

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2012/1747/AM
APPLICATION Site:	Woodfield, Woodfield Lane

NOTATION:

The site lies within the Metropolitan Green Belt as designated in the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

The application site comprises of a detached dwelling which is accessed from Woodfield Lane, and has a private driveway which provides both access to the main dwellinghouse and also to the subject building which is located towards the rear boundary of the site.

The application building appears as approved in the application (S6/2001/976/FP) which granted its use and alterations.

DESCRIPTION OF PROPOSAL:

The application is for the modification of an existing legal agreement which was attached to application S6/2001/976/FP which restricted the use of the building as solely residential accommodation ancillary to the main dwellinghouse of Woodfield and that it cannot be sold or separately let from Woodfield.

The modification seeks a change to the legal agreement which allows the property to be sold to the adjoining dwelling of Woodfield Farm, but subject to the same restrictions, albeit connected with this neighbouring property rather than Woodfield.

PLANNING HISTORY:

S6/2001/0976/FP - Conversion of detached garage into ancillary residential accommodation –Granted subject to a Section 106 - 25/10/2001

SUMMARY OF POLICIES:

National Planning Policy

Welwyn Hatfield District Plan 2005

SD1: Sustainable Development
GBSP1: Definition of Green Belt
M14: Parking Standards for New Developments

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

CONSULTATIONS:

County Council Transportation Planning and Policy - None

TOWN/PARISH COUNCIL COMMENTS: None

REPRESENTATIONS: n/a

DISCUSSION:

The main issues are:

1. Green Belt Policy
2. Other Material Planning Considerations

1. Green Belt Policy

This is considered to be the key consideration of why the legal agreement was attached to the original planning permission which granted the use and alteration of the application building. The concern at that time was whether in granting planning permission that at a later date it would be sold or used as a separate dwelling independent from the parent property of Woodfield.

Such a change would be tantamount to creating a new dwelling in the Green Belt which is contrary to Green Belt policy then (and now) as it is defined as inappropriate development.

In this application there remains one simple question, would the proposal harm the openness of the Green Belt, which is its' most important attribute and conflict with the five purposes of Green Belt Policy.

The application would allow the neighbouring property of Woodfield Farm to own the application property and use it as ancillary accommodation to the main dwellinghouse, but with the same restriction as before in that it could not be sold or let separately. The only physical changes to the site would be the removal of the existing common boundary fence and its relocation, something which in itself does not require planning permission if no higher than 2m.

As such no demonstrable harm would originate from the proposed modification of the existing s106 to facilitate this change, as there would be no material impact on the openness of the Green Belt through its use being connected with Woodfield Farm rather than Woodfield.

Subject to a s106 which secures these previous constraints, but allows transfer of ownership to Woodfield Farm, the proposal would not conflict with the aims and purposes of Green Belt policy. Under these circumstances it would be unreasonable to object to such a modification of the S106.

2. Other Material Planning Considerations

Highways: Although not strictly a fundamental consideration for this type of application, a view has been requested from the Highway Authority if there are any concerns over this change. The Highway Authority has raised no objection.

Protected Species The presence of protected species is a material consideration, in accordance with the National Planning Policy, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05.

Protected species such as great crested newts, otters, dormice and bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, all wild birds, invertebrates and certain rare plants are protected to a lesser extent under UK domestic law (NERC Act and Wildlife and Countryside Act 1981).

The existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

Procedures It has been agreed with the applicant that the completion of the legal agreement which modifies the previous S106 will only take place on the day the sale of the application building to Woodfield Farm has been confirmed to the Council's solicitor through the receipt of a copy of the transfer deed.

CONCLUSION:

Green Belt policy is the key consideration. It has been shown that the proposed modification would neither harm the openness of the Green Belt or conflict with any of its five purposes. As such the modification can be granted.

RECOMMENDATION: APPROVAL

APPROVE DRAWING NUMBERS:

1:2500 Site Location Plan received and dated 14 August 2012

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