

TOWN & COUNTRY PLANNING ACT 1990
MILLGATE HOMES
AND
WELWYN HATFIELD BOROUGH COUNCIL
AMPLIFICATION OF GROUNDS OF APPEAL
ON BEHALF OF THE APPELLANTS

An appeal under Section 78 of the Town and Country Planning Act 1990 (as amended)
by Millgate Homes
Against Welwyn Hatfield Borough Council's refusal of a full application for the change of use
from temporary sales office to concierge office

at

Bedwell Park
Cucumber Lane
Essendon
Hatfield
AL9 6GL

Our reference: ND/431/nd
LPA Ref: S6/2008/1653/FP

Planning Inspectorate Ref:
APP/C1950/A/08/2089688/NWF

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1 INTRODUCTION

- 1.1 This statement is submitted in support of an appeal by Millgate Homes for the change of use from temporary sales office to concierge office at Bedwell Park (Essendon Park) in Essendon.
- 1.2 The remainder of this statement describes the site, its surrounds and the relevant planning policy context. This is taken primarily from the Development Plan and Government Guidance in the form of Planning Policy Guidance Notes. The Grounds of Appeal are expanded upon in Chapter 5 of this statement and the conclusion will be drawn in chapter 6 that planning permission should be granted for the proposal.

2 THE SITE AND THE SURROUNDING AREA

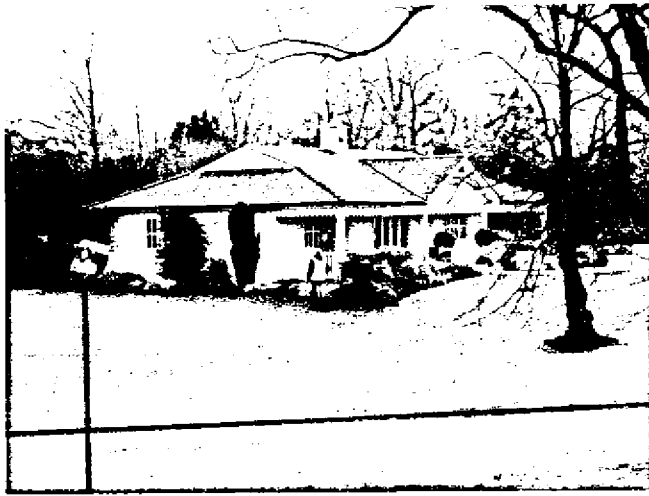
- 2.1 The appeal site is located within the grounds of Essendon Park (Bedwell Park) which comprises of a Grade II Listed Building together with a number of new dwellings and apartments. The site has been recently redeveloped to provide for 10 apartments and 14 dwellings under ref. S6/2003/941 and S6/2003/942. The Grade II listed building was converted into apartments as part of the enabling development works.
- 2.2 The appeal site is adjoined on a number of its boundaries by a golf course. The main entrance to the new development from Cucumber Lane is shared with two golf courses. A clubhouse lies immediately to the north of the appeal site with the main junction splitting the traffic immediately adjacent to the appeal sites' main entrance (see photographs below).



Above: The access splits in front of the concierge office with one driveway leading to the golf clubhouse

- 2.3 The building which is the subject of this appeal was built under Part 4 of the GDPO as a temporary marketing and sales building. It is of timber construction with a

shingle roof (see photographs below). The building lies about 220m from the golf club entrance from where the top of the roof is barely visible from the public realm. Essendon Manor remains the dominant feature from the site entrance (see photographs below). Immediately to the east, the building is well screened by existing trees (see photographs below). The building lies about 60m from the centre of the development from where most of the new dwellings take their vehicular access. Tennis Court House which lies to the south east would take its access via the front of the building.



Above: The concierge office from the access. Below: View from the site entrance



- 2.4 The appeal site lies within the Metropolitan Green Belt and outside of a recognised settlement. The site is not within walking distance of any shops or services. The bus service which utilises the nearby B158 provides a service to Hatfield, Broxbourne, Ware, Welwyn and London Colney via services 200, 201, and 341.

3 PLANNING HISTORY OF THE APPEAL SITE

- 3.1 The planning history of the appeal site including Bedwell Park itself is set out below, starting with the most recent applications and appeals.

S6/2007/592/FP

An application for a swimming pool and summerhouse was refused permission on 5th June 2007. The development was proposed within the curtilage of one of the new detached dwellings (Tennis Court House). A subsequent appeal was allowed on 15th October 2007 on the basis that it was “appropriate development” within the Green Belt.

S6/2007/596/MA

An application for a car barn of 2 car ports, a lockable store and a wood store was refused planning permission on 5th July 2007 in the grounds of one of the individual private properties (Walled Garden House). A subsequent appeal was dismissed on the grounds that the structure was disproportionate in size and that it was also inappropriate development.

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.

S61996/0484/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.

4 PLANNING POLICY GUIDANCE

4.1 Relevant planning policy guidance is contained with Government Guidance and the Welwyn Hatfield District Plan 2005 (saved policies). The Council's decision notice refers only to PPG2 - Green Belts.

i) **Government Guidance**

4.2. **Planning Policy Statement 1 (Delivering Sustainable Development)** sets out the Government's policy on different aspects of land use planning. Paragraph 4 lists the 4 main aims for sustainable development. These include "**the prudent use of natural resources.**" Paragraph 5 states that planning should "**facilitate and promote**" sustainable and inclusive patterns of urban and rural development by ensuring that "**development supports existing communities and contributes to the creation of safe sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.**" Paragraphs 21 and 22 are concerned with the prudent use of natural resources. It gives encouragement to minimising the use of resources rather than making new demands on the environment.

4.3. **Planning Policy Guidance Note 2 (Green Belt)** seeks as a national objective to maintain openness. Under paragraph 3.4 of the guidance the proposed concierge office is not included amongst the list of appropriate development within the Green Belt. Paragraph 3.2 confirms that in cases of "inappropriate development" the onus is on the applicant to demonstrate why permission should be granted (i.e. very special circumstances).

- 4.4. Paragraphs 3.7 – 3.10 deal with the re-use of buildings in the Green Belt. It states that re-use should not prejudice the openness of the Green belt since the building is already there.
- 4.5. **Planning Policy Statement 7 (Sustainable Development in Rural Areas)** sets out the Government's policies within the countryside and rural areas. The introductory chapter includes the Government's main objectives which are: raising the quality of life and the environment in rural areas through the promotion of:
- thriving, inclusive and sustainable rural communities, ensuring people have decent places to live by improving the quality and sustainability of local environments and neighborhoods;
 - sustainable economic growth and diversification.
- 4.6. The guidance states that sustainable development is the **“core principle underpinning land use planning”** (paragraph 1) and sets out a series of key principles to be applied on decision making which includes:
- social inclusion, recognising the needs of everyone;
 - effective protection and enhancement of the environment;
 - prudent use of natural resources; and
 - maintaining high and stable levels of economic growth and employment.
- 4.7. PPS7 encourages Planning Authorities to support a wide range of economic activity in rural areas (paragraph 5). Encouragement is also given to the provision of a range of services and facilities for people that live or work in rural areas (paragraph 6). This can be achieved by: supporting **“mixed and multi purpose uses that maintain**

community vitality” and the “provision of small scale, local facilities.” Paragraph 7 states that “planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities.”

4.8. Paragraph 17 deals with the re-use of buildings in the countryside. It states that the Governments’ policy is to support building re-use where this would meet **“sustainable development objectives”**. Re-use of economic development purposes is considered to be preferable to other uses.

4.9. **Planning Policy Guidance 13 (Transport)** is concerned with land use planning and transportation issues. Paragraph 4 lists the key objectives which includes **“reducing the need to travel, especially by car.”** Paragraphs 40-44 deal specifically with rural areas. It states that the potential in rural areas for using public transport and for non recreational walking and cycling is more limited than in urban areas. It states that the objective should be to ensure, subject to paragraph 43, that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area - **“...local circumstances will need to be taken into account and what is appropriate in a remote rural area may be very different from rural areas near to larger towns.”**

ii) **Welwyn Hatfield District Plan 2005 (saved policies)**

4.10 The Council have not referred to any policies within their decision notice relating to the Local Plan (saved policies). The following policies are considered to be highly relevant as they relate to and support the case for very special circumstances for the concierge’s building. These include policies D7 and RA17.

4.11 Policy D7 is concerned with safety by design. The policy states as follows:

“The Council requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime.”

4.12 Supporting text (paragraph 7.38) states that the Council considers it important that **“...all new development has regard to the safety of residents and uses in its design and layout.”** It continues by stating that **“well designed development can reduce the opportunity for crime and therefore reduce the fear of crime.”** Finally, the text emphasises the importance of planning of communal parking and entrances which, it states, can lead to confusion over ownership and responsibilities which can lead to less effective security.

4.13 Policy RA17 deals with the re-use of rural buildings. The policy states that the change of use or adaption of rural buildings will be permitted provided that:

- i) The proposal is in accordance with Green belt policies.
- ii) The intensity of the use of the site is not substantially increased.
- iii) Any increase in traffic generated is acceptable.
- iv) Not applicable.
- v) The new activity is in sympathy with its surroundings.
- vi) The new structure is of a permanent nature.
- vii) Not applicable.
- viii) Not applicable.

5 AMPLIFICATION OF GROUNDS OF APPEAL

- 5.1 The application which is the subject of this appeal was refused under delegated powers on 3rd October 2008 for the following reason:

“The change of use of the temporary sales building to a concierge office is considered to represent a new building in relation to the criteria of PPG2: Green Belts due to the building originally being permitted by virtue of Class 4 of the Town and Country (General Permitted Development) Order 1995. The building does not fall within the definition of any the purposes described with paragraph 3.4 of PPG2 and therefore, is considered to be inappropriate development. Inappropriate development is by definition harmful to the Green Belt and it is considered that the very special circumstances advanced are not accurate in relation to the amount of development on the site being “less than there was prior to the approved residential development.” More than 2000m2 footprint increase was permitted as part of the case for enabling development. Furthermore, the harm caused by the development is not outweighed by the limited screening that the landscaping provides and would be provided with the removal of car parking spaces. Therefore, no very special circumstances are apparent in this case, and the proposal would be contrary to Planning Policy Guidance Note 2: Green Belts.”

- 5.2 It is accepted that the concierge office is not included within the list of appropriate development contained at paragraph 3.4 of PPG2 Green Belts. It is therefore defined as being “inappropriate development”. However, there are compelling reasons why the office is required in connection with the recently completed residential development. These factors amount to “very special circumstances” and include

factors relating to the building's role within the development, security as well as a number of other factors including rural employment and sustainable development.

- 5.3 The building is intended to provide a permanent office and base for the concierge facility serving all of Bedwell Park (Essendon Park) which amounts to a total of 25 apartments and dwellings. The building was erected as a temporary structure to serve as a sales and marketing suite to the comprehensive redevelopment and conversion works at Bedwell Park which is a Grade II listed building under Part 4 (temporary building and uses) of the General Permitted Development Order. Its presence on the site is therefore established and it has become part of the fabric of the site and the wider landscape. The building is 7.4m wide and 14m in length with a 2.6m wide verandah to the front. The building has a low level pitched roof which minimises its scale and impact. The proposal would result in the extent of hardsurfacing being reduced with the removal of 3 of the 5 parking spaces. Its original position was chosen as it is a part of the site that is both accessible to the development as well as being well screened by trees to the east (see photographs below). Its design does not seek to compete with the Grade II listed building and would not be read in conjunction with the buildings setting particularly in view of the existing screening. The design and location of the building resembles a sports pavilion which would not be uncommonly found in the grounds of a large country estate and grand house. The Council have not raised objections to the concierge's office on listed building grounds nor to the buildings detailed design which they accept complies with policy (see appendices 5 and 6). The building itself is of a white painted wood paneled exterior with a traditional appearance.



Above; The concierge office is conveniently located close to the development itself

- 5.4 The Bedwell Park development is a high quality residential development aimed primarily at couples “down sizing” or younger professional workers who would generally be employed in the City. The appellants were made aware of the strength of feeling for a separate concierge facility during the marketing of the development through direct feedback from potential purchasers. This led to the decision to include the details of the concierge’s role in the marketing brochure (see appendix 4). (It should be noted that the reference to staff accommodation on the approved development is to a private facility located in the curtilage of Walled Garden House to the south of the site for their own personal use). The decision was also influenced by the site’s relative inaccessibility as well as the need to provide security for the 24 households on the site. The proximity of the 2No. golf courses also requires a presence in daylight hours to redirect golf course visitors away from the development and residents parking bays in the event that they take the wrong access. This aspect is considered to be particularly pertinent due to the fact that both courses are for general public use.

5.5 The concierge use will provide new residents of all the units with a permanent presence on the site for help in their daily lives and activities (see Appendix 3 for a complete list of duties provided by Millgate Homes). This includes: maintaining the high visual standards of the development including the integrity of the listed building and the historic park; overseeing all maintenance issues within the development; controlling and co-coordinating all deliveries and guests where necessary; acting as a point of contact to Bedwell Park's new residents; and chauffeuring residents at set times to agreed locations (i.e school runs etc). The presence of this facility on the site in a location that is not well served by modes of transport other than the private car will reduce the need to travel by passing on these tasks to a trained individual that is able to deal with all manner of service arrangements without the need to leave the site. PPG13 Transport encourages local authorities to locate services within rural areas at the most accessible location to the rural area (Paragraph 43). The provision of a concierge facility in this location to serve the 24 dwellings is considered to be consistent with this guidance as it will encourage occupiers to utilise the existing on site facility without the need to leave the development site.

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by vehicle

5.6 The concierge facility will provide space for storage of laundry and general deliveries to dwellings themselves as well as general maintenance equipment to maintain the communal grounds. Delivery of furniture or other goods whilst the occupant is away can result in several visits to the premises to achieve successful delivery. The presence of a permanent locality for deliveries will significantly reduce the need for return journeys thus providing a further sustainability benefit. There is no such other facility provided on the residential site for storage of private goods or maintenance equipment.

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diagram

5.7 It is anticipated that about 25% of the covered floor space (i.e. 23sq.m) would be used for the storage of deliveries (furniture down to smaller items, laundry and

maintenance equipment), 20% of the covered floor space (i.e. 19 sq.m) for staff and guest facilities (i.e. male and female w.c's and kitchenette) and the remaining 55% of the floorspace as an open plan area for the concierge's office together with a reception area with indoor seating (52.5sq.m). The covered verandah provides a place to leave deliveries under cover in the event that the concierge's office is closed as well as an outdoor shaded reception area for the summer period. The provision of an office will negate the need for further applications to be made for security gatehouses or residents facilities as the facility to carry out these functions will already be present on the site in a convenient location close to the sites entrance and the new dwellings themselves (see photographs above). The facility thus provides for a focal point for the site which will **"maintain community vitality"** through providing a **"small scale local facility"** in accordance with PPS7 (Sustainable Development in Rural Areas). It is anticipated that the concierge would be present between the hours of 7.00am – 7.00pm Monday – Friday thereby enabling working residents to drop off laundry in the morning before work and to pick up any deliveries after they return in the evening. The concierge's office would also provide a venue for the management company to meet each month to manage the listed building, the historic park and the residents group.

*does not mean
 concierge
 PPS7*

- 5.8 The second main "very special circumstance" relates to the security of the site. As stated above, the new development at Bedwell Park is located in an isolated location. Its proximity to the 2No. golf courses which are both open to the public, together with its isolated location creates a number of security issues and a general need to monitor visitors and direct / redirect persons wherever applicable. In the case of the 2No. golf courses, the main entrance is shared between these facilities and the Bedwell Park development. There are genuine issues and concerns about visitors to the golf courses accessing the site particularly with the constant arrival of the general public who may be unfamiliar with the area.. The concierge would be able, as part of their duties, to redirect stray visitors to their correct location. The concierge will also be

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able to monitor CCTV cameras as well as visual surveillance of properties whilst the occupants are away. A development of this scale and stature within this location would normally be expected to have a gatehouse to monitor visitors. The proposed building would have a multi purpose function fulfilling the day to day needs of residents as well as creating a safer internal environment for occupants. This concept is in full accordance with paragraph 6 of PPS7 which supports mixed and multi purpose uses in rural areas. Policy D7 of the District Local Plan (saved policy) encourages design of new development to contribute to safer communities to help reduce fear of crime. There is currently no provision within the site for anyone to monitor the CCTV cameras. The concierge office would enable this to be effectively monitored and maintained to the benefit of the occupiers in accordance with this policy.

5.9 There are a number of other very special circumstances which also make a significant contribution to the appellant's case. These include the re-use of an existing building (i.e. sustainable re-use of existing materials) and creation of rural employment. The expected opening times of the concierge facility are 7.00am – 7.00pm Monday to Friday and 8.00am – 6.00pm Saturday and Sunday. This would enable for the provision of two full time equivalent employees (40 hours per week each) in a rural location. PPS7 (Sustainable Development in Rural Areas) encourages as one of its key principles (paragraph 1) to **"maintaining high and stable levels of economic growth and employment"**. The appeal proposal clearly would support this aim.

5.10 As stated above, the building is already located on the site. It is constructed of a wooden paneled exterior which helps to assimilate the building into its surroundings as well as ensuring that it retains a subordinate relationship to the listed building. The structure is not capable of re-use following removal from a site and would be taken to a landfill site in almost every circumstance. Its re-use would therefore be a

sustainable option for the building and would minimise the need to use precious natural resources in accordance with Paragraph 4 of PPS1 (Delivering Sustainable Development) encourages the prudent use of natural resources. As stated above, the concierge office would restrict the proliferation of other ancillary buildings throughout the site as the office would have a dual function as both an office facility / store for residents' deliveries as well as of focal point for monitoring the security of the site.

- 5.11 In conclusion, the appellant has identified a range of factors which constitute 'very special circumstances' in the Green Belt for the proposed development. The building, which is already part of the landscape, is of a high quality design and will provide a valuable and sustainable service to the 24 households. Its location on the site is supported by the Council's Local Plan (saved policies) as well as Government guidance which recognises the benefits of providing services within rural areas close to the population it will be serving. Its style and design is typical of an ancillary building that would be expected to be found in the grounds of a large country estate. The Council have not raised any objections to the proposal on design grounds or harm to the setting of the listed building.

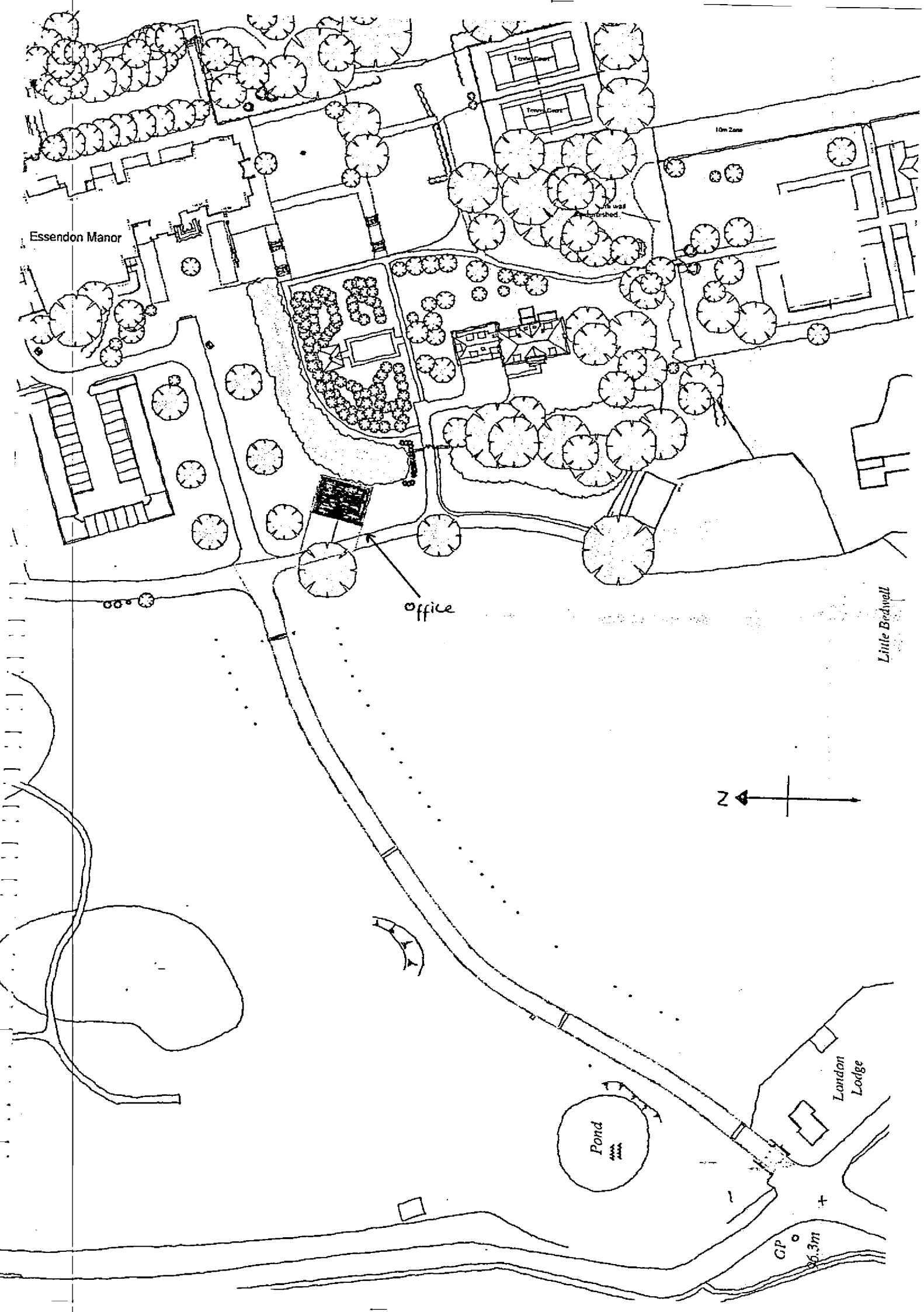
6 SUMMARY AND CONCLUSIONS

6.1 The appeal should be allowed for the following reasons:

- i) The appeal site is located within the Metropolitan Green Belt. It is accepted that the proposal does not amount to “appropriate development”. However, there are a number of factors which outweigh the harm caused to the Green Belt’s openness and which constitute “very special circumstances” (PPG2 – Green Belts).
- ii) The concierge office involves the re-use of an existing building which has already become part of the landscape. It has been carefully designed and sited to be sympathetic to its surroundings and to the setting of the Listed Building. The Council do not object to the proposal on listed building or design grounds as the building is sympathetically designed and the site well screened (appendix 6). The building maintains a subordinate relationship with the Listed Building and is typical of an ancillary structure on a large country estate.
- iii) The concierge office will provide residents with a use and facility that will discourage the need to travel by private car by providing a multi purpose use. This statement sets out how the floorspace would be utilised for storage, reception and staff working areas. It will also provide a venue for the management company to ensure the upkeep of the listed building and historic park around the buildings. By way of clarity, the staff accommodation on the consented scheme for the redevelopment (S6/2003/941/FP and S6/2003/942/FP) is a private facility for the private use of Walled Garden House only.
- iv) The concierge office will provide for a 12 hour security presence on the site which will enable for redirection of stray members of the public to the two golf courses as well as day time monitoring of the CCTV cameras. It is not unusual

for a development of this scale and in such a location to have a gatehouse structure to promote improved security. Policy D7 of the District Plan (saved policies) requires proposals to contribute to safer communities. The original permission for the sites redevelopment did not include any security provisions.

- v) The proposal would provide for two full time posts in a rural location. PPS7 specifically encourages economic growth and employment creation in rural areas.
- vi) The proposal would involve the re-use of an existing building which would otherwise end up in a landfill site. PPS1 encourages that proposals make efficient use of natural resources. Whilst it is recognised that the building was converted under permitted development, the re-use of rural buildings is also encouraged under PPS7.



Essendon Manor

10m Zone

Legal Encroachment

office

Little Bradwell



Pond

London Lodge

GP

6.3m

WELWYN HATFIELD DISTRICT PLAN

WRITTEN STATEMENT

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Designing Out Crime

- 7.38** The Council considers it important that all new development has regard to the safety of residents and users in its design and layout. Well-designed development can reduce the opportunity for crime and therefore reduce the fear of crime. One of the main ways of reducing crime is to allow natural or casual observation over the public realm and to ensure the separation of private and public space. Natural surveillance is a form of natural policing. With distinct separation between the fronts and backs of buildings, there should be no exposed private areas which could be accessed by criminals, and all the private areas should be overlooked, taking account of the need for privacy. Care needs to be taken in the planning of communal parking and entrances as they may lead to confusion over ownership and responsibilities which can lead to less effective security. Landscaping schemes should not obliterate public areas from natural vision and the possible mature size of plants should be taken into account in planting schemes. In considering design, the advice in Circular 5/94, 'Planning Out Crime' should be taken into account and developers may also contact the Hertfordshire Constabulary Architectural Liaison Officer before submitting planning applications. However, the approach adopted should be sufficiently flexible to allow solutions to remain sensitive to local circumstances.

Policy D7 Safety by Design

The Council requires the design of new development to contribute to safer communities, to help with the reduction of the fear of crime.

Landscaping

- 7.39** The design and use of spaces between and around buildings are as important as the design of the buildings. A poorly landscaped, leftover piece of land will detract from the quality of the built environment. A carefully landscaped piece of open space will benefit local residents and users both in terms of amenity land and in providing a buffer between the development and adjoining land. The incorporation of landscaping is important for increasing biodiversity and habitats and encouraging wildlife into urban areas. Within the district, particularly in Welwyn Garden City and Hatfield, there is a strong tradition of verges which the Council wish to see

- (i) The development should contribute to the viability of the unit and must be compatible with continued farming operations;
- (ii) It would provide employment and contribute to the local economy;
- (iii) It would be sustainable in terms of its impact on rural traffic and the surrounding environment; and
- (iv) It would accord with Green Belt policies.

Re-use of Rural Buildings

- 15.40 Diversification may involve the re-use of existing rural buildings. PPS7 on 'Sustainable Development in Rural Areas' supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations and for some types of building. There are many acceptable types of business activity, including tourism, but the main concern is that the proposal should not result in over-intensification of the site, which would not be sustainable in a rural area, due to its impact on travel, traffic generation, and the character of the countryside. Rural buildings may also be of importance for biodiversity, for example old barns are often used by bats. Re-use should be sympathetic to these and other protected species, and help to meet the targets and priorities set out in the local Biodiversity Action Plan.
- 15.41 The re-use of buildings should not require substantial alterations to enable a new use, for example, building walls to an open-sided barn. Some existing buildings are unsuitable for retention because their siting, design and building materials have an adverse effect on the visual amenity of the area. Re-use of such buildings will not usually be acceptable.
- 15.42 There are concerns about buildings constructed under agricultural permitted development rights being converted to a new use without having ever been used for agriculture. In this case the Council would require evidence that the building was used for agriculture for a reasonable time and why it is no longer required.
- 15.43 Some rural buildings are of historical interest in that they are listed or form part of a group or historic farmyard or are within a registered Historic Park or Garden. These are dealt with in the Resources section of the Plan.

Policy RA17 - Re-use of Rural Buildings

The change of use or adaptation of rural buildings will be permitted provided that:

- (i) The proposed use and any proposed extensions or alterations is are in accordance with Green Belt policies;
- (ii) The intensity of use of the site does not substantially increase;
- (iii) Any increase in traffic generated from the site is acceptable in environmental and highway terms;

- (iv) There would be no adverse effects on protected species, identified in Policy R16 or other species, identified in the local Biodiversity Action Plan, which use such buildings;
- (v) The new activity is in sympathy with its surroundings and there is no adverse effect on the amenity of nearby residential properties and other uses;
- (vi) The existing structure is of a permanent nature and is not in such poor repair that it could only be brought back into use by complete or substantial reconstruction;
- (vii) Any proposed alterations would be in accordance with the design policies in the plan and the Supplementary Design Guidance; and
- (viii) In cases of agricultural buildings erected recently as a result of permitted development rights, clear evidence must be given to establish why the building is no longer suitable for agricultural use.

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 addition, consideration will be given to the contribution made by the existing use to the rural economy and whether its loss would prejudice village vitality.

New Agricultural Buildings

15.44 Part of the attractiveness of the rural landscape is the way that buildings can enhance it. Development needs to respect its setting and the local context in terms of scale, design, materials and location and should contribute to a sense of local identity. The use of village design statements and the classification of landscape character will be helpful. Some agricultural buildings do not require planning permission; those that do are defined in the Town and Country Planning (General Permitted Development) Order 1995. There is a requirement on farm units of five hectares or more that the farmer or other developer must apply to the local planning authority for a determination as to whether their prior approval is needed for certain details. There are also stricter limitations on permitted development on small agricultural units of less than five hectares but greater than 0.4 hectares in area.

Policy RA18 - New Agricultural Buildings

Where planning permission is required for new agricultural buildings, consent will only be granted where:

- (i) The proposal would not harm the character of the surrounding landscape in terms of its siting, design and appearance;
- (ii) It would accord with the design policies of the Plan and the Supplementary Design Guidance;
- (iii) It would have no adverse impact on the amenities of nearby residential properties and other uses.

SCHEDULE 1

POLICIES CONTAINED IN WELWYN HATFIELD DISTRICT PLAN 2005

Policy Ref	Policy Subject
SD1	Sustainable Development
GBSP1	Definition of the Green Belt
GBSP2	Towns and Specified settlements
GBSP3	Area of Special Restraint and Structural Landscape Area
R1	Maximising the use of previously developed land
R2	Contaminated Land
R3	Energy Efficiency
R4	Renewable Energy Sources
R5	Waste management
R6	River Corridors
R7	Protection of Ground and Surface Water
R9	Water Supply and Disposal
R10	Water Conservation Measures
R11	Biodiversity and Development
R13	Site of Special Scientific Interest
R14	Local Nature Reserves
R15	Wildlife Sites
R17	Trees, Woodland and Hedgerows
R18	Air Quality
R19	Noise and Vibration Pollution
R20	Light Pollution
R21	Telecommunications Development
R24	Character Appraisals and Enhancements
R27	Demolition of Listed Buildings
R28	Historic Parks and Gardens
R29	Archaeology
M1	Integrating Transport and Land Use
M2	Transport Assessments
M3	Green Travel Plans
M4	Developer Contributions
M5	Pedestrian Facilities
M6	Cycle Routes and Facilities
M7	Equestrian Facilities
M8	Powered Two-Wheelers
M9	Bus and Taxi Facilities
M11	Rail Freight Depots
M12	Operational Transport Land
M14	Parking Standards for New Development

M15	Panshanger Airfield
D1	Quality of Design
D2	Character and Context
D3	Continuity and Enclosure
D4	Quality of the Public Realm
D5	Design for Movement
D6	Legibility
D7	Safety by Design
D8	Landscaping
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D10	Public Art
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D12	Development Briefs
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IM2	Planning Obligations
H1	New Housing Development
H2	Location of Windfall Residential Development
H3	Loss of Residential Accommodation
H4	Conversion of Residential Accommodation
H6	Densities
H7	Affordable Housing
H9	Special Needs Housing
H10	Accessible Housing
H12	Travelling Showpeople's Quarters
H13	Gypsy Sites
OS1	Urban Open Land
OS2	Playing Pitch Provision
OS3	Play Space and Open Space Provision in New Residential Development
OS4	Allotments
CLT1	Protection of Existing Leisure Facilities
CLT2	New and Expanded Leisure Facilities
CLT3	Stanborough Park
CLT4	Arts and Cultural Facilities
CLT6	Hotels
CLT7	Community Use of Education Facilities
CLT8	New and Extended Education Facilities
CLT9	Use of Redundant Education Facilities
CLT10	Nurseries and Childcare Facilities
CLT13	Loss of Community Facilities
CLT14	Places of Worship
CLT15	Health Centres and Surgeries
CLT16	Queen Elizabeth II Hospital
CLT17	Care in the Community

EMP1	Employment Areas
EMP2	Acceptable Uses in Employment Areas
EMP3	Mixed Use Development Site at Broadwater Road West
EMP4	Car Sales and Showrooms
EMP5	Mix of Unit Sizes
EMP6	Small Business Units
EMP7	Provision for 'Dirty User' Industries
EMP8	Employment Sites Outside of Employment Areas
EMP9	Training
EMP10	Childcare Facilities
EMP11	Local Recruitment
EMP12	University of Hertfordshire
TCR1	Retail Development in Town Centres and Edge of Town Centre
TCR2	Retail Development in Village and Neighbourhood Centres
TCR3	Out of Centre Retail Development
TCR4	WGC: Town Centre North Development Site
TCR5	WGC: Campus East Development Site
TCR6	WGC: Land at the Southern Side of the Town Centre
TCR7	Retail Frontages in WGC Town Centre
TCR8	Mixed Use Frontages in WGC Town Centre
TCR10	WGC: Acceptable Uses Outside of the Primary Retail Core (The Campus)
TCR11	WGC: Acceptable Uses Outside of the Primary Retail Core (Parkway and Church Road)
TCR13	Environment of WGC Town Centre
TCR14	Hatfield: Redevelopment of Land at Eastern End of Town Centre
TCR16	Retail Frontages in Hatfield Town Centre
TCR17	Mixed Use Frontages in Hatfield Town Centre
TCR19	Hatfield: Acceptable Uses Outside of the Primary Retail Core (Lemsford Road)
TCR20	Hatfield: Acceptable Uses Outside of the Primary Retail Core (The Common)
TCR23	Large Neighbourhood Centres
TCR24	Old Hatfield
TCR25	Small Neighbourhood Centres
TCR26	Large Village Centres
TCR27	Small Village Centres
TCR28	Loss of Individual Local shops
TCR29	Markets
TCR30	Car Boot Sales and Other Temporary Sales
TCR31	Amusement Centres
TCR32	Petrol Filling Stations
HATAER1	Hatfield Aerodrome: Sustainable Development of the Site
HATAER2	Hatfield Aerodrome: Mixed Use
HATAER3	Hatfield Aerodrome: Requirement for a Master Plan
HATAER4	Hatfield Aerodrome: Land Use Proposals
RA2	Development in Settlements in the Green Belt

RA3	Extensions to Dwellings in the Green Belt
RA4	Replacement of Dwellings in the Green Belt
RA5	Major Developed Sites in the Green Belt (Limited Infilling)
RA6	Major Developed Sites in the Green Belt (Redevelopment)
RA7	Royal Veterinary College
RA8	Brookman's Park Transmitting Station
RA9	Cemeteries and Memorial Gardens
RA10	Landscape Regions and Character Areas
RA11	Watling Chase Community Forest
RA12	Protection of Village Facilities
RA13	Mixed Use in Villages
RA14	Rural Exceptions Sites
RA15	Agricultural Land
RA16	Rural Employment and Diversification
RA17	Re-Use of Rural Buildings
RA18	New Agricultural Buildings
RA19	Temporary Agricultural Accommodation
RA20	Permanent Agricultural Dwellings
RA21	Leisure and Tourism in the Countryside
RA22	Golf Courses
RA23	Motor Sports and Other noisy Recreational Activities
RA24	Riding and Livery Stables
RA25	Public Rights of Way
RA26	Bridleways
RA27	Greenways
RA28	New Development Using Rural Roads



MILLGATE HOUSE, RUSCOMBE LANE,
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Concierge Role & Duties – Essendon Park, Essendon

Primary Duties:

- Maintain image and presentation of development
- First point of contact when entering the development
- Oversee all maintenance issues, by co-ordinating all work by approved contractors
- Control all deliveries and guests where necessary to the development
- Be point of contact at all times for Bedwell Park residents when needed
- Monitoring CCTV cameras & keep an eye on properties when residents are away
- Chauffeur residents at set times into local agreed destinations i.e. school runs etc
- Organise / co-ordinate requests needed by residents from select menus of 'tasks'
- Organise residents meetings and management company meetings

Hours of Work:

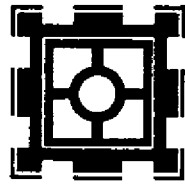
7.00am – 7.00pm Monday – Friday and 8.00am – 6.00pm Saturdays and Sundays

Location:

To be based within current Marketing Suite

'Tasks':

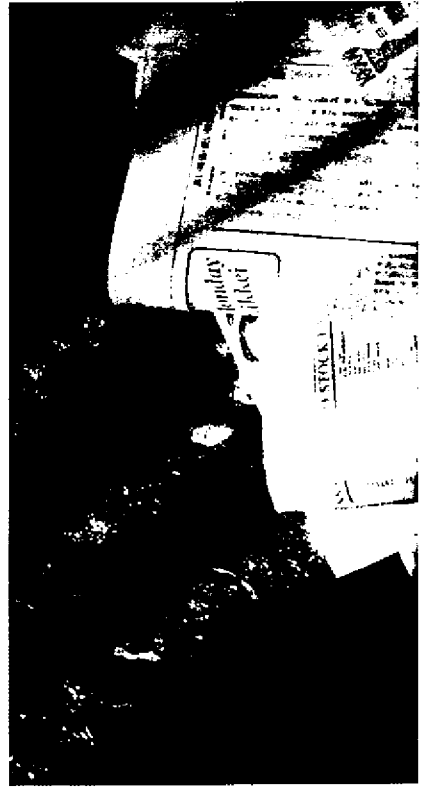
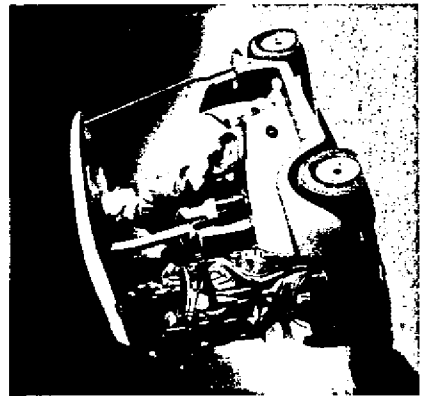
- Organise taxis
- Organise deliveries
- Help book theatre tickets / flowers / caterers / cleaners
- Arrange for car cleaning / valeting
- Mail forwarding (if required)
- Providing local information and contacts



THE COURTYARD

The concierge facility at Essendon Park is designed to make everyday life as simple as possible — revolving around your exact needs. Services provided include receiving deliveries, sourcing specialist staff such as gardeners, chauffeurs and cleaners, and discreetly checking the security of the private homes and estate grounds. The concierge can also book your personal golf lessons at the Hatfield London Country Club and sessions on the estate's private, all-weather tennis court.

With lifestyle management only a phone call away, the Essendon Park concierge service lets you run your life with consummate ease.



WELWYN HATFIELD COUNCIL – DEVELOPMENT CONTROL
DELEGATED REPORT

APPLICATION No:	S6/2008/1653/FP
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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.

DESCRIPTION OF PROPOSAL:

The proposal seeks retention of the current sales building as a concierge office. The building is located towards the front of the development site, to the RHS of the main access road into the site, where it forms a 'cross-roads'.

The building has a footprint of 10 x 14 metres (which includes the overhang of the verandah and maximum height of 4.8 metres. The building is finished in timber weatherboard (cream coloured) and shingle roof.

PLANNING HISTORY:

S6/2008/0557/FP Erection of tennis court changing pavilion - refused

S6/2007/1408/FP Swimming pool - allowed

S6/2007/0592/FP Swimming pool and summer house – refused – 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

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
Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

Would appear to contravene Green Belt policy. If WHBC minded to agreed it, should be
subject to an agreement that it is not to be used as a dwelling.

REPRESENTATIONS

None. Period expired 26th September

DISCUSSION:

The main issues are:

1. Impact on the Green Belt
2. Impact on the character and setting of the listed building / registered garden
3. Impact on the landscape region
4. Design of the development
5. Other Material Planning Considerations

1. Planning Policy Guidance Note 2: Green Belts defines developments that are appropriate within the Green Belt. This development is being considered as a 'new' building due to the circumstances under which it was originally permitted to be built. Temporary buildings are permitted development under the General Permitted Development Order, Schedule 2, Part 4 when they are associated with other operations. In this case the building is permitted due to being a sales building in connection with the housing development.

Those new buildings defined as appropriate development do not include concierge offices and therefore it is for the applicant to demonstrate the very special circumstances (vsc) to outweigh the harm to the green belt (paragraph 3.12).

The applicant has submitted:

"The proposed concierge service and hence the concierge office is an integral part of the whole development. The cabin has been sited so that it is part of the wider residential development within the Green Belt and as such it does not have any detrimental effect on the Green Belt as it does not result in the spread of development within the Green Belt."

There are very special circumstances to allow this development in the Green Belt, in that the proposal does not result in the spread of development in the Green Belt, the amount of development even with the concierge's office is less than there was on site prior to the approved residential development. The concierge office is well screened and therefore not visible from the wider Green Belt."

The first paragraph has not been submitted as part of the case for vsc (the second part of the paragraph is repeated within the paragraph below it, however) and even if it had it is not considered that the issues outweigh the harm caused by the development. If the office had been considered to be an 'integral part of the whole development', it is questioned why this was not submitted with the original planning permission in 2006. Notwithstanding this, the statement is not supported as to why it is an integral part of the whole development and as such very limited weight can be attached to this claim.

PPG2 paragraph 1.4 defines the intentions of the policy – "...to prevent urban sprawl by keeping land permanently open, the most important attribute of Green Belts is their openness" and then goes further to discuss the purposes of including land and use of land within the Green Belts. The building is inappropriate, large and visible from a variety of vantage points from within the wider setting of Bedwell Park and as such is considered to '...result in the spread of development in the Green Belt...' and thus fails to keep the land open.

In relation to the claim that the amount of development 'even with the concierge's office is less than there was on site prior to the approved residential development' can only be described as ridiculous. The new build comprised the courtyard dwellings (12 new build units), garage block, tennis court house as well as alterations to the building within the Walled Garden add up to in excess of an increase in footprint of 2000m². This is taking into account the small amounts of demolition that were associated with the development and does not include the overall bulk of the development as it does not include, where applicable first floor accommodation.

X Many planning applications and appeal decisions have discussed the issue of landscaping and screening that this might provide. Whether landscaping is present or not – or even further proposed, as is indicated within the Design & Access statement, this does not make a development that is inappropriate appropriate – if it were it would be an obvious route for all developers to take to 'hide' their developments. Furthermore, it is not agreed that the landscaping provides screening throughout the year. In summer months, with leaves on the trees the impact of the building is somewhat minimised (although still visible at the time of site visit in September), but in winter this screening would be lost. The building, as previously mentioned, is also viewable from more aspects than just the main access road and surrounding hard surfaces, so this argument is not justified.

It is also questioned as to whether the applicant/developer is referring to the correct site within the D & A statement. The conclusion refers to "...Grade II Listed Building known as The Philippines..." (para 8.4) and Bedwell Hall has been re-named as 'The Grange'. Furthermore, paragraph 8.5 refers to planning application SE/03/00532/FUL which even considering there might be a slight typing error is nothing like the planning application number that the wider residential development was originally approved under being S6/2006/0365/FP.

2. The building, in relation to its impact on the character and setting of the listed building is set a reasonable distance away. The existing development, in the form of the garage courtyard dwellings already has some impact on the wider impact. However, the mature landscaping on the site does ensure that the main view through to the listed building is framed and that the new buildings are seen only as peripherals as part of the wider spatial impact. As such it is considered that the development does not detract to the detriment on the character and setting of the listed building.

For similar reasons, it is considered that the building does not harm the historic park and garden and does not harm the contribution the historic garden has upon the character of the area.

3. The character appraisal for this area is to 'improve and restore'. The strategy for undertaking this aim requires woodland to be protected, areas for biodiversity to be enhanced, hedgerows to be provided. It is considered that whilst the development does not contribute to any of these aspects, it does not cause harm or interfere with the strategy aimed for and as such is not contrary to policy RA10 of Welwyn Hatfield District Plan and ENV2 of East of England Plan.

4. The design of the building for a sales building is quite attractive. It has been built in materials that are traditional and whilst the building is quite 'twee' when compared to the main listed building, however it is not considered to be so out of character that it fails to comply with local design policy (D1).

5. The applicant has submitted information on how the development would contribute towards sustainability which includes materials used were from a managed source, improve health and safety due to permanent presence on site and provides employment. This is fairly limited in the contribution that it provides, however it is not considered that is significantly fails to achieve sustainability and is therefore acceptable.

CONCLUSION:

The development is considered to be inappropriate due to not falling within any of the definitions of acceptable new buildings within PPG2. The very special circumstances advanced by the applicant are not considered to be adequate to outweigh the harm that this development has upon the openness of the Green Belt and as such should be refused.

RECOMMENDATION: REFUSAL AND REASON (S)

1. The change of use of the temporary sales building to a concierge office is considered to represent a new building in relation to the criteria of PPG2: Green Belts due to the building

originally being permitted by virtue of Class 4 of the Town and Country (General Permitted Development) Order 1995. The building does not fall within the definition of any the purposes described with paragraph 3.4 of PPG2 and therefore, is considered to be inappropriate development. Inappropriate development is by definition harmful to the Green Belt and it is considered that the very special circumstances advanced are not accurate in relation to the amount of development on the site being "...less than there was prior to the approved residential development". More than 2000m² footprint increase was permitted as part of the case for enabling development. Furthermore, the harm caused by the development is not outweighed by the limited screening that the landscaping provides and would be provided with the removal of car parking spaces. Therefore, no very special circumstances are apparent in this case, and the proposal would be contrary to Planning Policy Guidance Note 2: Green Belts.

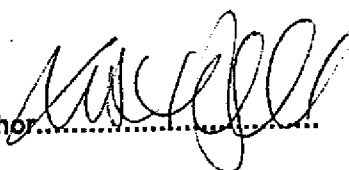
INFORMATIVES:

None

DRAWING NUMBERS:

BP/MSU/CON/01 & BP/MSU/CON/02 & BP/MSU/CON/03 & BP/MSU/CON/04 & BP/MSU/CON/05 and date stamped 22nd August 2008

Signature of author.....



Date.....

3rd Oct '08