **limited weight**.
- 5.32 When the portacabin is assessed on its own, it is a replacement of a building which cannot be enforced on, which can and will be reinstated. As such there is no physical impact created by this element and the only principle and Green Belt assessment that should be made is in relation to the change of use of the overall site.

#### *4. The erection of two storage containers*

- 5.33 Erection of a temporary storage container that is not fixed to the ground does not require planning permission itself; it is only when it is utilised for something that is different to the lawful use of the land.

- 5.34 Therefore, in this instance, as the storage containers are used commercially (in conflict to the lawful agricultural use) they do require planning permission.
- 5.35 However, it is important to note that if these storage containers were utilised for agricultural storage, permission would not be required, and they would be lawful.
- 5.36 Therefore, when the physical impact of the erection of these containers is considered, it is likely that if the site was returned to its agricultural use that similar buildings and built form would be erected on site to utilise the land.
- 5.37 As such it is argued that there is no real visual impact and that it would be common place to see such features on rural land.
- 5.38 Therefore, the principle of development does require planning permission and as assessment of this, but the fall-back position is similar and justifies the erection of such storage containers.
- 5.39 Therefore, the visual impact of the storage containers on the openness of the Green Belt is limited, as these buildings could be erected if the use of the land is not changed within planning permission, as such the physical and visual impacts of these containers should be given **limited weight**.
- 5.40 It must be noted that a fall-back position is being utilised in this instance. The storage containers have been erected, they require planning permission, and they do have some visual impact on the Green Belt; however, this impact is not adverse and does not exceed what lawfully could be constructed in the site without planning permission.

- 5.41 Therefore, does the impact warrant planning permission when this same impact could be created within planning permission? It is argued, on balance (as discussed below), it does not.
- 5.42 **Economic Benefits & Employment:** If this planning permission was not granted, the existing business would not be able to meet the relevant legislation and health and safety requirements by continuing to operate as a mobile business. The business may potentially have to stop trading.
- 5.43 This will result in a loss of 10 employees, as discussed in section 4, whilst this would also impact local businesses within the area and companies within the UK as a whole.
- 5.44 Paragraph 89 of the framework confirms that *“sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements... In these circumstances it will be important to ensure that development is sensitive to its surroundings... The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”*.
- 5.45 This proposal seeks to utilise previously developed land to provide a rural business that supports other local businesses and is sensitive to its wider surroundings which are clearly commercial in nature.
- 5.46 The Ashfield Economy and Employment Land Document (Appendix 7) highlights that in Ashfield one of the top sectors is transport and storage sectors alongside repair and manufacturing. These types of businesses need to be supported in the local area, and often, cannot be located within the settlement boundaries due to the nature of the business.

- 5.47 As discussed in section 4, the applicant did seek to find a new location for their business so they could expand and meet regulations and this is the closest location that they can find that was available, had a dwelling that could be utilised, and was available.
- 5.48 Appendix 7 also states in paragraph 8.4 that junctions on the M1 Corridor are *'ideal locations for accommodating this unmet need for strategic large-scale distribution'*. In addition, it is stated that *'The preferred approach from both developers and occupiers is to expand industrial parks at key transport intersections, wherever possible, to avoid overloading the road network in urban locations and to allow for business expansion without locating away from existing workforces.'* And this approach is not disputed by the Council.
- 5.49 Appendix 8 further highlights that *'The Study acknowledges that for Ashfield, the past take-up rates have been influenced by the significant logistics demand and lack of availability that agents/developers have raised along the M1 for logistics.'* (paragraph 4.8)
- 5.50 This again, highlights the need for this type of development within this location. This site has a historical commercial use and is surrounded by other similar land uses, this is the ideal site adjacent to the M1 to utilise and encourage this nature of development in accordance with the findings of the employment land monitoring and employment land documentation.
- 5.51 The location of this proposed use should be given **moderate weight** within the planning assessment, as utilising locations like this is crucial to retaining rural business and employment within the borough.

- 5.52 Therefore, there are significant economic benefits to this proposal with these being a suitable location, assisting other businesses, and employment advancements.
- 5.53 **Character and Appearance of the Area:** Two residential dwellings, including the applicants, are located to the west of the application site. However, as stated in section 2, the Park Lane Business Park is located to the east whilst a large quarry is located immediately to the south.
- 5.54 This site is different to a rural Green Belt site, in which it is opposite a quarry and within close proximity to a business park.
- 5.55 The use of the land to the south is key to establishing a large industrial character whilst the previous use of the application site for coal mining and soil washing is another indication of the commercial character of the area.
- 5.56 These two land uses have been in place for a large number of years ensuring that the application site and the surrounding area are commercial land operations and are viewed to be previously developed land if redeveloped.
- 5.57 The proposed use is not dissimilar to the previous commercial use which operated on site or the surrounding and adjacent uses.
- 5.58 Therefore, it is strongly argued that it is in character with the history of the site as well as the current surrounding area.
- 5.59 The site is screened from Park Lane by vegetation and hedging alongside the road site, whilst the site is contained by a railway line to the north. Further laurel hedging is proposed to be planted around the site to surround the operations on site, whilst providing visual and environmental improvements.

- 5.60 The site is fully screened from the street scene and from wider views within the Green Belt, when the lack of visibility is assessed in line with the surrounding commercial nature, it is strongly argued that there is no impact on Character.
- 5.61 Finally, it is important to assess what the actual changes are between the existing lawful use and the proposed retrospective use. The only difference is the erection of two storage containers, which could be erected on site without planning permission if utilised for agricultural storage (in line with the existing use).
- 5.62 All the built form on site could be erected in accordance with the lawful use. There is no physical and visual impact that is created by this proposal. Again, vehicles are stored on the site, but this is not different to agricultural machinery and vehicles if the storage is kept to a minimum, as proposed in this submission.
- 5.63 As such, the existing site is not dissimilar to how the site could appear as an agricultural site. The appearance of the site is not dissimilar to the lawful use of the site.
- 5.64 An aerial photo is provided below to highlight the current appearance of the site. As can be seen from the below photos there is no drastic impact on openness as the site comprises of the big building, new aggregate, and the portacabin (which are already awful) with no other material impacts.



5.65 Therefore, it is argued that there is no adverse impact on the character of the area.

5.66 **Residential Amenity:** As discussed above two dwellings are located adjacent to the site. As shown above the opening hours on site are extremely limited which ensure that no movement takes place

outside of socialable working hours. The applicant is happy to accept a condition limiting opening hours.

- 5.67 The limited hours ensure that no noise impacts will be created after 17:00, before 09:00, and at weekends. This ensures that there is no real impact on neighbours.
- 5.68 Even during the above times, the only noise produced from the site would be some minor driving and reversing. The fitting and repairing that takes place on site is done by hand tools and no heavy machinery, ensuring that the noise generated is extremely limited.
- 5.69 Noise levels have been tested over the period of a week at set times and are an average of 68 db. The noise generated on the subject site does not exceed the train tracks to the north or the larger quarry lorries to the south.
- 5.70 Regarding privacy and overbearing, the site is owned by the applicants at High Cliff. This is the only residential building that has even minimal views of the site.
- 5.71 However, the location of the built form ensures that the majority of the site and activity is screened from the dwelling. A landscaping plan could also be conditioned to ensure that planting takes place along the west boundary of the application site to provide further screening to the residential plot.
- 5.72 The separation distances are significant with circa 25 metres being between High Cliff and the proposed use. The other dwelling being located further away and screened significantly.
- 5.73 Again, when application V/2021/0828 was assessed, it was viewed that there was no impact on neighbouring amenity due to the separation distance, screening, and location of built form. As this

operation is not dissimilar to the agricultural use there is no adverse impact.

- 5.74 **Trees and Landscaping:** As detailed in section 4 of this report, the proposed development is taking place on existing hardstanding and in relation to existing built form.
- 5.75 No trees or vegetation are proposed to be removed or pruned by this planning application ensuring that there is no change to greenery on site.
- 5.76 The proposal comprises laurel hedging around the site, to further screen the proposal with dense vegetation from all angles.
- 5.77 As discussed below, some planting has already taken place on site separate from this planning application but at a similar date to the breach in planning, which is sought to be regularised by this submission, it is viewed that this plant should be viewed as a benefit which has come from the applicant's use of the site.
- 5.78 **Ecology:** The proposed works on site seek to change the use of the existing hardstanding and built form from agricultural and commercial land to support a Transport Refrigeration Specialist storage yard and workshop (hand tools only).
- 5.79 As the land is already subject to hardstanding and built form, there is not more than 25 sqm of priority habitat which has been impacted via this proposal.
- 5.80 Therefore, there is no requirement to provide biodiversity net gain on this site, however, it is worth noting the wildflower planting and vegetation planting has taken place on the wider site (to the north).

- 5.81 This is a benefit that should be viewed on the planning balance, as the wider site has been subject to multiple biodiversity enhancements that have been made by the applicant.
- 5.82 A photo of the relevant planting is provided in appendix 6.
- 5.83 **Transport and Parking:** The existing access will be retained and utilised for the proposed change of use. The access was assessed within application V/2021/0828 as was viewed to be acceptable and safe for future use.
- 5.84 Suitable viability splays were provided within the previous application and are still suitable for the proposed use. In addition, it was confirmed that the gate of the access was set back by 12 metres to ensure that larger vehicles could utilise the access without impacting the overall highway. This has been retained.
- 5.85 As there is no change to the access there is no conflict with chapter 6 of the Local Plan or the NPPF.
- 5.86 When parking is assessed, vehicles are currently worked on within the main 15 by 15 metre building on site. Some vehicles are also stored in the hardstanding prior to work taking place.
- 5.87 Some vehicles are stored on the hardstanding externally to ensure that the business can provide assistance and deliver to other businesses on site or on the road.
- 5.88 Some vehicles are also parked on site by employees, with 4 employees being on site at one given time.
- 5.89 As stated on the proposed block plan, 3 parking spaces have been allocated to employees whilst the applicant is happy to agree to a restriction on the number of external vehicles that can be located on the site at on present time.

- 5.90 This restriction should limit the vehicles externally parked to 6, 3 vehicles for working on and 3 spaces for company parking.
- 5.91 This will ensure that the number of vehicles is kept to a minimum and a large number of vehicles are not kept on site whilst they are waiting to be repaired/have the technology installed.
- 5.92 Vehicles movements will continue to be monitored by appointment to ensure that storage and trips can be minimised and controlled on site. No customers are allowed to turn up on site without a prior appointment.
- 5.93 **Flooding:** Paragraph 175 of the NPPF has been added within the adoption of the new Framework in December 2024. This paragraph states that if *"no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, **would** be located on an area that would be at risk of flooding from any source, now and in the future"*, then a sequential assessment is not required.
- 5.94 As can be seen within the paragraph above, the NPPF is clear when it states if no built development, access, land raising, or vulnerable elements **would** be located within areas at risk of flooding from any source, then a test is not required. The policy would say **is** if the policy was alluding to existing development/access. The clear use of would evidences that the test is only triggered by proposed built form/access/land raising. No further guidance within the NPPG disputes this conclusion.
- 5.95 In addition to the above, the recent standing advice for flooding provided by the Environmental Agency in 2025 confirms that *'You may not need a sequential test if development can be laid out so that only elements such as public open space, biodiversity and amenity*

*areas are located in areas at risk of any source of current or future flooding.'*

- 5.96 These recent changes to legislation highlight clearly that for a sequential test to be triggered there needs to be proposed development at risk of any source of flooding.
- 5.97 Finally, paragraph 176 of the NPPF and footnote 62 states that change of use applications are not subject to sequential testing, therefore, the overall change of use of the site does not trigger a sequential test.
- 5.98 The only proposed built form is the proposed storage containers which are not at risk of any source of flooding in their location, and thus, do not trigger a sequential test.
- 5.99 Regarding flooding on site, the client has erected substantial soakaway and land drains to assist with the local flooding issues created by neighbouring land. This was constructed alongside the replaced hardstanding that has lawfully been erected on site.
- 5.100 As per below, suitable drainage systems have also been erected which ensure that no surface water flooding is created and impacts the site.
- 5.101 Rainwater is also collected and stored for use on the adjacent agricultural site as well as the proposed use.
- 5.102 As such the proposal complies with Policy EV16 of the 2002 Local Plan Review and is viewed to be acceptable in this regard.
- 5.103 **Drainage and SuDS:** When constructing the 2022 replacement agricultural building the applicant had to fit new land drainage pipes as the old pipes were blocked and collapsed.

- 5.104 The applicant had to carry out re-drainage work and add extra mitigations due to surface runoff from the road and quarry land opposite our property.
- 5.105 The applicant has effectively replaced the solid clay between the entrance driveway and new agricultural building, to a permeable soakaway of hardcore and road plantings which feed the additional water into the pipes and the feeder ponds, as originally designed and approved (in the 1994 permissions).
- 5.106 Therefore, suitable drainage mitigations have already been implemented on site to ensure that this site is up to standard and does not flood. Evidence of this drainage enhancements that have taken place on site is provided within Appendix 5.
- 5.107 **Affordable Housing:** As the proposed works do not constitute residential housing, no affordable housing contribution is required as per Policy HG4 of the adopted local plan.
- 5.108 As such, no affordable housing contribution is required in accordance with this application.
- 5.109 **Community Infrastructure Levy:** Ashfield District Council adopted their CIL Charging Schedule in July 2016
- 5.110 The charging schedule confirms that the only commercial uses which are subject to CIL are Retail A1-A5 uses, in which this proposal is not defined as.
- 5.111 As such, no CIL payment is required in this instance.
- 5.112 **Planning Balance:** The pros and cons of the proposed scheme are listed below with a planning assessment being made regarding whether the proposal is acceptable or not.

5.113 Firstly, the change of use/diversification of farm land is an acceptable form of development within the Green Belt as highlighted in local and national policy. The re-use of lawful buildings is also viewed to be acceptable development within the Green Belt.

5.114 However, it is noted that there is a minor impact on the openness of the Green Belt which must be given **significant weight** in the planning assessment. However, when the relevant fall-back positions are considered, it is argued that the only visual and physical changes on site that have occurred, due to the change of use, are some open storage of vehicles alongside the erection of two storage containers (which have been justified as on the agricultural site these could be erected).

5.115 If a condition is proposed to limit the open storage of vehicles, even though significant weight must be given to the impact on openness, the impact is minor and small in nature. Such condition would be welcomed by the applicant.

5.116 **Significant weight** must be given to Grey Belt Policy, as due to the historic use of this land, the surrounding uses, the part previously developed definition of the land, and the lack of conflict with the purposes of the Green Belt; the proposal is viewed to constitute acceptable development on Grey Belt land.

5.117 **Significant weight** must also be given to the economic benefits of the proposal, with the economic and commercial use being deemed to be acceptable within the Green Belt in local policies. The economic benefits are listed below:

- Employment for local civilians
- Desired and in demand location next to the M1 which is sought to be prioritised within future local policy

- The type of business (manufacturing/vehicle repair) logistics support and transport is key to the economic productivity of the borough and should be supported
- Supports a business in the borough that has operated for over 30 years
- The proposed business helps to support hundreds of other local, and national, businesses through the product they provide. Loss of such business which significantly impact other local and national operations.

5.118 As the development is retrospective, and retrospective permission is being sought, some development has taken place already and should be viewed as a positive contribution that resulted from the change of use. However, as the works have already occurred **limited weight** can only be given to these elements.

5.119 Significant drainage advancements have been constructed to improve the safety and security on site. Biodiversity enhancements have been planted on site and can now be conditioned to ensure maintenance overtime. Solar panels have been erected on site to utilise sustainable energy sources.

5.120 Landscaping is proposed which would result in a biodiversity gain on site, alongside an improved green appearance when the site is viewed from a wider perspective.

5.121 All of the above elements are positive aspects of the scheme that should be given limited weight in the overall assessment.

## 6. Conclusion

- 6.1 As discussed above, this statement has demonstrated that the proposed development is acceptable in principle and is in accordance with Green Belt policy.
- 6.2 Material planning considerations have been carefully considered and analysed, as evidenced in section 5 of this statement and the supporting plans and documents. It is considered the proposed development would have no adverse impact on the character of the area, neighbouring amenity, and transport and highways.
- 6.3 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that planning permission is granted.

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