

**WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL**  
**DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2008/1203/FP</b>
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**NOTATION:**

The site lies within the Green Belt, Area of Archaeological Significance and Landscape Region and Character Area as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

The site is part of the wider setting of Bedwell Park which consists of a grade II listed building, currently undergoing conversion to residential accommodation as well as a number of 'enabling development' new build houses.

**DESCRIPTION OF PROPOSAL:**

The proposal seeks planning permission for a vehicular and pedestrian access to the north of the car park courtyard, south of the main listed building and on the drive that provides access to the new build units and converted listed courtyard units.

The gates would be attached to the car park courtyard by a proposed brick wall 1.63 metres in height, plus a ball finial. The highest part of the gate and posts is 1.8 metres high. The design is open and fairly simple. The other side of the gate column would be located adjacent to a proposed hedge.

**PLANNING HISTORY:**

S6/2003/941/FP AND S6/2003/942/LB

Conversion, refurbishment and change of use of former golf clubhouse to ten apartments, conversion of existing courtyard buildings to four dwellings, retention of the existing east cottage, erection of nine new dwellings adjacent to the main house erection of one new dwelling within the walled garden with new garage, staff flat plus associated garaging parking and landscaping and selected demolition of modern extensions to the walled garden cottage and main house.

Granted

S6/2001/0208/LB and S6/2001/0210/FP

Full planning permission and listed building consent for an extension to the existing Country Club for a health and leisure facility, change of use of part of the building for nine residential units, office and conference use at the Old Clubhouse, January 2002

Granted

S6/2001/0394/OP

Outline planning permission for the demolition of the single storey extensions, retention of the existing building as a single dwelling, with a single storey side extension on either side, plus two new dwellings and garages at the Walled Garden Cottage (then referred to as The Seminar House), August 2001.

Refused

S6-1996/0484/FP and S6/1996/0483/LB

Full planning permission and listed building consent for single storey extension to provide new laundry, enlarged ladies locker room and removal of vent, August 1996.

Granted

S6/1995/0414/FP and S6/1995/0539/LB

Full planning permission and listed building consent for conservatory,

Granted

S6/1993/0709/FP and S6/1993/0710/LB

Full planning permission and listed building consent for single storey extension to golf club house, December 1993.

Granted

S6/1990/1019/FP and S6/1990/1020/LB

Full planning permission and listed building consent for demolition of maintenance building, external alterations and single storey extensions to enable extended building to be used for hotel, golf and country club, December 1991.

Granted

S6/1987/0135/FP Full planning permission for 18 hole public golf course, July 1987.

Granted

Although not within the defined cartilage of the Tennis Court House, the history for the Walled Garden House is relevant in that this dwelling once comprised part of the wider Bedwell Park.

S6/2007/0596/MA Carport, garaging and storage - refused, dismissed on appeal

S6/2007/1410/MA Ditto (development was slightly smaller than appeal) - refused

#### **SUMMARY OF DEVELOPMENT PLAN POLICIES:**

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPG15: Planning and the Historic Environment

East of England Plan 2008

SS1: Achieving Sustainable Development

ENV2: Landscape Conservation

ENV8: The Historic Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

D1: Quality of design

D2: Character and context

D8: Landscaping

R28: Historic parks and gardens

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

#### **CONSULTATIONS**

Herts Highways – no objection – on private access road, will not impact on highway safety or capacity.

#### **PARISH COUNCIL COMMENTS**

None received

#### **REPRESENTATIONS**

None. Period expired 22<sup>nd</sup> August

Query received relating to location of gates – details clarified – no objection subsequently received.

## **DISCUSSION:**

**The main issues are:**

- 1. Impact on the openness of the Green Belt**
- 2. Impact on the character and setting of the listed building/character of the area**
- 3. Impact on residential amenity**
- 4. Other Material Planning Considerations**

1. Development such as this would normally be permitted development. However, at the time of permission being granted development rights under the GPDO, Part 2, Class A (amongst others) were removed.

To apply the advice within PPG2 and establish which policies within the local plan, if any, are applicable. S.336 of the TCPA '90 defines buildings as 'any structure or erection, an any part of a building as so defined, but does not include plant or machinery comprised in a building.' An Inspector within the appeal for Northaw Brook Meadow stated that this definition normally concludes any man-made above-ground structures, such as walls and fences. The proposal is therefore going to be considered under these grounds. PPG2 only therefore applies as policy RA1 of the Welwyn Hatfield District Plan 2005 was not saved.

Paragraph 3.4 defines the types of building that are appropriate. Included is agriculture and forestry, essential outdoor sport and recreation, limited extension, alteration or replacement of existing dwellings, limited infilling in existing buildings and limited infilling of major development sites.

It is considered that the development does not fall within any of these criteria – the closest that might be argued is limited extension, alteration or replacement of existing dwellings. However, the development does not fall within a residential curtilage but within the wider managed area for Bedwell Park and thus cannot be considered under the 'alteration to existing dwellings'. For this reason, the development is considered to be inappropriate.

Paragraph 3.2 defines when development is inappropriate, it is by definition harmful to the Green Belt and it is for the applicant to show why permission should be granted. This paragraph then goes on to discuss the case for very special circumstances.

The applicant has not submitted a case for very special circumstances and therefore the proposal fails to comply with PPG2.

2. The vision for the site and to be included in a management plan is for the character of the area to be maintained as far as practicable once the development has been finalised and to support the setting of the historic park and garden in accordance with local policy R28. This, by virtue of being a residential development has necessitated in some compromises to enable private gardens to be formed. However, it is important to ensure that the wider character of the area and its relationship to the listed building is not harmed with further development.

PJ Livesey, being the developers for the listed building (Millgate Homes for the new build) have been advised during the conversion of the listed buildings that the creation of private gardens would not be permitted by introducing fences and walls. They have therefore provided privacy by the use of landscaping, which does not comprise development, and can therefore be implemented without permission. A gate has been provided to one of the units, however this is currently being investigated by enforcement for further action to be considered.

It is therefore important to ensure that the openness and impact on the character and setting of the listed building is maintained, whilst also ensuring that a consistent approach is taken with the wider development.

The provision of the gates and associated infrastructure would comprise a development 6.2 metres wide and height of 1.8 metres (final on gate). This is considered, by virtue of its relationship to the physical listed building, which is 15 metres away although the residential curtilage would only be approximately 5 metres away to affect the wider setting which the scheme has always tried to maintain. The gates in this location would result in the relationship of the garage courtyard to be more closely related to the listed building, by closing this visual gap, which it has always been intended to try to keep separate as far as possible, whilst providing suitable garaged accommodation.

Gates at the immediate entrance to the listed building have been permitted of the same design as these gates. However, in this instance the columns already exist and historically gates in this location would have been provided. For this reason, gates in this area have been allowed. Nevertheless, there are no apparent reasons, with this development to come to any other conclusion.

The proposal is therefore considered to harm the setting of the listed building, wider management plan for the historic park and garden failing to comply with PPG15 and policy R28.

3. The location of the gates means that they would not have any direct impact upon the amenity of adjoining residential occupiers. The proposal would therefore comply with policy D1.

4. A very limited amount of information has been submitted in terms of the sustainability of the development (and the wrong checklist has been completed). Notwithstanding this, it is considered that there would be a fairly limited amount of information/details that could be implemented as part of the scheme and therefore the proposal would not conflict with either policy SD1 of the Welwyn Hatfield District Plan 2005 or SS1 of the East of England Plan 2008.

#### **CONCLUSION:**

The proposed development is considered to be inappropriate within the green belt and no very special circumstances have been submitted to outweigh the harm. The proposal is therefore contrary to PPG2.

The proposal would harm the character of the area (being a registered garden) and associated landscape management plan that is anticipated for the development and the setting of the listed building. The proposal is therefore contrary to PPG15 and policy R28 of the district plan.

#### **RECOMMENDATION: REFUSAL AND REASON (S)**

1. The proposal is considered to comprise inappropriate development, in accordance with PPG2, paragraph 3.4 not comprising any of the purposes described therein. Inappropriate development, is by definition harmful to the Green Belt and it is for the applicant to demonstrate why permission should be granted. No such very special circumstances have been demonstrated or would appear to exist to justify the harm, and the proposal therefore fails to comply with Planning Policy Guidance Note 2: Green Belts.
2. The development, by virtue of its location, would result in the setting of the listed building being harmed by virtue of closing the important visual separation between the garage courtyard and main listed building. The gates and associated infrastructure would harm the open character of the historic park and garden and setting of the listed building which the wider development and associated landscape management plan has sought to maintain. The proposal would therefore be contrary to policy R28 of the Welwyn Hatfield District Plan 2005 and PPG15: Planning and the Historic Environment. .

#### **INFORMATIVES:**

None

**DRAWING NUMBERS:**

BP/EG/01 & BP/EG/02 Rev A & BP/EG/03 received and date stamped 14 July 2008

**Signature of author**.....

**Date**.....