

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

**DELEGATED APPLICATION**

**Application No:** 6/2016/2098/FULL  
**Location:** Warrenwood Manor, Hornbeam Lane Brookmans Park Hatfield  
 AL9 6JF  
**Proposal:** Change of use of land to residential and retention of maintenance and storage outbuildings associated with the maintenance and upkeep of the estate and grounds of Warrenwood Manor  
**Officer:** Mrs S Smith

**Recommendation:** Refused

6/2016/2098/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site is located approximately 2km to the south of the village of Essendon. It forms part of the wider Warrenwood site which extends to 24.05ha.</p> <p>Access to the site is via Warrenwood Lane, which serves the site, a number of cottages and also forms a public bridleway. The wider site comprises of associated buildings including a stable building and manege to the north of Warrenwood Lane. To the south is the dwelling house.</p> <p>The application site is to the south of this lane and comprises of an existing detached building, the subject of this application, which is set back from the lane and accessed via the main driveway to the house. The building is to the side of the dwelling.</p> <p>The building proposed exists and provides a storage area for the equipment associated with the maintenance of the grounds.</p> <p>In addition to the above, the proposed development also includes hardstanding in the form of an access to the building together with an area of hardstanding to the front. An oil tank is proposed to the side of the main building.</p> <p>In addition, whilst not included in the application forms or the application description, the proposal would also involve the change of the use of the land to residential.</p> <p>This is a resubmission of application 6/2016/0827/FULL that was refused permission. The applicant has sought to overcome that reason for refusal by the submission of further supporting statements.</p>
<b>Constraints (as defined within WHDP 2005)</b>	GB - Greenbelt LCA - Landscape Character Area (West End - Brickendon Wooded Slopes) PAR - PARISH (ESSENDON) ROW - FOOTPATH (ESSENDON 019) WARD - HATFIELD EAST
<b>Relevant planning history</b>	6/2016/0827/FULL: Change of use from agricultural land to residential land and retention of maintenance and storage building, associated with the

	maintenance and upkeep of the estate grounds including equestrian use. Refused		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 1	Other: 0
<b>Publicity</b>	Site Notice Display Date: 10 November 2016 Site Notice Expiry Date: 1 December 2016		
<b>Summary of neighbour responses</b>	<ul style="list-style-type: none"> <li>• Objects to the development on this Green Belt site;</li> <li>• The applicant has already built at least 5 other garages to store cars and a tractor and other related maintenance materials which they have already for retrospective planning for;</li> <li>• These garages and tractor store do not relate to the barn on the other side of the road adjoining the stabled for why they have applied for retrospective planning;</li> <li>• Disheartening when buildings are built without permission and then retrospective planning applied for; and</li> <li>• This is setting a precedent for everyone to build away.</li> </ul>		
<b>Town / Parish representations</b>	None		
<b>Consultees and responses</b>	HCC Rights of Way - no response Councillor Kerstin Holman - no response Councillor Lenny Brandon - no response Councillor Caroline Gillett - no response		
<b>Relevant Policies</b>			
<input checked="" type="checkbox"/> NPPF <input checked="" type="checkbox"/> D1 <input checked="" type="checkbox"/> D2 <input checked="" type="checkbox"/> GBSP1 <input type="checkbox"/> GBSP2 <input checked="" type="checkbox"/> M14 Others RA10, R29 Supplementary Design Guidance SPG – Parking Guidance Interim Policy for Car Parking and Garage Sizes			
<b>Main Issues</b>			
<b>Principle of Development</b>	<p>The site is located within the Metropolitan Green Belt.</p> <p>The proposed development is outside the residential curtilage of the property. The land is therefore not in a residential use. The applicant outlines that the function of the outbuilding is to provide the necessary workshop and storage space for maintaining the property. The previous application 6.2016/0827/FULL outlined that the building is associated with the established residential use. The proposed therefore includes the change of use of the land to residential land. Paragraphs 89 and 90 of the NPPF, which allow certain forms of development in the Green Belt, do not have as an exception, the change of use of land. Therefore the change of use of the land is inappropriate development in the Green Belt.</p> <p>Whilst the applicant claims that this is within the residential curtilage, the residential curtilage has been defined on previous applications which does not include this part of the site. It therefore, in planning terms would have a 'nil' use.</p> <p>With regard to the proposed storage building and oil tank to the side of that building, the NPPF at paragraph 89 outlines that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Whilst paragraph 89 lists a number of exceptions, the proposed building does</p>		

not fall within any. Accordingly the proposed buildings are inappropriate in the Green Belt.

The applicant outlines that the building is on the footprint of a former timber building and concrete hardstanding. However, this former building has since been removed and consequently removal of the former building on the site does not constitute a benefit of the current scheme as it has already been removed. Therefore this former building on the site is not a material consideration in the determination of this application. Accordingly the application consists of 'new' buildings, which is inappropriate development.

With regard to the hardstanding, aerial photographs of the site from 2000 and 2010 show the site did not have hardstanding. Therefore any hardstanding that may have been there at one time, has been removed a number of years prior to the erection of this building, and has no weight in the determination of this application.

In any event that previous timber shed building, as outlined in the Design and Access Statement, was likely to have been used as a workshop and stables. Accordingly it was not in the same use as the building proposed, and was considerably smaller than that proposed, as can be seen on aerial photographs and the site location plan. Therefore the proposed building is materially larger than the one that was previously on the site as one time.

Additionally exception 6 of paragraph 89 refers to the '*limited infilling or complete redevelopment of previously development sites, where redundant of in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*'.

Whilst there may once have been a building in this location, sometime prior to the operational development, that building was small and straddled the boundary of the application site. That building has also since been removed, and as outlined above, once a building is removed, it can therefore not be a material consideration which holds any weight. The previous nature of the application site was a greenfield site. Subsequently the site cannot be considered to have fallen within the definition of previously developed land. In any event, the proposed building is materially larger than that once on the site and therefore impacts on the openness of the Green Belt and has a greater impact on the purposes of including land in the Green Belt, as discussed below.

Whilst the applicant outlines that this is an extension to a building, that original building has at some time been removed and the proposal is not an extension to it.

Accordingly, it does not fall within any of the bullet points raised in paragraph 89 and the building is inappropriate in the Green Belt.

The area to the front of the building also includes hardstanding and an access drive to the front building, which extends past the existing driveway serving the property to this proposed building. Whilst paragraph 90 of the NPPF allows for an engineering operation, this is on the proviso that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.

The new access and hardstanding, which are excessive, have introduced a more formal, urban appearance to the site which is incongruous and harmful to this rural setting. Whilst the openness of the Green Belt is preserved by virtue of the fact that there is no built form above ground level, this does not assist in safeguarding the countryside from encroachment, one of the five purposes of including land in the Green Belt. It is therefore inappropriate development.

The Framework says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF outlines 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'*. It is therefore necessary to consider whether the development causes any other harm and whether there are any other considerations relevant to the overall balance.

The NPPF outlines in paragraph 79 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts is their openness and their permanence.

The proposed building clearly reduces the openness of the site by virtue of the presence of built form. This adds further substantial harm to that identified above. Additionally, paragraph 80 outlines the five purposes of including land in the Green Belt. The most relevant in this instance to this site, is to assist in safeguarding the countryside from encroachment. The proposed building extends and spreads the existing built development on the site adding to the urbanising effects of the overall development in this rural location. The building does not assist in safeguarding the countryside from encroachment, one of the five purposes of including land in the Green Belt. This also adds substantial harm to that identified above.

The Framework advises in Paragraph 81 the importance of retaining and enhancing the landscapes, visual amenity and biodiversity of Green Belts. In addition, Chapter 7 of the NPPF emphasises the importance of good design in context and, in particular, paragraph 64 states permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Furthermore, as the site is located within Brickendon Wooded Slopes Landscape Character Area, Policy RA10 (Landscape Regions and Character Areas) is applicable which outlines that proposals for development in the rural area will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area. Policy D2 (Character and Context) outlines that the Council will require all new development to respect and relate to the character and context of the area in which it is proposed.

The proposed development, including the building, and hardstanding, would detract from the rural landscape and visual amenity of the Green Belt by urbanising the site and extending the built form into an area of land that should be open and free from development. This does therefore not retain or enhance the landscape or the visual amenity of this part of the Green Belt. Therefore the harm to the openness, purposes of the Green Belt and its impact

to the visual amenity of the Green Belt, in addition to the harm caused by being inappropriate, is substantial.

The applicant has advised that permissions approved at Warrenwood Manor, approved a substantial country house in a parkland setting with extensive landscaped grounds together with associated equestrian use and stabling. The overall estate covers an area in excess of 24ha, and just over 13ha is in equestrian use with approximately 0.59ha containing the now completed and occupied principal dwelling and its residential curtilage leaving the balance of around 10.5ha as landscaped grounds, meadows and woodland.

The applicant continues to outline that regular maintenance and management of such an extensive area of landscaping requires specialist machinery/equipment which cannot be accommodated within the domestic scale garage building adjacent to the house. A separate facility to secure tractors, harrow, load lifters toppers, scarifier, gang mowers, brush cutter etc. as well as providing covered areas for maintenance has therefore become a necessity. Once the landscaped grounds have become established sheep will be utilised to maintain selected meadows, and feed and associated equipment will be stored in the open areas of the maintenance and storage building, which will also provide cover for regular veterinary inspections/examinations necessary for the welfare of the animals. The applicant outlines that the above activities are ancillary to the use of the principal dwelling, are outside the established residential curtilage and are necessary for the proper management, maintenance and day to day up keep of the extensive estate.

In addition to the above, the applicant has submitted a statement from JSP Management Ltd. This outlines that 'to maintain as Estate like Warrenwood takes a considerable amount of time and machinery'. It outlines a typical machinery list for an estate of this size would include two garden tractors, one self propelled mower, a rotavator, a chipper, a couple of trailers, a grass harrow, a roll, ride on mowers, push mowers, a tractor mounted hedge cutter, a tractor mounted post banger and a water bowser. It outlines that these items are large and need to be stored in lockable sheds as they are a high security risk. Additionally, a lockable store is needed for hand held tools. The report outlines that one compartment should be used purely as a store for spare sheets of timber, posts, gates, hinges etc. There should also be a wood store where logs can be kept dry for the open fire. That report outlines that the Estate employs three full time estate workers and two extra part time staff during the summer. Therefore welfare facilities are required. The report concludes by outlining that the building complex is what would be expected for an estate of this size and type.

Whilst officers appreciate that the wider Warrenwood Manor site is extensive, and there is a need for the storage of equipment associated with the maintenance of the land, the size of the proposed building is excessive including two workshops, a tractor and trailer store, two plant and equipment stores, a storage area and animal feed area, seasoned log store and log cutting and drying area.

The size of the building is large. The amount of areas within it would appear to be excessively large for the justification provided by JSP Management Ltd with no robust justification provided justifying the size of this building and clarifying exactly the amount of space required for all the machinery and tools. Additionally no mention has been provided outlining why two workshops and

mess room are required together with the animal feed. Furthermore, the building also includes areas for log cutting and drying and a seasoned log store, which are excessively large and could reasonably be stored within the garage/basement attached to the dwelling.

Planning permission has recently been granted for a detached structure which in 2016 – 6/2016/0825/HOUSE which included a garage/garden store within the building. Subsequently, no justification is provided outlining why this why that building is unable to accommodate some, if not all, of the equipment required for the upkeep of this site.

The applicant outlines that the building is on the site of a former storage/stable building and concrete hardstanding. However, as advised above, the building has been removed and cannot be considered to be a replacement of that building. Additionally aerial photographs the Council hold do not show any hardstanding in 2000 or 2010. This therefore provides no weight to this application.

It is considered that the extent of hardstanding proposed is excessive which harms the openness, purposes and visual amenity of the Green Belt. The applicant outlines that the hardstanding is well concealed and is within an area centrally located between the storage buildings and has no wider impact on the rural area or surrounds. Similarly the access way to the building continues the style of the domestic access in front of the tennis court and is lined by 2 m rose beds which softens any impact. These arguments put forward do not overcome the harm to the Green Belt caused by its impact to the purposes of including land in the Green Belt. Whilst the applicant outlines that vegetation has been planted along the access drive, vegetation should not screen development that is otherwise considered to be unacceptable.

The Design and Access statement outlines that the estate had several ancillary outbuildings scattered around the dwelling which can be seen as a relevant factor that these have been amalgamated into a single building. No reference of the locations of these buildings has been submitted and in any even they have been demolished and hold no weight to the determination of this application.

Additionally the applicant outlines that the building is sited adjacent to the house and gardens and not in an isolated position. These buildings are typical of country houses and estates and typical of these rural surrounds and how the area has evolved. Due to the undulating nature of the land the impact of built development is negligible.

It should be noted that the property that was originally on the site was small and unassuming. Whilst permission has been given for a larger house, the property itself is not a country house and estate as the applicant implies. However these considerations provide no weight in overcoming the harm that has been identified, which is at odds with the character and appearance of the area. The development is inappropriate and has a detrimental impact on openness and purposes and visual amenity of the Green Belt.

It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively

	<p>amount to very special circumstances. As Lord Justice Pill said in <i>South Bucks District Council v Secretary of State for Transport, Local Government and the Regions</i> [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): “It is of the essence of very special circumstances that the applicant establishing them is in a very special category.”</p> <p>Therefore having considered those factors that are found to weigh against the proposal, which carry substantial weight, against the considerations put forward by the applicant as weighing in favour of the development, which carry limited and no weight, those considerations in favour of the proposal would not individually or collectively clearly outweigh the harm to the Green Belt such as to justify the development on the basis of very special circumstances. Accordingly the proposed development conflicts with the Framework and policies RA10 and D2 of the District Plan.</p>
<b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b>	<p>Local Plan Policies D1 (Quality of Design) aims to ensure a high quality of design. This policy is expanded upon in the Council’s Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal.</p> <p>The proposed development is single storey, weather boarded building where its overall design and appearance reflects the rural locality and site. No objections are therefore raised with regard to the framework and policy D1 and the SDG.</p>
<b>Impact on neighbours</b>	<p>Given the siting, scale and nature of the proposal, it is not considered that the proposal would impact unduly on the residential amenity of neighbouring properties.</p>
<b>Access, car parking and highway considerations</b>	<p>Access to the site would be via Warrenwood Lane and parking would be able to be provided in the site.</p>
<b>Any other considerations</b>	<p>There is a right of way along Warrenwood Lane, however the proposed development is a sufficient distance from this, to cause no undue impact. Plans of the oil tank have not been submitted, however, it is considered that this does not prejudice officers to be able to make a decision of the proposal, or indeed any person viewing the proposal.</p> <p>The applicant outlines that officers on the previous application introduced into the description that the development would involve a change of use from agricultural land to residential. The applicant outlines that the land is already residential and no change of use would be required.</p> <p>For clarity, the application site is outside of the residential curtilage of the property and whilst may be owned by the applicant, does not form part of the residential use of the site. It is land that the applicant owns which has a ‘nil’ use. Whilst appreciated that there are no animals on the site that are used for agriculture, clearly such a use of the land does not require planning permission. The proposed building which is to provide workshop and storage space to maintain the estate. Hose and gardens, would result in a change of use of the land and subsequently does need to be included in the application.</p>
<b>Conclusion</b>	
<p>The proposed development would be inappropriate development in the Green Belt, and would impact on the openness, purposes and would not retain and enhance the landscapes or the visual amenity, and thus is harmful to it where no very special circumstances are apparent. As required by paragraph 88 of the NPPF, this harm identified is given substantial weight. The proposal is therefore</p>	

contrary to the NPPF and Policies RA10 and D2 of the District Plan together with the SDG.

**Reasons for Refusal:**

1. The site is designated as Green Belt in the Welwyn Hatfield District Plan and the proposed change of use of the land to residential together with the proposed buildings are inappropriate development. Furthermore, the buildings harm the openness and the purposes of including land in the Green Belt and do not retain and enhance the rural landscape and visual amenity of this part of the Green Belt. In addition, the proposed hardstanding is inappropriate development, which also does not retain and enhance the rural landscape and visual amenity of this part of the Green Belt. No very special circumstances appear to exist which outweigh the potential harm of the development to the Green Belt by reason of inappropriateness, and the other harm identified. Accordingly the proposal is contrary to the National Planning Policy Framework and Policies RA10 and D2 of the Welwyn Hatfield District Plan, 2005 and the Council's Supplementary Design Guidance.

REFUSED DRAWING NOS:

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  
2 December 2016