

**WELWYN HATFIELD BOROUGH COUNCIL
DIRECTORATE OF STRATEGY AND DEVELOPMENT**

DELEGATED APPLICATION

Application No: 6/2016/1677/MAJ
Location: Blue Moon Paddock, Woodfield Lane, Brookmans Park
Proposal: Demolition of existing redundant structures and erection of single family dwelling house, together with associated tree planting scheme (part of Centenary Woods project sponsored by Woodland Trust); landscaping and car parking
Officer: Mr M Peacock

Recommendation: Refused

6/2016/1677/MAJ

Context	
Site and Application description	<p>The site is approximately 1.33 hectares in area and comprised of land to the north of Woodfield Lane and to the west of Chestnut Farm. At the north of the site is a former paddock area with dilapidated stable and barn in the northeast corner. The site is accessed via an unmade track which runs along the eastern boundary from the road to the stables. The south of the site has a wooded area although tree cover is fairly sparse and patchy.</p> <p>The proposal is an amended scheme to an earlier withdrawn planning application (S6/2015/0524/FP) of February 2016.</p>
Constraints (as defined within WHDP 2005)	<p>The site lies within the Metropolitan Green Belt and the West End to Brickendon Wooded Slopes Landscape Character Area as designated in the Welwyn Hatfield District Plan 2005.</p> <p>The site also lies wholly within Chestnut Farm Meadows Local Wildlife Site (Ref: 70/080). This has been identified on the basis of its grassland interest, which was (at the time of selection) regarded as species-rich acid / neutral grassland.</p>
Relevant planning history	<p>S6/2016/S005/PA – Demolition of existing redundant structures and the erection of single family dwellinghouse, together with associated tree planting (part of Centenary Woods project sponsored by Woodland Trust); landscaping (including poppy field supported by British Legion)</p> <p>The pre application advice letter dated 14 March 2016 concluded the following:</p> <p>“The proposal has been found to be unsustainable, with regards to environmental, social and economic factors.</p> <p>The proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the openness of the Green</p>

	<p>Belt and would result in the encroachment of built form into the countryside and would fail to assist in urban regeneration, conflicting with two of the five purposes of including land within the Green Belt. To these factors I attach substantial weight.</p> <p>There would be harm to the landscape character and appearance of this rural area and to established, protected, vegetation at the site, to which I afford significant weight.</p> <p>The proposal would contribute to the housing stock of the Borough and would be constructed using environmentally sustainable techniques. However, given the unsustainable nature of the proposal and other identified harm, the benefits in this regard are not considered to be of sufficient weight to outweigh the identified harm.</p> <p><i>Furthermore, it has not been evidenced that the building is truly innovative or outstanding. Even if it were, there is still considerable identified harm that must be outweighed.</i></p> <p>Taking all matters into consideration, the considerations in support of the proposal do not outweigh the harm that arises. The very special circumstances that are therefore required to outweigh identified harm do not exist."</p> <p>S6/2015/0524/FP – Erection of dwelling house, creation of a Centenary Wood and Poppy field and hardstanding following the demolition of redundant structures (Withdrawn 16/02/2016).</p> <p>S6/1990/0063/FP – Erection of a block of four loose boxes and one tack room (Granted 02/03/1990). Condition 2 of this permission states:</p> <p>1. <i>The stable block hereby approved shall only be for the use of Mrs P Stare and her family at all times and shall not be used for commercial purposes including a riding school and livery use at any time in the future.</i></p> <p><i>REASON: To ensure that no commercial stabling or livery use takes place which would be contrary to the Green Belt Policies of the Welwyn Hatfield Draft District Plan.</i></p>		
Consultations			
Neighbour representations	Support: 2	Object: 1	Other: 0
Publicity	Site Notice Display Date: 12 September 2016 Site Notice Expiry Date: 3 October 2016 Press Advert Display Date: 14 September 2016 Press Advert Expiry Date: 28 September 2016		
Summary of neighbour responses	Summary of reasons for support: <ul style="list-style-type: none"> • The existing buildings do little to enhance the area • The proposed dwelling is environmentally friendly, sympathetic in its design and will be discreet within its setting. • The materials have been carefully considered and will greatly enhance the site and will provide a model for how new methods of 		

	<p>construction and natural surroundings can work together.</p> <ul style="list-style-type: none"> • Careful consideration has been given to parking which means that local roads will not become congested. • The associated benefits of the tree management, new tree planting and poppy field which will make a much needed fund raising opportunity for the British Legion can only be a positive thing. • Public access would benefit local residents. <p>Summary of reasons for objection:</p> <ul style="list-style-type: none"> • The proposed building will clearly have a greater impact on the openness of the Green Belt. • Apart from the materials the design does not appear to be out of the ordinary. • There is no clear case presented to demonstrate why this is necessary or how the dwelling creates a 'unique' opportunity and the woodland cannot be managed without it. • Apart from the possible use of the site as an educational facility for local schoolchildren, there is no case demonstrated of wider social benefit, nor is any economic case presented.
Town / Parish representations	<p>Hatfield Town Council: No response</p> <p>North Mymms Parish Council: "North Mymms Parish Council object to this planning application. This is speculative development and inappropriate in the Green Belt, where it will affect openness. There are no special circumstances to warrant this large proposal, which is not exceptional in quality or innovative in the nature of its design. The proposal is large both in area and height and must exceed the footprint of the temporary stables which currently exist. It would need a new driveway, which would have a material effect on Green Belt."</p>
Consultees and responses	<ul style="list-style-type: none"> • Hertfordshire Fire & Rescue Service: Seek the provision of fire hydrant(s), as set out within Hertfordshire County Council's Planning Obligations Toolkit. • Hertfordshire Transport Programmes & Strategy: No objection subject to suggested informatives. • Lead Local Flood Authority: No objection subject to suggested conditions. • Hertfordshire Ecology: No objection subject to suggested conditions. • Herts & Middlesex Wildlife Trust: No response • Welwyn Hatfield Borough Council Landscape & Ecology: No response • Councillor Stephen Boulton: No response • Councillor John Dean: No response • Councillor Jonathan Boulton: No response
Relevant Policies	
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input checked="" type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 Others: SD1, R1, R11, R17, R20, H1, H2, D8, RA10, RA16	
Main Issues	
<p>The main planning issues to be considered are:</p> <ol style="list-style-type: none"> 1. The principle of the development within the Green Belt (Local Plan Policies GBSP1, GBSP2 & the Framework) 	

- Appropriateness (the Framework)
 - Openness, character and appearance (Local Plan Policies D1, D2, D8, RA10, SDG & the Framework)
 - Purpose of including land in the Green Belt (Local Plan Policies GBSP1, GBSP2 & the Framework)
2. The quality of design with particular regard to the residential amenity and living conditions of neighbouring occupiers and future occupiers (Local Plan Policies D1, R19, SDG & the Framework)
 3. Access, impact on the highway network and parking provision (Local Plan Policy M14 & the Framework)
 4. Protected species (Local Plan Policy R11, R20 & the Framework)
 5. Principle of development with regards to sustainability (Local Plan Policies SD1, H1, H2, GBSP1, GBSP2 & the Framework)
 6. Very special circumstances and the overall planning balance

1. The principle of the development within the Green Belt

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The main issues to consider in terms of Green Belt policy, therefore, are the appropriateness of the development; the effect on the purposes of including land in the Green Belt; the effect on the openness of the Green Belt and the impact on the visual amenity of the Green Belt; if it is inappropriate development are there any very special circumstances to justify its approval.

Appropriateness

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) indicates at paragraph 89 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless they fall within certain specified exceptions including *“the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether in redundant or continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development”*.

Whilst this exception is not reflected in the adopted Local Plan, it represents up to date Government policy and is therefore a material consideration that carries substantial weight.

The Glossary to the Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. The definition excludes, amongst other things, land that is or has been occupied by agricultural buildings. It is accepted that, unless horses are used for agricultural purposes, the stabling of horses would not comprise an agricultural use.

In this case there is no evidence to suggest that the horses previously stabled on the site were for used for agricultural purposes, therefore, the existing structures are considered to fall within the definition of previously developed land for the purposes of the Framework.

It is apparent, however, that two conditions must be met in order for development to meet the specified exception. Proposals must not *“have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development”*. These tests are considered below.

Openness, character and appearance

Paragraph 79 of the Framework highlights *“the essential characteristics of Green Belts are their openness and their permanence”*. There is no definition of openness in the Framework but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. The physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen.

Notwithstanding the above, it is acknowledged that openness goes beyond physical presence and that the visual sense openness is a qualitative judgement pertaining to the whole, including disposition of buildings, footprint, height, bulk, mass, roofscape, landscape and topography.

In this case, the cumulative footprint of the existing buildings to be demolished measures approximately 168sqm (including the stable canopy). By comparison, the footprint of the proposed new building would measure approximately 253sqm, which is an increase of 50.6%.

The submitted Sectional Drawing (P/310 A) shows the height of the existing barn and stable as 3.98m and 3.25m respectively (Elevation B). By comparison, the proposed new building would measure approximately 7.2m in height, which is an increase of 81% and 122% respectively.

The volume of the barn is approximately 160m³ and the stable is approximately 261m³, giving a total existing volume of 421m³. By comparison, the proposed new building would have a volume of approximately 1,188m³, which is an increase 182%.

The proposed building is demonstrably larger, taller and bulkier than the relatively modest structures that it would replace. The proposal would therefore introduce more built development and physical permanence than exists at present.

Turning to the effect of the development on the appearance and character of the surrounding area. The accompanying Planning, Design and Access Statement describes how the Applicant has sought to minimise the visual impact of the dwelling through its design, which is intended to have “barn like proportions” incorporating a steeply pitched roof and low level eaves. It is also proposed to finish the exterior of the building, including the roof, in a charred larch cladding with a feature gable of highly polished and reflective stainless steel panels. The polished stainless steel is intended to reflect the surrounding landscape whilst “adding visual interest and an element of drama” to the design.

Dwellings are not, as a matter of general principle, normally regarded as contributing positively to the visual amenity of the countryside. In the present case, the existing stable and barn are lightweight timber structures which are essentially rural in nature and quite unobtrusive in the landscape. In contrast, they would be replaced by a permanent dwelling of more substantial construction and appearance.

The Planning, Design and Access Statement suggests that the materials proposed, together with the use of water, will ensure that the building will blend in seamlessly with its natural

surroundings. This assessment is considered to be over-generous. Charred larch is, more or less, black in colour and would be conspicuous against the surrounding landscape and the skyline. Polished stainless steel is arguably more suited to an urban environment and, because of its unnatural and unsympathetic appearance, would jar with the rural character of the application site. Natural materials, sympathetic to the rural setting would be more appropriate, such as a natural timber that can weather in harmony with the surrounding woodland.

In respect of the wider setting of the building, the site lies wholly within West End to Brickendon Wooded Slopes Landscape Character Area. Saved Policy RA10 for development within Landscape Character Areas states that:

“Proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in Welwyn Hatfield Landscape Character Assessment.”

This is consistent with paragraph 109 of the Framework, which states that the planning system should contribute to and enhance the natural and local environment by, among things, protecting and enhancing valued landscapes.

The Landscape Character Assessment describes the strategy for managing change in this area is to *“conserve and strengthen”*. The strategy and guidelines include the following bullet points which are considered relevant to this planning application:

- *“development proposals that would result in permanent change to the historic landscape character of this area will not be permitted...”*
- *promote through education and access the multiple uses of ancient woodland and woodland products...*
- *encourage the management of woodland to ensure age diversity, a species-rich ground flora and a variety of management types, such as high forest, coppice, coppice-with-standards and wood pasture...*
- *promote the planting of locally indigenous species only, of local provenance where possible”*

The proposal includes new planting to reinforce the existing woodland, with on-going management to be provided by the Applicant. Also, that the Applicant is proposing to allow some degree of community access to the site, possibly involving Chancellors School. Whilst these aspects of the proposals would accord with the strategy for managing change in this area and are welcomed, the development as a whole would result in permanent change to the historic landscape character of the area which should not be permitted.

For reasons explained above, the proposed building is demonstrably larger, taller and bulkier than the relatively modest structures that it would replace. The unnatural materials would also contrast with the rural setting of the site. The result would be a building which is bulkier and more prominent when compared to the two existing structures on the site.

In addition to the physical form of the building, the introduction of a dwelling would markedly change the character and appearance of the site from one that is quite typical of countryside to one that is overtly residential in nature. Although the curtilage could be tightly drawn, outdoor areas would be likely to have an element of associated domestic paraphernalia, as evidenced by the existing situation. For example, it was noted during the site visit that a large children’s climbing frame with swing and a slide had been brought onto the site and located within the paddock approximately 40m west of the existing stable building. It was also noted that a close boarded fence and gates, approximately 2m in height, had recently

been erected along the southern boundary of the site with Woodfiled Lane, without the benefit of planning permission. It is considered that the addition of further enclosing fences and ancillary domestic structures, patio areas, residential-style landscaping, play equipment, washing lines and a range of other domestic paraphernalia would be probable in the event that planning permission were granted for a residential use. All of these, as well as additional vehicles parked on the site, would be incongruous additions to the woodland and grassland character of the site and would not in keeping with the rural landscape.

During the application process and pre-application meeting there have been discussions on how the impact of residential paraphernalia can be reduced by clearly defining a residential curtilage and removing permitted development rights for extensions and alterations to the building, as well as permitted development rights for outbuildings, enclosures and hard surfacing. Whilst these measures may go some way towards limiting the impact on the openness, character and appearance of the site, the harm would not be entirely overcome and it remains questionable how effective these measures would be especially in terms of enforceability.

The proposed Site Plan (P/502), Block Plan (P/511) and Tree Planting Plan (P/508) show the access road and parking area as well as what appears to be a water feature and areas of grass lawn or planting beds. A small "wildflower meadow" is also annotated on the drawings adjacent to what is presumably a more formal lawn. The submitted "Comparative Visual Assessment" appears to support this interpretation, whilst also showing some form of low level boundary treatment around the perimeter of the lawn. A detailed landscaping scheme, including boundary treatments and hard landscaping features, could be secured by condition. Whilst an appropriate landscaping scheme could be used to define the residential curtilage to be used for domestic purposes, there remains a strong likelihood that domestic uses would extend beyond the residential curtilage to the grassland beyond.

The Planning, Design and Access Statement also suggests that the Applicant is proposing a vegetable garden, chicken coop, bee hive and composting heap for food waste. Given the proposed limitations on the residential curtilage, together with the indicative landscaping shown on the submitted drawings, it is likely that these activities/uses would take place beyond the suggested residential curtilage. The application itself does not include sufficient detail to determine the scale and extent of these activities/uses, consequently there is uncertainty regarding their impact on the openness of the Green Belt and the character and appearance of the site. However, it is not considered likely that such activities/uses would be beneficial in this regard, nor would they be conducive with either the maintenance or enhancement of the grassland or woodland.

It is noted that the proposal does not include a garage or any other outbuilding which could be used as storage for items such as bicycles, garden furniture, gardening equipment, BBQs, etc. There is a strong likelihood that a future occupier would view a garage or carport as a desirable addition, even more so in this case because of the surrounding trees and the impact this can have on parked vehicles as a result of falling sap, pollen, leaves, branches, etc.

Even if permitted development rights were removed and the Local Planning Authority were able to control the future development of outbuildings, if a residential use were established, it would be very difficult to resist an application for some form of building that is reasonably required for storing equipment necessary to manage the land. This is especially pertinent in this case, given the Applicant's stated intention to manage the land themselves and to incorporate a vegetable garden, chicken coop, bee hive, etc.

Managing the woodland and grassland as well as the residential garden is likely to require equipment such as a small tractor, trailer, digger, saws, shredders, as well as workshop.

The resulting building may be substantial and it is essential that its impact is considered at the outset and ideally it should form part of the current planning application. Notwithstanding this future case, the current submission results in a demonstrably larger building than the two existing structures that it would replace.

In summary, whilst the proposed dwelling itself may not be readily seen in public views from outside of the application site that, in itself, does not overcome the fact that the development would introduce a residential use into an area of open land and this, in itself, is harmful to the rural appearance and character of the area.

Moreover, the fact that the site is not readily visible in public views is not a good argument, as it could apply to many secluded areas in the countryside, where small developments would have a cumulative and harmful impact. Notwithstanding this point, it is accepted that the immediate visual impact could be lessened to a degree through restrictions on curtilage, outbuildings, boundary treatments, gates and by reinforcing existing landscaping, which could be the subject of a conditions on a grant of planning permission. However, for the reasons described in detail above, the Local Planning Authority is not convinced that such conditions would be effective in the long term. Conditions would not overcome the fact that a residential use would be introduced into the countryside is contrary to the character of that area and local and national policy. The development would still significantly harm the openness at the site and this has been afforded substantial weight.

Purposes of including land in the Green Belt

It is necessary to consider whether the proposal would result in greater harm to the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 80 of The Framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The proposal would not be located within a built up area and, given its location and scale, would not result in neighbouring towns merging into one another. The development would also have no impact upon the setting and special character of historic towns.

However, the change of use of the land from a small scale equestrian use to a residential use would lead to a domestication in the appearance of the land, with inevitable domestic paraphernalia, boundary treatments and the parking of vehicles within the curtilage. This would have an urbanising effect on the currently rural character of the land and, together with the proposed new much larger building, would lead to encroachment in the countryside contrary to bullet point 3 of paragraph 80 of the Framework.

The submitted Planning, Design and Access Statement acknowledges that the development would result in encroachment whilst drawing comparison between the site coverage of the new building and the overall site area. On this point the Design and Access Statement concludes *“that the overall site coverage of the new building is only 2.37%”* and *“any resulting encroachment into the countryside would be minimal at worst”*. However, encroachment, and any other harm, cannot be quantified or mitigated against by comparison with the overall size of the application site. In this case the proposed residential curtilage, including the access, would cover and area land measuring approximately 985sqm which is substantial in itself.

The District Plan has a clear strategy that seeks to channel development towards larger urban areas away from more rural locations (saved Policies GBSP1 and GBSP2). To grant permission for ad-hoc development in a location which is contrary to this aim, and to national planning policies, would undermine the credibility of the Green Belt and strategic planning. The development therefore fails to assist in urban regeneration by encouraging the recycling of derelict and other urban land. This is contrary to the final bullet point in paragraph 80.

The submitted Planning, Design and Access Statement contends that *“there will be no material harm caused to the overall objective of encouraging urban regeneration by the Authority permitting one single house in this location”* and that *“there will be no material change to the pattern of development in this locality since there are existing structures in situ and there is no dispute that this constitutes previously developed land.”*

Whilst it is acknowledged that the degree of harm resulting from a single dwelling is limited in itself, this harm is nevertheless material, not least because this could apply to many areas in the countryside, where small developments would have a cumulative and harmful impact to the overall objective. In response to the second point, it is acknowledged that small structures are present on site and that it is previously developed land, however, a material change in the pattern of development would occur as a result of the proposed change in use of the land from a small scale equestrian use to a residential use. For reasons explained earlier in the report, this would have an urbanising effect on the currently rural character of the land and result in an intensification in the use of the site. Whilst the Framework enables the redevelopment of previously developed sites within the Green Belt, this does not mean that any and all uses are appropriate. The proposed redevelopment must satisfy the two policy tests, which includes having no greater impact on the purposes of including land within the Green Belt, a test which this proposal fails for the reasons outlined above.

On a final point, it would appear from the wording of condition 1 of planning permission S6/1990/0063/FP that the erection of the stable block which currently exists on the site was only approved on the basis that it was for the use of Mrs P Stare (the applicant) and her family. Granting planning permission for the proposed development would run counter to the principles established at that time, and counter to good planning which might promote the re-development of previously developed land in the Green Belt, but only if it does not lead to unnecessary encroachment into the countryside.

Taking all of the above into account, the proposal would result in residential encroachment into the countryside and would fail to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The proposal is, therefore, contrary to two of the purposes of including land within the Green Belt.

Conclusion on Green Belt

Although the proposal is considered to be located on previously developed land, the development would result in greater harm to the openness of the Green Belt and fails two of the five purposes of including land within the Green Belt when compared to the existing development at the site. The proposal therefore fails the two pre-conditions within bullet point 6 of paragraph 89 of the Framework. It must therefore be regarded as inappropriate development within the Green Belt.

Inappropriate development is harmful to the Green Belt and paragraph 87 of the Framework states that it should not be approved except in very special circumstances.

However, given that recent Case Law (*Redhill Aerodrome Ltd v Secretary of State for*

Communities and Local Government) has outlined that very special circumstances can outweigh Green Belt harm and 'any other harm', the assessment of very special circumstances will be performed at the end of this report, when all other material considerations have been assessed.

2. The quality of design with particular regard to the residential amenity and living conditions of neighbouring occupiers and future occupiers

No objections were received from neighbouring occupiers. The nearest neighbouring property would be in excess of 36m away from the proposed dwelling. Taking this into account, it is considered that the form and positioning of proposed dwelling would not impact upon the living conditions or residential amenity of the occupiers of neighbouring properties in terms of overbearing, overlooking, loss of light and noise.

Furthermore, the proposed dwelling would provide a good standard of amenity for future occupiers. In this respect, no objections are raised with regard to Local Plan Policy D1, R19 the SDG or the Framework.

3. Access, impact on the highway network and parking provision

Paragraph 39 of the Framework states that if setting local parking standards authorities should take into account the accessibility of the development, the type, mix and use of the development, availability of public transport; local car ownership levels and the overall need to reduce the use of high emission vehicles. Saved Policy M14 of the District Plan and the Parking Standards SPG use maximum standards and are not consistent with the Framework and are therefore afforded less weight. In light of the above, the Council has produced an Interim Policy for Car Parking Standards that states that parking provision will be assessed on a case by case basis and the existing maximum parking standards within the SPG should be taken as guidance only. In this case, the proposed development includes an area of hard surfacing which would provide ample off street parking to serve the new dwelling.

No provision is made for cycle parking which is contrary to the SPG and, whilst on its own is not a sufficient reason for refusal, the lack of cycle parking discourages cycling and places further reliance on journeys made by private cars which is considered in detail later in the report.

Turning to highway safety, Hertfordshire County Council Transport, Programmes and Strategy have been consulted and consider that visibility from the proposed access would be acceptable and that the proposal is unlikely to have a material impact on the local and wider road network.

Subject to relevant informatives, the proposal would be acceptable in terms of parking provision and highway safety.

4. Protected species

The presence of protected species is a material consideration, in accordance with the Framework (paragraphs 118-119), Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations 2010 (and amended 2012) as well as Circular 06/05. Furthermore, saved Policy R11 requires developments to contribute positively to biodiversity.

Hertfordshire Ecology were consulted and confirm that whilst the reptile survey has identified slow worms and other amphibian species on the site; the mitigation proposals are

acceptable. Consequently this aspect of the ecology has been satisfactorily dealt with. Should planning permission be granted, it is suggested that a landscape management plan, and its implementation, are secured by way of a legal agreement.

It is considered that the Local Planning Authority has sufficient information to be able to determine the application in accordance with its Biodiversity Duty and European Protected Species planning responsibilities.

5. Principle of development with regards to sustainability

Saved Policy SD1 states that proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied and they accord with the objectives and policies of the Development Plan. This is consistent with the 'golden thread' running through the Framework which is the presumption in favour of sustainable development (para. 14). The Framework does not adopt a narrow definition of sustainability. Indeed, it makes clear at paragraph 6 that regard must be had to the document as a whole in determining what the concept means in practice. There are three dimensions to sustainable development; social, economic and environmental. These dimensions should not be undertaken in isolation, because they are mutually dependant (paras. 7-8). However, the Framework does not require development to jointly and simultaneously achieve planning gain in each of the three dimensions. It is sufficient for all three to be considered and for a balance between benefit and adverse effects to be achieved across those three areas.

Social

In favour of the scheme is the contribution to the Borough's housing stock. However, given that the Council has identified sufficient housing supply and the proposal would encourage an unsustainable pattern of development, limited weight is afforded to this.

The personal statement which accompanied the planning application suggested that an annex would be incorporated within the new dwelling to provide accommodation for the Applicant's disabled mother.

Whilst the Local Planning Authority is sympathetic to the Applicant's personal circumstances and their intention to provide accommodation for a relative, these circumstances could apply to many other residents and properties in the Green Belt. Furthermore, personal circumstances will inevitably change overtime whereas the harm identified by the proposal building would be permanent. In this context only very limited weight can be given to the personal circumstances of the Applicant.

Economic

In relation to the economy, the proposed development would make a small contribution in short term through the provision of employment and the sale of materials associated with the construction of the dwelling. This would be afforded only limited weight.

Environmental

The application site is located in an isolated rural location and there is no access to public transport within a reasonable walking distance. The nearest services and railway station are located within the Brookmans Park village centre, which is approximately 4km away and would be accessed either by narrow unlit roads or by crossing agricultural fields. The larger urban centres of Hatfield and Potters Bar are approximately 6-7km from the site. It is therefore probable that most journeys would be made over some distance by private car and

deliveries would also be made by vehicle. The development is, therefore, environmentally unsustainable in this regard.

Although referred to the Energy and Sustainability Statement, no provision is made for cycle storage which is contrary to the SPG and, whilst on its own is not a sufficient reason for refusal, the lack of cycle parking discourages cycling and places further reliance on journeys made by private cars which adds weight to the unsustainable location of the development in terms of transport.

As discussed in sections above, there is also a current and emerging strategy that seeks to channel development towards larger urban areas, which are more sustainable, and away from more rural locations. To allow ad-hoc residential development in the Green Belt would encourage a sporadic and unsustainable pattern of development which is contrary to this aim. This undermines the Council's strategic objectives as to where it wants to locate development.

In favour of the development is the proposed new tree planting which would, over the long term, have a positive impact on the removal of carbon from the atmosphere thereby helping to deal with climate change. There is also the potential to enhance biodiversity within the site. These ecological benefits would be subject to securing detailed landscape proposals and a suitable long term management plan. The development would also be constructed using a sustainable method and would be well insulated with a low carbon footprint.

Taking all of the above into account, the development is considered contrary to Green Belt policy, is isolated in terms of access to local shops and facilities and access to public transport. Furthermore, although located on previously developed land, the proposal would contravene the Council's settlement strategy. Whilst there would be long term benefits from tree planting and potential ecological enhancements, this does not outweigh the environmentally unsustainability location of the proposed dwelling.

Conclusion

The presumption in favour of sustainable development only applies to development which has been found to be sustainable (this is outlined in Case Law Davis and Jelson v SoS for CLG). This proposal cannot be regarded as sustainable in terms of the Framework advice on achieving sustainable development. Nor can inappropriate development within the Green Belt itself be regarded as sustainable as advised by footnote 9 to paragraph 14 of the Framework. The development is contrary to policy SD1 of the District Plan and the "golden thread" of the Framework and, therefore, should be refused on these grounds.

6. Very special circumstances and the overall planning balance

Very special circumstances

This proposal is inappropriate development within the Green Belt. Accordingly planning permission cannot be granted unless the application demonstrates Very Special Circumstances. To determine whether 'very special circumstances' exist in this instance, it is necessary to have regard to paragraph 88 of the Framework and its stipulation that:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

The Planning, Design and Access Statement, accompanying the application, sets out the

Applicant's case which is summarised below:

The 'Special' Design

The principle of using materials that have green credentials and reflect the organic and wooded setting of the building is fully supported. Apart from the proposed materials, the design of the proposed dwelling does not appear to be out of the ordinary. Whilst unusual, the use of reflective surfaces, in this case, highly polished and reflective stainless steel panels, is neither innovative nor unique to this proposal. A highly polished finish capable of reflecting the surrounding landscape may also have negative impacts, such as bird strike and glint/glare from the sunlight, however, this wouldn't be known until it was in place. There is also concern that to be genuinely reflective, this material would require regular maintenance which would be difficult to enforce over the lifetime of the development, thus rendering it ineffective for the purposes of mitigating the visual impact of the building. Whilst stainless steel is much more resistant to corrosion than regular alloy steels, in some circumstances it can corrode. For example, pit corrosion can occur if the environment is moist and the surface of the stainless steel is damaged resulting in surface discoloration. Also, exterior stainless steel can become extremely dirty and stained with watermarks, moulds, algae, lichen or other biological growth.

Although subjective and a point highlighted earlier, it could be argued that this type of material is more suited to an urban environment and that it has an unnatural and unsympathetic appearance which jars with the rural character of the application site, more so if it is not maintained to be highly reflective. Charred larch, which would have an almost black finish, is also proposed. Materials more sympathetic to the rural setting would be more appropriate, such as a natural timber that can weather in harmony with the surrounding woodland.

It has not been demonstrated that there is anything truly outstanding or innovative about the design of the scheme. As discussed elsewhere, the proposal would not enhance its immediate setting (harming the character of the area, openness and contravening two of the purposes of the Green Belt). Furthermore, achieving good quality design and being sensitive to the characteristics of the local area are prerequisites for all development as this is a requirement of the District Plan and it is a core national planning principle.

There is a suggestion within the Planning, Design and Access Statement that the proposed development would fall within the scope of paragraph 55 of the Framework. Paragraph 55 discusses the promotion of sustainable development in rural areas, particularly in relation to housing. It states that an isolated new house in the countryside might be permitted in the special circumstance of the exceptional or innovative nature of the design of the dwelling, where that design is truly outstanding or innovative, reflect the highest standards in architecture, significantly enhance its immediate setting, and be sensitive to the defining character of the local area.

Although paragraph 55 only refers to dwellings in the countryside, and does not specifically refer to new dwellings within the Green Belt, there are no restrictions as to what can constitute or be considered as very special circumstances. The Framework refers to "special circumstances" to allow isolated dwellings within the countryside. Therefore, paragraph 55 can be applied in this case, however, the standard of design and innovation would need to be increased and of a higher standard than if it were only a countryside location, given the added restriction/constraint of the Green Belt and in light of the need to demonstrate "very special circumstances", rather than only "special circumstances".

The proposal does not satisfy these requirements: the design is not truly outstanding or innovative, being traditional in form with "barn like proportions" and nothing of particular

innovation in the approach; the design would not appear to offer any features that would raise design in the area, nor represent the highest standards in architecture; there would be harm to the immediate setting of the area, and would not be sensitive to the character of the local area, for the reasons given earlier.

Sustainability

In terms of energy efficiency, the accompanying Energy and Sustainability Statement prepared by EAL Consultants suggests that the proposed dwelling could achieve the equivalent of Code for Sustainable Homes level 6. The benefits of achieving the equivalent of Code Level 6, whilst commendable, are not unique to this proposal or this site, indeed, this level of energy efficiency could be achieved by the majority of new dwellings proposed within the Green Belt. Furthermore, similar environmental benefits would arise from new dwellings built to achieve the equivalent of Code Level 6 which are not located within the Green Belt.

It should be noted that the Deregulation Act 2015 withdrew the Code for Sustainable Homes, aside from the management of legacy cases. Notwithstanding this, the nine categories of the Code for Sustainable Homes are still material considerations in their own right and will be considered against the aims and objectives of the relevant Local Plan Policies, in conjunction with the relevant chapters of the Framework and the “golden thread” of sustainability that runs through the document.

The Energy and Sustainability Statement sets out how this will be achieved with reference to the various categories of the Code for Sustainable Homes, such as Energy; Water; Materials; Surface Water run-off; Health and Wellbeing; Management; and Ecology. However, there is concern that the design approach requires more detailed resolution to ensure that the sustainability aspirations can realistically be achieved. For example, the Planning, Design and Access Statement suggests 20kW of solar panels are proposed, whereas the Energy and Sustainability Statement states “9kW photovoltaic panels could be located in the roof”. More importantly, no photovoltaic panels are shown on the submitted elevation drawings or the block plan. Clearly the visual impact of photovoltaic panels could be substantial, particularly if panels equivalent to 11kW are to be mounted on the ground as suggested by the figures above.

The Energy and Sustainability Statement also states that “*photovoltaic panels operate most efficiently when orientated to the south and inclined to about 35 degrees*”. This is not the case with the roof of the proposed building which may significantly reduce the efficiency and annual kWh yield from photovoltaic panels.

A home battery and an air source heat pump are also identified as suitable for the development, but again, no detail has been provided in respect of the location for this equipment or how it may impact upon the design and appearance of the building.

The documents which accompany this application provide very limited information in terms of the proposed building techniques. The Planning, Design and Access Statement refers to a “*pure timber design*” as well as aspirations to exceed building regulation requirements for energy efficiency by utilising thermal bridges, efficient glazing, etc. There is mention of “*framed construction and prefabricated components*” within the Energy and Sustainability Statement and the effect of thermal bridges has been factored into the SAP worksheet. However, there is no explanation as to how the timber frame is to be thermally broken to prevent thermal bridging. Overall, the level of detail provided is insufficient to judge the quality of design in regard to energy and thermal efficiency.

Furthermore, it is not considered that the Applicant has demonstrated that there is anything

truly outstanding or innovative about this scheme. Incorporating efficiency measures such as an air source heat pump system, photovoltaic panels and a home battery are now commonplace in energy efficient developments. Consequently, it is concluded that there is also only limited potential for this development to act as an exemplar of new building techniques.

On a more rudimentary level, there is concern for the proposed shape of the dwelling that is not intrinsically energy efficient. Due to its length, width and height, the building has a relatively high surface area to volume ratio, resulting in high levels of heat loss. Moreover, the orientation of the building also fails to maximise passive solar gain. To genuinely environmentally sustainable development should adopt an 'eco-minimalist' design approach, through careful selection of materials, building orientation environmental design and specification that reacts to its environment in 'passive ways rather than 'active' solutions. With careful planning an eco-minimalist design should aim to eliminate the need for complex and expensive technologies such as photovoltaic panel and air source heat pumps.

The Planning, Design and Access Statement which accompanies this application does not include an in depth site analysis or the exploration of alternative design options. These elements should serve to give a clear overview of the designs evolution in response to the unique site conditions and the wider context, such as topography, and the landscape and visual sensitivity of the site and surrounding area.

In conclusion, whilst it is acknowledged that the development would seek to minimise carbon dioxide emissions and energy use, on the basis of the information submitted, the proposals lack detailed resolution that is critical in order to ensure that the design and sustainability aspirations can realistically be achieved. Moreover, it cannot be concluded that the proposal is truly outstanding or innovative on this matter, therefore limited weight is afforded to this factor.

Woodland

New tree planting would, over the long term, have a positive impact on the removal of carbon from the atmosphere thereby helping to deal with climate change.

In terms of the impact on the Green Belt, although additional tree planting would serve to further screen the proposed development, it would take many years to establish. Consequently, tree planting would not mitigate the harm to the Green Belt which would occur as a result of the new building and its associated residential curtilage which, for the reason discussed earlier in this report, would lead to a significant encroachment in the countryside and harm to the openness of the Green Belt.

The Applicant's Personal Statement and the Planning, Design and Access Statement refer to discussions with the Woodland Trust, and the Applicant's desire to plant 100 trees to commemorate one hundred years since the outbreak of the First World War as part of the Woodland Trust's Centenary Wood project. However, it is unclear from the information provided what commitments, if any, have been secured from the Woodland Trust.

Whilst planting 100 new trees would have the potential to enhance bio-diversity, the impact on established wildlife interest of the site must be considered. In this regard, the application site falls wholly within Chestnut Farm Meadows Local Wildlife Site (Ref: 70/080) which has been identified on the basis of its grassland interest. No reference to the existing Wildlife Site status has been made and no updated / improved survey to demonstrate clear degradation of the quality of the grassland element present. The proposals for additional tree planting would damage any grassland interest that remains by modifying its natural interest. Although comments from Hertfordshire Ecology suggest that that the site may

have degraded, it remains part of a Wildlife Site for grassland and this should be adequately addressed.

Hertfordshire Ecology also advise that *“the proposed tree planting will not create a ‘woodland’ as many of the existing trees across the bulk of the site remain scattered over open ground - the new tree planting will be primarily around the edges. Whilst this would result in more of a wood pasture character, no management is proposed to manage the grassland or the trees; the proposed habitat cannot be said to resemble a restored ancient woodland in any meaningful sense.”*

The Planning, Design and Access Statement suggest that *“the proposed residential dwelling provides the commercial incentive and catalyst for the applicant to deliver this landscaping scheme, as well as his intended on-going management of the enhanced woodland.”* Whilst the commercial incentive is clear, the Local Planning Authority do not accept that this is in any way a “unique opportunity”. There is no clear case presented to demonstrate why the residential occupation of the site is necessary and the woodland cannot be managed without it. The “commercial incentive” could apply to many larger plots of land in the countryside and if planning permission were to be granted in this instance it would be difficult to resist similar applications for new dwellings in the Green Belt. Although each proposal must be considered on its own merits, repetition of this type of development would result in a cumulative impact and substantial harm.

Where woodland management or enhancement is offered as very special circumstance in favour of a proposed development, a woodland management plan must be submitted to the Council for approval and secured by a legal agreement prior to determining the planning application. However, whilst the submitted tree report includes “initial woodland management recommendations”, the proposal is not supported by a woodland management plan and no heads of terms have been submitted for the necessary legal agreement to secure these benefits.

To summarise, it is clear that any new tree planting would have a positive impact on the removal of carbon from the atmosphere thereby helping to deal with climate change and, in the long term, has the potential to enhance bio-diversity and the landscape character area. Whilst these are positive factors, they are not considered to be unique circumstances.

There are outstanding matters to be resolved in respect of the securing a long term landscape management plan and the impact of the proposal on the existing wildlife site. Furthermore, even with the best efforts of all concerned, for the new tree planting to provide significant benefits, in terms of both climate change and screening, is dependant upon successful growth which takes time and is necessarily uncertain. Assuming the best efforts of future site occupiers to maintain the planting, there must remain a risk from storm, accident or disease reducing the benefit from planting. There is no evidence as to the likelihood of such events happening, but even if the likelihood is small the harm due to exposing the development to view in this location is potentially so great as to be a very significant consideration.

For all these reasons, the proposed planting scheme is afforded only moderate weight in favour.

Other Material Considerations

There are also other related benefits to the project such as the Applicant’s intention to provide access for local schools’ nature study projects (ie. Chancellor’s School). This would provide community access for educational and recreational purpose where presently there is none. The Planning, Design and Access Statements refers to pre-application advice in this

regard and as such they are not relied upon as part of the main planks of the special case.

In summary, the Applicant was advised that paragraph 81 of the Framework which includes an obligation on local planning authorities to “*plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access...*” In terms of decision making, it is accepted that when any large-scale development or re-development of land occurs in the Green Belt, it should, so far as possible, enhance the beneficial use of the land in the Green Belt. However, beneficial use is not in itself a material factor in the inclusion of land within the Green Belt, or its continued protection.

Whilst the Applicant’s stated ambition to involve the local community in these projects is commendable, it is unclear from the information provided what commitments, if any, have been secured from the Woodland Trust, the British Legion and community groups. The application does not include a schedule of events or any written confirmation of interest from the stated community groups. Furthermore, access would need to be secured by a legal agreement for which no heads of terms have been submitted. Even in the event that a legal agreement had been submitted, there is considerable uncertainty in regards how it could be enforced and what sanctions could be applied if parties did not meet their obligations.

Notwithstanding the lack of detail in terms of the practicality of providing community access and how this would be secured in the long term, even if community groups were to be granted occasional access to the site, it would still be private land. As such, the contribution to the beneficial use of the Green Belt would be limited, especially given the extent of accessible countryside and woodland that already exists in the locality as well as three publically accessible nature reserves within approximately 5 miles of the application site, namely Northaw Great Wood (223.6ha), Gobions Wood (36ha) and Fir and Pond Woods (29ha).

Finally, it is unclear from the application documents how the erection of a dwelling on the site would assist in facilitating access to the site for educational and recreational purpose. It is in the gift of the Applicant to enable community access to the site, whether or not planning permission is granted for a new dwelling. For the reasons outlined above, this aspect of the proposal carries no weight in favour of the proposed development.

The overall planning balance

It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt. This includes an assessment of the overall benefits of the scheme and the weight that should be attributed to them. It is for the decision maker to determine the amount of weight that should be attributed to each respective element.

The proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the physical and visual aspects of openness of the Green Belt and would result in the encroachment of built form into the countryside and would fail to assist in urban regeneration, conflicting with two of the five purposes of including land within the Green Belt. Substantial weight is attached to these factors.

There would be harm to the landscape character and the appearance of this rural area which, again, has been afforded substantial weight.

Although the building would be constructed using environmentally sustainable techniques and there would be long term benefits from tree planting and potential ecological enhancements, this does not outweigh the environmental unsustainability location of the proposed dwelling which is isolated in terms of access to local shops and facilities and

access to public transport. Furthermore, although located on previously developed land, the proposal would contravene the Council's settlement strategy. Overall the proposal is harmful in terms of the environmental dimension of sustainability and this have been afforded substantial weight.

On the positive side, there would be a social benefit, albeit small, resulting from the contribution of a single dwelling to the housing stock of the Borough. However, given that the Council has identified sufficient housing supply and the proposal would encourage an unsustainable pattern of development, limited weight is afforded to this.

A further limited social benefit would be derived from the Applicant's intention to provide accommodation for a relative. However, these circumstances could apply to many other residents and properties in the Green Belt. Furthermore, personal circumstances will inevitably change overtime whereas the harm identified by the proposal building would be permanent. In this context only very limited weight can be given to the personal circumstances of the Applicant.

Taking all of the above into account, on balance, the proposal fails to achieve a benefit across the three dimensions of sustainability. This proposal cannot be regarded as sustainable in terms of the Framework advice on achieving sustainable development. Nor can inappropriate development within the Green Belt itself be regarded as sustainable as advised by footnote 9 to paragraph 14 of the Framework.

Taking all matters into consideration, the factors in support of the proposal do not outweigh, let alone clearly outweigh, the harm that arises. The very special circumstances that are therefore required to justify the proposal still do not exist.

Conclusion

In the overall balancing exercise, the proposal has been found to be unsustainable with regards to environmental, social and economic factors.

The proposal would cause harm to the Green Belt by reason of inappropriateness. It would cause harm to the physical and visual aspects of openness of the Green Belt and would result in the encroachment of built form into the countryside and would fail to assist in urban regeneration, conflicting with two of the five purposes of including land within the Green Belt.

It is not considered that the very special circumstances advanced by the Applicant are not considered would clearly outweigh the harm identified above.

The proposal would comply with national and local planning policies in terms of other material planning considerations associated with this development subject to appropriately worded conditions.

Reasons for Refusal:

1. The proposal is contrary to the settlement strategy of the Council and, on balance, fails to achieve a benefit across the three dimensions of sustainability – environmental, social and economic for the reasons discussed within the report including, but not limited to, the location and its remoteness from existing services and facilities and from existing infrastructure. This is not outweighed by the limited environmental, economic and social benefits of the scheme. As such, the proposed development is fundamentally unsustainable, contrary to Saved Policies

SD1, H1, H2, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the "golden thread" of the National Planning Policy Framework which seeks to achieve sustainable development.

2. The scale and nature of the proposed development is harmful to the openness and visual amenity of the Green Belt, in both its physical and visual aspects, and conflicts with the purposes of including land within the Green Belt by encroaching residential form into the countryside and failing to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm to the Green Belt and the other harm identified. The development therefore fails to comply with the objectives of Saved Policies GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2012.
3. The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, maintain, enhance nor strengthen the character of the wider surrounding area. As such, the proposal is not considered to comply with Saved Policy D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005 and The National Planning Policy Framework 2012.

REFUSED DRAWING NUMBERS

4.	Plan Number	Revision Number	Details	Received Date
	P/502		Proposed Site Plan	16 August 2016
	P/505		Elevations	16 August 2016
	P/511		Proposed Block Plan	16 August 2016
	P/603		Proposed Floor Plan	16 August 2016
	P/508		Proposed Tree Planting	16 August 2016
	PRI19248-03		Tree Protection Plan	16 August 2016
	PRI19248-01		Tree Reference Plan	16 August 2016
	P/600		Location Plan	30 August 2016
	P/310/A		Sectional Elevations	11 January 2017

1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision contrary to the development plan (see Officer's report which can be viewed on the Council's website or inspected at these offices).

Determined By:

Mrs L Hughes
20 January 2017