

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2008/2224/MA
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NOTATION:

The site lies wholly within the Metropolitan Green Belt and Landscape Character Area 53 as defined in the Welwyn Hatfield District Plan and Proposals Map.

DESCRIPTION OF SITE:

The application site is located north of the junction between Northaw Road East, Northaw Road West and Cattlegate Road. The site consists of a variety of single storey agricultural buildings, large barns, stables and portacabins. A gravelled entrance currently serves the site and two residential dwellings, Colesdale Farmhouse adjoining the application site to the south east and Colesdale Cottage adjoining the application site to the south west. The site area measures approximately 1.22ha. The surrounding area is characterised by open fields.

The single storey barns are mainly of brick construction with a corrugated steel extension. These barns are not in use and are in a state of dereliction. A large brick barn with corrugated roof and corrugated extensions is located immediately north of the access drive and is currently in use as storage. Behind these buildings are further barns constructed from part corrugated part breezeblock walls and corrugated roofs. These barns appear to have various uses including storage, a carpentry workshop, car sales and repair. It is not clear whether all uses present on site are lawful. A number of portacabins are in use by a utility company and a number of stables are in use for storage and the keeping of horses.

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for change of use of land to C3 dwelling houses, extensions and conversion of barn to create six bed dwelling plus staff accommodation. Erection of four two storey dwellings comprising of; 1 x three bed, 1 x four bed, 2 x five bed dwellings and ancillary car parking and landscaping following demolition of existing buildings.

The proposed development includes the demolition of all buildings on the site except for the stables and storage buildings located along the east site boundary and the large brick barn which is proposed for conversion to a dwelling house. The proposed conversion of the brick barn would include the addition of substantial extensions at either side of the existing barn and the addition of a porch to the front. The four new dwellings proposed would be located south west of the barn and would form a courtyard.

It is proposed to change the use of the entire site to C3 therefore creating approximately 0.7ha of land to the rear of the proposed residential units for use as residential garden.

PLANNING HISTORY:

Recent planning history:

S6/2008/0862/FP – Formation of Vehicle Access Through Existing Gate (Refused 25/07/08)

S6/2005/0009/FP – Renewal of Planning Permission S6/2000/0922/FP for the Demolition of Existing Buildings and Conversion Of Existing Barns to Create Three Residential Units (Granted 10/08/05)

S6/2002/1568/FP – Formation of Lake for Fishing, Together with Access Track and Parking (Refused 17/02/03)

S6/2000/0922/FP – Demolition of Existing Buildings and Conversion of Existing Barns to Create Three Residential Units (Granted 21/08/00)

S6/2000/0805/FP – Temporary Use of Land as Set for Television Programme Including Stationing of Temporary Buildings and Fences (Granted 24/07/00)

S6/1999/0876/FP – Conversion of Barn to Dwelling, Demolition of Existing Buildings and Erection of Two Dwellings and Three Detached Garages (Withdrawn)

S6/1999/0671/FP – Change of Use of Land from Agriculture to Meadow Cemetery (Refused 01/11/99, Appeal Dismissed)

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy:

PPS1 Delivering Sustainable Communities
PPG2 Green Belts
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport

East of England Plan 2008:

SS1 Achieving Sustainable Development
T14 Parking
ENV3 Biodiversity and Earth Heritage
ENV7 Quality in the Built Environment

Hertfordshire Structure Plan Review 1991 – 2011:

None

Welwyn Hatfield District Plan 2005:

GBSP2 Towns and Specified Settlements

SD1 Sustainable Development

R1 Maximising the Use of Previously Developed Land

R2 Contaminated Land

R3 Energy Efficiency

R16 Protection of Species

R17 Trees, Woodland and Hedgerows

RA17 Re-use of Rural Buildings

H1 New Housing Development

D1 Quality of Design

D2 Character and Context

D3 Continuity and Enclosure

D5 Design for Movement

D7 Safety by Design

D8 Landscaping

M14 Parking Standards for New Developments

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

Herts Biological Records Centre – The demolition of the south west barn will impact on an identified bat roost. The conversion of the south east barn has the potential to disturb/destroy a bat roost. Therefore, further surveys are required prior to building works starting to investigate the crevices in the brick work and roof of the building. Work must not start on the south west or the south east barns until a Habitat Regulation Licence has been applied for and obtained from Natural England. Should the Council grant planning permission, conditions are recommended.

Natural England – Natural England has no objection to the proposed development, provided that mitigation measures to limit adverse impacts on bats are undertaken as set out in the recommendations of the protected species report.

Hertfordshire County Council Archaeologist - There is a reasonable likelihood of significant archaeological remains being present. Should planning permission be granted a condition is recommended.

Environmental Health – No objection subject to recommended planning condition.

Thames Water – Do not object to the proposal.

Hertfordshire County Council Highways – Does not wish to restrict the grant of permission subject to conditions.

TOWN/PARISH COUNCIL COMMENTS

Northaw and Cuffley Parish Council – “Colesdale Farm, which was a working farm is wholly in the Green Belt. The buildings have been neglected and allowed to fall into disrepair. This is no reason to allow what would effectively be, five substantial new dwellings in the Green Belt. To allow such a development would be totally against the intentions of Policy of the Green Belt and against the defined use of Green Belt land (PPG2). It is by any measure an inappropriate development in the Green Belt

and the applicant has not defined any special circumstances as to why it should be allowed. The application is contrary to paragraphs 3.1-3.2, 3.3 and 3.4 of PPG2. The application is contrary to Policies RA1 and RA2 of Welwyn Hatfield District Plan 2005. It is also contrary to paragraph 30. PPG3.”

REPRESENTATIONS

The application was advertised by site notice and neighbour notification letters.

Notification expired 8 January 2009.

One neighbour letter was received in support of the proposal.

Potters Bar Society Country Group - Objected on the grounds that the proposed two storey dwellings would have a greater visual impact than the previously approved single storey buildings within the Green Belt and Landscape Character Area.

The Wildlife Trust – Expressed concern with regard to the impact of the proposed development on bats and birds. A number of planning conditions have been suggested with the aim of protecting and enhancing biodiversity.

DISCUSSION:

The main issues are:

1. Background Information
2. Re-use of Rural Buildings
3. The Principle of Erecting New Dwelling in the Green Belt
4. Quality of Design and Character and Context
5. Highways and Parking
6. Impact on Protected Species
7. Sustainable Development and Energy Efficiency

1. Background Information

Planning permission was granted under application reference S6/2000/0922/FP for the demolition of existing buildings and conversion of existing barns to create three residential units. At the time the single storey brick barns and the large brick barn were considered to be of sound construction, capable of conversion without substantial alteration, other than replacement roofing.

This approval followed an earlier planning application S6/1999/0876/FP which proposed the conversion of the large brick barn to dwelling, demolition of existing buildings and erection of two new dwellings and three detached garages. This application was refused following advice that the proposed new dwellings constituted inappropriate development in the Green Belt.

Planning application S6/2005/0009/FP for the renewal of planning permission S6/2000/0922/FP was granted 10 August 2005 and remain extant and as yet unimplemented. The applicants agents have confirmed that the existing single storey brick barns are in such a serious state of disrepair that it is not possible to re-use them. The current proposals therefore differ significantly from the extant scheme by virtue of the proposed four new dwellings and the proposed extensions to the retained large brick barn. Therefore the current application must be judged on its merits and in accordance with PPG2 ‘new buildings’

(primarily) rather than 're-use' of buildings as with the previous planning applications.

2. Re-use of Rural Buildings:

PPG2 outlines that, "with suitable safeguards, the re-use of buildings should not prejudice the openness of Green Belts, since the buildings are already there. It can help to secure the continuing stewardship of land, especially by assisting farmers in diversifying their enterprises, and may contribute to the objectives for the use of land in Green Belts. The alternative to re-use may be a building that is left vacant and prone to vandalism and dereliction."

Furthermore paragraph 3.8 of PPG2 outlines that "the re-use of buildings inside a Green Belt is not inappropriate development providing:

- (a) it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it;
- (b) strict control is exercised over the extension of re-used buildings, and over any associated uses of land surrounding the building which might conflict with the openness of the Green Belt and the purposes of including land in it (eg because they involve extensive external storage, or extensive hardstanding, car parking, boundary walling or fencing);
- (c) the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and
- (d) the form, bulk and general design of the buildings are in keeping with their surroundings. (Conversion proposals may be more acceptable if they respect local building styles and materials, though the use of equivalent natural materials that are not local should not be ruled out)."

This national policy is reinforced at the local level by policy RA17 of the Welwyn Hatfield District Plan 2005 which outlines that re-use is broadly considered to be appropriate provided it does not have detrimental impacts in terms of traffic, residential amenity and biodiversity considerations, which are discussed in detail in the following sections. It is also outlined that re-use will only be accepted where the building does not require substantial reconstruction, is in-keeping with design policies in the Welwyn Hatfield District Plan 2005 and the Supplementary Design Guidance; Statement of Council Policy 2005 and does not rely on the conversion of a building that has recently been built under the terms of permitted development rights. It is also expected that residential re-use will only be accepted where it is proven that business re-use is not appropriate or viable.

The proposed conversion of the large brick barn would be dependent on the erection of extensions that would substantially increase the footprint and floor space provided within the existing building. The proposed extensions would result in a 127 percent increase in the size of the footprint over the existing building. From this basis it is considered that the amount of extensions required to facilitate the conversion of the building are not in accordance with PPG2 or policy RA17 of the Welwyn Hatfield District Plan 2005 and therefore the proposed development is inappropriate within a Green Belt location. Furthermore, the proposed extensions would be of a scale and bulk that would make the extension unduly prominent at the application site and from the surrounding area, and would therefore have a significant impact on the

openness of the Green Belt, which would be contrary to the policy background discussed above.

Under the terms of policy RA17 of the Welwyn Hatfield District Plan 2005 it is expected that “residential re-use will only be permitted where it can be demonstrated by the applicant that business re-use would be inappropriate and unviable.” In this instance it is noted that the site has a number of existing business uses and the applicant has made no attempt to prove that business use of the site is not feasible, therefore it is not possible for the Local Planning Authority to support an application for residential re-use where there is insufficient information available to ensure that the development complies with the above policy.

Paragraph 3.9 of PPG2 outlines that “If a proposal for the re-use of a building in the Green Belt does not meet the criteria in paragraph 3.8, or there are other specific and convincing planning reasons for refusal (for example on environmental or traffic grounds), the local planning authority should not reject the proposal without considering whether, by imposing reasonable conditions, any objections could be overcome. It should not normally be necessary to consider whether the building is no longer needed for its present agricultural or other purposes.” In this instance it is considered that the failure for the development to comply with paragraph 3.8 is indicative of a development that is harmful to the character and openness of the Green Belt and it is considered that there are no conditions that could be reasonably used to overcome this harm.

Any inference in PPS3 and PPS7 towards encouraging development on brownfield land, is only on the assumption that the development would comply with other policies. PPS3 also clearly excludes agricultural land and agricultural buildings from the definition of ‘previously developed land/brownfield’. The inference in PPS7 is that brownfield land should be used when a dwelling can be justified within the countryside, this is a significant difference from encouraging the redevelopment of brownfield sites in the countryside, and therefore the Green Belt. It is therefore clear that the applicant’s reliance on these policies is a misplaced use of policy that goes far beyond the principles of the national policy framework.

In this instance, it is important to mention District Plan policies H1 and H2 and emphasize the relevance of their inclusion with the ‘Urban Areas’ chapter of the District Plan. The background to these policies forecasts that suitable land for allocated and windfall residential development sites will be available within urban areas thereby offering no encouragement for residential development within Green Belt areas. Furthermore the within the planning authority, cumulatively more houses have been built above the requirement (AMR December 2008) and therefore there isn’t a requirement to build on Green Belt.

3. The Principle of Erecting New Dwelling in the Green Belt:

Paragraph 3.4 of PPG2 outlines that “the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and forestry
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of

the Green Belt and which do not conflict with the purposes of including land in it

- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited affordable housing for local community needs under development plan policies according with PPG3
- Limited infilling or redevelopment of major existing developed sites identified in adopted local plans”

Whilst it is acknowledged that the applicant is proposing the removal of several barns and outbuildings at the site thereby overall reducing the scale of built form on the site, it is considered that this aspect of consideration relates to the acceptability of development rather than the appropriateness of development which are considered to be two materially differing aspects of Green Belt policy. It is therefore considered that the interests of visual amenity are a material consideration in relation to the acceptability of a development, but should be of no bearing to whether the erection of a new building is appropriate within the Green Belt.

The existing buildings are not unduly harmful to the rural setting of the application site, given that the existing barns and stables are not out of keeping with the style of agricultural buildings that are common within a Green Belt location. From this basis it is considered that the proposal to erect four two-storey dwellings in replacement would result in the perception of greater suburbanisation of the rural area to the detriment of the rural setting. Furthermore, it is considered that the design intricacies of a dwelling are such that they have a greater impact on the character and appearance of the street-scene than the simplicity of the existing built form. Although the proposed new dwellings are considered to be of appropriate design in that they would not be unduly out of keeping with the surrounding properties, it is considered that the detailing results in the prominence of the dwelling being increased, thereby negating any benefit from the partial reduction in the volume of the built form at the site.

Visual improvements which enhance the acceptability of built form, should have little bearing on the appropriateness of that building. In this instance, as the existing building is not considered to be unduly obtrusive or jarring, it is considered that the visual improvements would not be to such an extent that would justify being considered a ‘very special circumstance’ that would outweigh the inappropriateness of the proposed development. Additionally, if this was considered to be a very special circumstance, other developers would use former agricultural buildings and their removal as a case for justifying house development.

As outlined in section 1 above, it is considered that PPS3 and PPS7 and issues surrounding the use of brownfield land, should be considered to carry less weight than Green Belt policy as stated within PPG2 and the Welwyn Hatfield District Plan 2005.

4. Quality of Design and Character and Context:

National Planning Policy Guidance PPS1 Delivering Sustainable Development requires planning authorities to plan for high quality design which is appropriate in its context. Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and

for proposals to respect and relate to the character and context of their location.

The proposed extensions to the brick barn and the proposed new dwellings would not have an overbearing impact on the occupiers of the adjacent properties, neither would they have a detrimental impact upon the privacy or light amenity currently enjoyed by occupiers of neighbouring dwellings.

As discussed within section 2 above, the proposed new dwellings are considered to be of appropriate design in that they would not be unduly out of keeping with the surrounding properties in terms of architectural style, windows, detailing and materials. However, the perception of greater suburbanisation would have an adverse visual impact upon the character and appearance of a rural area.

The proposed extensions to the large brick barn would result in a development that is not subordinate, comprising an approximate 75% increase in width and even greater increase in depth. However, as the scheme in relation to Green Belt policy is considered to be inappropriate it is not considered applicable to discuss this in great detail.

The proposals fail to comply with PPS1 Delivering Sustainable Development PPS3 Housing, Policies SS1 and ENV7 of the East of England Plan 2008 and Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and Supplementary Design Guidance 2005 (Statement of Council Policy).

6. Highways and Parking:

Currently the site has a mixture of uses including scaffold and furniture storage, furniture making and other storage. The proposal to demolish most of these buildings and provide five residential units is unlikely to give rise to increased traffic generation from the site. No changes to the access to Northaw Road West, the B156 are proposed. The site is located between Northaw and Cuffley and although there is a bus stop near the site, no details of public transport provision have been provided by the applicant. The applicant states that the site is located within walking distance of Cuffley train station, however the site is located further than the recommended walking distance.

It is Hertfordshire County Councils policy, approved by cabinet in January 2008, to seek a planning obligation in respect of Sustainable Transport including, but not limited to, highway and rights of way improvements, for all developments. PPG13 promotes accessibility by sustainable means including bus, cycling and walking, and the provisions of S106 of the Town and Country Planning Act allows that planning obligations, governed by the guidance within circular 05/05, may be used to mitigate the impact of development.

For clarity and ease, HCC have implemented standard charges for residential developments, these charges are tiered reflecting the accessibility of different sites across Hertfordshire. The applicable charges are £1,125 per 3 bed unit and £1500 per 4+ bed unit, equating to a contribution of £7,125. Should an appeal be lodged or future application submitted, these measures would need to be secured by way of a 106 Agreement/Unilateral Agreement between the applicants and Hertfordshire County Council. Further advice might be sought from the Local Planning Authority

Hertfordshire County Council as Highway Authority considers the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways.

7. Impact on Protected Species:

An ecological survey concentrating on any presence of protected species (particularly bats) has been carried out and a written report of the findings, including recommendations and mitigation strategy has been submitted to the Local Planning Authority.

The survey was undertaken September 2008 and identified evidence of three species of bat at the site. These are the noctule bat, brown long-eared bat and common pipistrelle bat. The latter two species were recorded as roosting within the site.

No great crested newts were recorded at Colesdale Farm and the pond to the north east of the application site was found to support poor suitability for great crested newts mainly due to the presence of abundant fish. The pond however is an important ecological feature. The semi-natural habitats around the pond and bordering the site to the north supports habitats capable of providing cover for reptile and amphibian species but the hardstanding surrounding the buildings is unfavourable for reptiles and great crested newts. The risk of encountering reptiles or great crested newts during development is negligible.

No badger sett or other signs of the presence of badgers were found at the site.

The proposed demolition of a number of barns and the conversion of the large brick barn would result in the likely disturbance of bats and damage to known bat roosting sites. Before any building works can proceed a Habitat Regulation Licence to derogate from the protection afforded to bats will need to be granted from Natural England.

8. Sustainable Development:

The applicant has submitted details of how the proposal would contribute towards sustainability in accordance with policies R3 of the District Plan and SD1 of the Supplementary Design Guidance February 2005. There is a limited amount of information regarding the Energy Efficiency of the proposals.

CONCLUSION:

The proposal fails to comply with PPS1 Delivering Sustainable Development, PPG2 Green Belts and PPS7 Sustainable Development in Rural Areas, Policy SS1, of the East of England Plan 2008 and RA17 of the Welwyn Hatfield District Plan 2005.

RECOMMENDATION: REFUSAL AND REASON (S)

SUMMARY OF REASONS FOR THE REFUSAL OF PERMISSION:

1. The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development. The four new dwellings proposed would be visually intrusive in the landscape to the detriment of the openness, character, appearance and visual amenity of the Green Belt. As such, the proposal represents inappropriate development and no very special

circumstances have been demonstrated to set aside Green Belt policies of restraint, and so is contrary to the advice contained in Planning Policy Guidance Note 2.

2. The proposed conversion of the brick barn is considered to be inappropriate within the Green Belt as it relies on significant extension to the existing built form that would detract from the openness character, appearance and visual amenity of the Green Belt. As such, the proposal represents inappropriate development and no very special circumstances have been demonstrated to exist to set aside Green Belt policies of restraint, and so is contrary to the advice contained in Planning Policy Guidance Note 2 and would conflict with the requirements of Policy RA17 of the Welwyn Hatfield District Plan 2005.
3. The applicant has failed to prove to the satisfaction of the Local Planning Authority that the application buildings and ancillary grounds could not continue to be viably used for business purposes and new business uses for unoccupied buildings. As such, the proposed development represents inappropriate development and no very special circumstances have been demonstrated to exist in this case to set aside Green Belt policies of restraint, and so is contrary to the advice contained in Planning Policy Guidance Note 2, PPS7 Sustainable Development in Rural Areas and would conflict with the requirements of Policy RA17 of the Welwyn Hatfield District Plan 2005.
4. The proposed change of use to C3 residential dwellings including the formation of a substantial residential curtilage would result in associated domestic paraphernalia considered inappropriate within the Green Belt. The suburbanisation of a rural area would be visually intrusive in the landscape to the detriment of the openness, character, appearance and visual amenity of the Green Belt and so is contrary to the advice contained in Planning Policy Guidance Note 2.

INFORMATIVES:

1. Please be advised that the completion of Certificate A has been accepted on the understanding that the other users of the application site do not have a leasehold interest with at least 7 years left to run and that all land is within the applicants ownership.
2. The applicants attention is drawn to the response from Hertfordshire County Council Highways department which outlines the need to secure a financial contribution of £7,125 towards sustainable transport measures. Should an appeal be lodged or future application submitted, these measures would need to be secured by way of a 106 Agreement/Unilateral Agreement between the applicants, Welwyn Hatfield District Council and Hertfordshire County Council. Further advice might be sought from the Local Planning Authority.

DRAWING NUMBERS:

Site Location Plan & 01 & 02 & 03 & 04 & 05 & 06 & 07 & 08 & 09 & 10 & 11 & 12 & 13

Signature of author..... Date.....