

WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2009/2401/MA
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NOTATION:

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

DESCRIPTION OF SITE:

The site is located in the southern section of Bedwell Park, which consists of a Grade II listed building currently undergoing conversion to residential accommodation, along with newly constructed dwellings built as part of the enabling development for renovation works to the listed building. Pulham House (formerly known as Tennis Court House) is a large, detached dwelling lying in approximately 2.25 acres of land, which also comprises an outdoor swimming pool, summer house and a tennis court with associated changing pavilion.

DESCRIPTION OF PROPOSAL:

The application is for a kennel measuring 3.6 metres in width, 1.2 metres in depth and 2.25 metres in height constructed of pine cladding with a felt roof. The structure covers a floor area of approximately 4.3m². This application is a revised scheme following the refusal of application S6/2009/0697/MA, which was for a kennel covering a footprint of 13m² and also a shed in the south-western corner of the site. A revised scheme for the shed was submitted as a separate application (S6/2009/2400/MA) and this application was approved on 28th January 2010.

PLANNING HISTORY:

S6/2009/2400/MA – Erection of shed – Granted 28/01/2010

S6/2009/0697/MA – Retention of shed and kennel – Refused 10/08/2009

S6/2008/1135/MA – Erection of tennis court changing pavilion – Granted 03/09/2008

S6/2008/0557/FP – Erection of tennis court changing pavilion – Refused 01/05/2008

S6/2007/1408/FP – Outdoor swimming pool – Granted 12/11/2007

S6/2007/0592/FP - Swimming pool and summer house – Refused 05/06/2007, allowed on appeal

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 11/01/2005

S6/2001/0208/LB and S6/2001/0210/FP - 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 - Granted 21/01/2002

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) - Refused 17/09/2001

S6-1996/0484/FP and S6/1996/0483/LB - Single storey extension to provide new laundry, enlarged ladies locker room and removal of vent - Granted 02/08/96

S6/1995/0414/FP and S6/1995/0539/LB – Conservatory - Granted 04/08/1995

S6/1993/0709/FP and S6/1993/0710/LB - Single storey extension to golf club house - Granted 16/12/1993

S6/1990/1019/FP and S6/1990/1020/LB - Demolition of maintenance building, external alterations and single storey extensions to enable extended building to be used for hotel, golf and country club - Granted 04/12/1991

S6/1987/0135/FP - Full planning permission for 18 hole public golf course - Granted 03/07/87

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Policy

PPS1: Delivering sustainable development

PPG2: Green Belts

PPG15: Planning and the Historic Environment

PPG16: Archaeology and planning

East of England Plan 2008

SS1: Achieving Sustainable Development

SS2: Overall Spatial Strategy

ENV2: Landscape Conservation

ENV7: Quality in the Built Environment

Welwyn Hatfield Local Plan:

Policy SD1 – Sustainable Development

Policy GBSP1 – Definition of the Green Belt

Policy D1 – Quality of Design

Policy D2 – Character and Context

RA3 – Extensions to Dwellings in the Green Belt

Policy R29 – Archaeology

Policy RA10 – Landscape Regions and Character Areas

Supplementary Design Guidance

CONSULTATIONS

None.

TOWN/PARISH COUNCIL COMMENTS

None.

REPRESENTATIONS

This application has been advertised by way of neighbour notification letter and site notice. The notification period expired on 28th December 2009. No representations have been received.

DISCUSSION:

The main issues are:

- 1. Whether there would be harm to the Green Belt by reason of inappropriateness or other harm, and if so, whether such harm would be outweighed by other considerations;**
 - 2. Whether there is an impact on the Character and Setting of the Listed Building;**
 - 3. Whether there is any impact on the Landscape Character Area or Area of Archaeological Significance;**
 - 4. Other Material Planning Considerations.**
1. The site lies within the Green Belt where there is a general presumption against inappropriate development. Such development should not be approved except in very special circumstances. The limited extension, alteration or replacement of existing dwellings is not inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. The relevant policy is Planning Policy Guidance Note 2: Green Belts and Policy RA3 of the Welwyn Hatfield District Plan, which states that extensions will only be allowed where the proposal would not individually, or when considered with existing or approved extensions to the original dwelling, result in a disproportionate increase in the size of the dwelling. PPG2 and Policy RA3 also indicate that the fundamental aim of Green Belt policy is to keep land permanently open and that extensions to dwellings (which also includes outbuildings) will only be permitted where the proposal would not have an adverse visual impact in terms of its prominence, size, bulk and design on the surrounding countryside.

In this instance, the kennel only covers a floor area of 4.3m². This is a very modest footprint when considered against the size of the main dwelling, and indeed is over 65% smaller than the kennel previously refused planning permission under application S6/2009/0697/MA. However there are two important factors that must be taken into account in this case. The first is that Pulham House itself was permitted under very special circumstances as part of the enabling works to Bedwell Park and therefore this proposal is being assessed in a different context to that of an average Green Belt dwelling. In dismissing an appeal against the Local Planning Authority's refusal for a car barn and lockable store at the neighbouring property, Walled Garden House (also part of the wider Bedwell Park development), the Inspector expressed the view that *"the enabling development was the minimum necessary to secure the future of the heritage asset. I would not expect further additions to take place other than in very special circumstances"*¹. The second consideration is that there is already an existing tennis court pavilion on the site which was granted planning permission under application S6/2008/1135/MA as a result of a very special circumstances claim (in particular the historical existence of tennis courts on the site prior to any built development), and also a summer house which was granted planning permission on appeal in 2007. In addition to this, planning permission has recently been granted for a storage shed with a footprint of 12m². Cumulatively, the floor area

¹ Planning Inspectorate reference APP/C1950/A/07/2050923, decision date 12th December 2007.

covered by existing development is approximately 48m² with an additional 12m² approved but not yet implemented. It is therefore considered that, despite the limited size of the shed and also the fact that it has been considerably reduced from the previous scheme, when taking into account the planning history of the site and the existing and approved buildings within its curtilage, it represents a disproportionate increase in the size of the dwelling.

The impact of the structures on the openness and visual amenity of the Green Belt is also relevant. The previous scheme involved two structures and it was considered that the existence of four buildings on the site would result in piecemeal development conflicting with the fundamental aim of keeping the Green Belt open – the ‘scattering’ effect. This is also considered to apply to this application. Currently, there are two authorised buildings on the site and one unauthorised shed; however planning permission has recently been granted for a smaller shed in the same location. Should that consent be implemented, there will be three detached buildings on the site and therefore a fourth will lead to a proliferation of dispersed structures, having a detrimental impact on the openness of the Green Belt.

For the above reasons, the development is considered to conflict with Green Belt policy. However, the applicant has advanced very special circumstances in support of the application, that is the requirement to house dogs which are needed for security purposes. Currently, the applicant only has one pet. Whilst it is perhaps the case that a property such as Pulham House would require a higher level of security than an average dwelling, it is considered that this is already afforded by an intercom-controlled access and considerable natural security in the form of trees and hedging, as well as the fact that Pulham House is bordered on many of its boundaries by other properties in Bedwell Park. Therefore, the need to have kennels to keep ‘guard’ dogs is not considered to be of such importance to outweigh the harm to the Green Belt. In any event, it is of course the *dog* that is the security measure and not the kennel in which it is housed. The applicant submits that the dog is *‘ideal in being able to ‘patrol’ these grounds and act as a deterrent to potential intruders as well as being able to search them out’*. This may be the case, but it is not clear why having a kennel situated away from the main house for the dog to sleep in makes any difference to its ability to carry out the above function. In his covering letter, the applicant’s agent has stated that his clients have two young children and therefore do not consider that it is appropriate to have the dog in the house with them. This is not elaborated on further (i.e. whether this is for safety, hygiene, etc) but most concerns in this regard could probably be overcome by housing the dog in a functionally separate area of the house, such as a garage or utility room.

2. The structure is located to the south of the listed building, approximately 200 metres away. It is therefore considered that there would not be any harm to the listed building’s setting. The proposal therefore complies with PPG15.
3. The location of the building is considered not to have a harmful impact upon the Landscape Character Area and therefore complies with ENV2 and Policy RA10 of the Welwyn Hatfield District Plan. The kennel sits on top of the ground and no excavations appear to be involved in its construction, therefore the development will not have any impact on the Area of Archaeological Significance and is in compliance with PPG16 and Policy R29 of the Welwyn Hatfield District Plan.
4. There are no other material planning considerations.

CONCLUSION

The proposal constitutes inappropriate development in the Green Belt and it is not considered that the very special circumstances submitted in this case are sufficient to outweigh the harm caused. It is therefore recommended that planning permission be REFUSED for this development.

RECOMMENDATION: REFUSAL AND REASON (S)

1. When taking into account the case for enabling development under application S6/2006/0365/FP and the previously approved summer house, tennis pavilion and storage shed, the kennel would result in a disproportionate increase in the size of the dwelling and would therefore represent inappropriate development. When considered with the existing structures on the site, the building would also have a detrimental effect on the openness of the Green Belt. No very special circumstances have been shown to exist. The proposal is therefore contrary to PPG2 and Policy RA3 of the Welwyn Hatfield District Plan 2005.

INFORMATIVES:

None

DRAWING NUMBERS:

1:1000 Site Location Plan 3338-01 A & 3338-04 B & supporting information received and dated 6th November 2009.

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