

**WELWYN HATFIELD BOROUGH COUNCIL  
EXECUTIVE DIRECTOR - PLANNING, PUBLIC PROTECTION AND GOVERNANCE**

**DELEGATED APPLICATION**

**Application No:** 6/2019/2760/OUTLINE  
**Location:** Colesdale Farm Northaw Road West Northaw Potters Bar EN6  
 4QZ  
**Proposal:** Outline permission for residential development of site of up to 34 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access  
**Officer:** Mrs Elizabeth Aston

**Recommendation:** Refused

6/2019/2760/OUTLINE

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site lies between Northaw and Cuffley and is accessed via Northaw Road West. The site was originally used for agricultural purposes and contains a number of ex-agricultural buildings. The majority of these buildings are now used for commercial purposes.</p> <p>The site is located within the Green Belt.</p> <p>Outline planning permission (with all matters reserved apart from access) was refused in August 2019 for the erection of up to 38 dwellings on the site (ref. 6/2019/2760/OUTLINE). The application was refused as the proposal constituted inappropriate development in the Green Belt, and other harm was identified in relation to loss of openness and impact on the character and appearance of the area.</p> <p>This current application now seeks planning permission for the erection of up to 34 dwellings – a reduction of 4 dwellings when compared to the previously refused scheme. The application remains in outline with all matters reserved apart from access. No amendments are proposed to the access when compared to the previously refused application.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt          LCA - Landscape Character Area (Northaw Common Parkland)          PAR – Northaw and Cuffley          Wards - Northaw and Cuffley          FM10 - Flood Zone Surface Water 100mm          FM00 - Flood Zone Surface Water 1000mm          SAGB - Sand and Gravel Belt</p>
<b>Relevant planning history</b>	<p>Application Number: S6/2000/0922/FP          Decision: Granted          Decision Date: 21 August 2000          Proposal: Demolition of existing buildings and conversion of existing barns to create three residential units</p> <p>Application Number: S6/2005/0009/FP          Decision: Granted</p>

<p>Decision Date: 11 August 2005  Proposal: Renewal of planning permission S6/2000/0922/FP for the demolition of existing buildings and conversion of existing barns to create three residential units</p> <p>Application Number: S6/2007/1731/PA  Decision: Prior Approval Not Required  Decision Date: 29 November 2007  Proposal: Proposed revision to planning application S6/2005/0009/FP</p> <p>Application Number: S6/2008/2224/MA  Decision: Refused  Decision Date: 06 February 2009  Proposal: Change of use of land to C3 dwelling houses, extensions and conversion of barn to create six bed dwelling plus staff accommodation. erection of four two storey dwellings comprising of; 1x three bed, 1 x four bed, 2 x five bed dwellings and ancillary car parking and landscaping following demolition of existing buildings</p> <p>Application Number: S6/2013/2483/FP  Decision: Refused  Decision Date: 27 January 2014  Proposal: Sub-division of existing dwelling to form two dwellings and the erection of a two storey side extension and part single, part two storey rear extension</p> <p>Application Number: S6/2015/0175/FP  Decision: Granted  Decision Date: 23 July 2015  Proposal: Erection of agricultural building following removal of existing buildings</p> <p>Application Number: 6/2018/2936/LAWE  Decision: Granted  Decision Date: 18 February 2019  Proposal: Certificate of lawfulness for use of buildings as commercial</p> <p>Application Number: 6/2019/0882/OUTLINE  Decision: Refused  Decision Date: 01 August 2019  Proposal: Outline permission for residential development of site of up to 38 dwellings following demolition of the existing buildings and structures with all matters reserved apart from access</p> <p>Application Number: 6/2019/2544/FULL  Decision: Granted  Decision Date: 7 January 2020  Proposal: Retention of existing use of buildings (1a, 1b, 2b) for storage (use class B8)</p>			
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 9	Other: 1
<b>Publicity</b>	Site Notice Display Date: 18 November 2019		
	Site Notice Expiry Date: 9 December 2019		

	<p>Press Advert Display Date: 20 November 2019</p> <p>Press Advert Expiry Date: 4 December 2019</p>
<p><b>Summary of neighbour responses</b></p>	<ul style="list-style-type: none"> <li>• Previous plans have been rejected due to the increase of traffic on already gridlocked local roads at peak times and the fact that it is not necessary housing required in this area;</li> <li>• The whole issue of air pollution in Northaw has recently been addressed and this development would add to air pollution in this area;</li> <li>• There are already limited school spaces both primary and secondary;</li> <li>• Cuffley is a village. Once this part of the Green Belt is breached, there will be no stopping the sprawl;</li> <li>• It is a hilly site, and water drains from it onto the B156 road, which is always flooded after rain. This site is Flood Zone 3. Adding more concrete and removing plants will make the problem worse. It is unlikely that waste water capacity will be able to meet the demands of development;</li> <li>• Must be consistent with applications and refuse planning for the same reasons as the previous one not even three months ago (6/2019/0882/OUTLINE). It doesn't really matter that there are slightly fewer houses in this application, the principles are the same;</li> <li>• The site lies in between Cuffley and Northaw. If it were granted then little gaps would start to be filled and soon there would be no distinction between the two villages;</li> <li>• As well as the increase in traffic there is a safety issue around the junction of Cattlegate Road and Northaw Road West. Traffic would be exiting the development very close to a fast, blind bend;</li> <li>• It is not within or adjoining a settlement that is inset from the Green Belt and the current employment opportunities would be lost and damage contribution to the rural economy;</li> <li>• It would have a detrimental impact to the Northaw Common Parkland;</li> <li>• Contamination issues could arise from current use;</li> <li>• Public transport is non existent at this site.</li> </ul>
<p><b>Consultees and responses</b></p>	<p>Lead Local Flood Authority – No objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the drainage strategy.</p> <p>Hertfordshire Constabulary - No serious concerns with the intention to develop housing at this location, and the indicative design layout is generally conducive to good natural surveillance. The basic requirements of secure housing must include the protection of the rear of all housing. The footpath in the north-west corner leads from nowhere and serves little point. This should be removed. If this application is successful, they would welcome the opportunity to meet with the architects to discuss all aspects of security.</p> <p>WHBC - Client Services - Concerned that the access road is being reduced in width to reduce access for commercial vehicles. Requirement for 3 refuse freighters to access the site at various times on weekly basis. All properties should have sufficient storage for 3 wheelie bins.</p>

WHBC - Public Health and Protection - Noise from traffic – properties closest to carriageway will require noise mitigation measures, likely to include mechanical ventilation, due to levels of traffic on Northaw Road West/East. External amenity areas will need to meet the 55dB WHO Guidelines for Community Noise level. Contaminated Land – Contaminated Land Report is not available however it appears that from initial site assessment that further intrusive investigations should take place.

CPRE - Objections outlined in response to previous application still remain

Environment Agency – No response received

Affinity Water Ltd - No response received

Thames Water - Foul water – no objection to sewerage network infrastructure capacity. Surface Water – will not be discharged to public network and therefore have no objection, however approval should be sought from LLFA. If proposed to discharge to public network Thames Water will review position. Recommend petrol/oil interceptors in parking areas

Northaw and Cuffley Parish Council – Major Objection - Although the number of dwellings has reduced, the unsustainability of the site under the NPPF still pertains. Their comments/objections to the previous application still stand and are unaffected by this amendment.

Hertfordshire County Council - Hertfordshire Transport Programmes & Strategy - Trip rates based on floor area of existing employment (4132sqm) which represents 1 additional vehicle trip generated in AM peak and 6 in PM peak. Such changes would be imperceptible within existing flows on network. Eastern access will be retained for access to Colesdale Farm only and they are unable to demonstrate reason that its use represents unacceptable impact on local conditions. No reported accidents with its existing use. Visibility from this access is beneath that which they would require for new or amended accesses, but this cannot be applied retrospectively in the absence of a history of concern. Use of bollards to restrict use of access between site and Colesdale Farm is acceptable in principle. Proposed western access would be relocated 15 metres further west than the present position which improves visibility to east from 77m to 90m. Comparison between existing use and proposed means there is limited basis for suggesting trips intensify or any safety concerns. Visibility to west 120m. Visibility would be compliant with recommendations of Manual for Street and in keeping with direction of Roads in Hertfordshire. Access width acceptable. Traffic Survey – no reason to dispute survey data. Sustainability – accessing rail, school and shopping opportunities is within 18 minutes walk of site which is acceptable. Proposal should make second strand contribution towards measures to support and promote use of non-car based modes of travel. Improvements required to footway between site and Cuffley, provision of tactile crossing point across accesses and provision of Kassel kerbs to bus stops. These should be undertaken in lieu of contribution. Construction activity – has potential to have material

	<p>impact on local highway conditions and Construction Management Plan condition is necessary.</p> <p>Hertfordshire Ecology – No response received</p> <p>Welwyn Hatfield Borough Council - Landscapes Department – No response received</p> <p>Cadent Gas Limited – No response received</p> <p>Welwyn Hatfield Borough Council - Parking Services – Request parking provision for the development.</p> <p>Hertfordshire County Council - HCC Growth Team - Contributions sought towards: Primary Education – Woodside Primary, Secondary Education – Chancellors Secondary School, Library Services – Cuffley Library and Library Link, Open+ and wi-fi benching, Youth Services – Waltham Cross Young Peoples Centre.</p>
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**Relevant Policies**

NPPF  
 D1    D2    GBSP1    GBSP2    M14  
 Supplementary Design Guidance    Supplementary Parking Guidance     
Interim Policy for car parking and garage sizes  
Others  
Policies SD1, R1, R2, R3, R5, R7, R9, R10, R11, R17, R19, R20, M1, M3, M4, M5, M6, D3, D5, D6, D7, D8, D11, IM2, H2, H6, H7, H10, OS3, EMP8, RA2, RA10 of the Welwyn Hatfield District Plan 2005  
Policies SP1, SP3, SADM1, SADM2, SADM3, SP7, SADM10, SP9, SADM11, SADM12, SP10, SADM13, SADM14, SADM16, SADM18, SP13, SP25, SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016

**Main Issues**

**Principle of development**

The site lies within the Green Belt and policy GBSP1 of the District Plan states that the Green Belt will be maintained in Welwyn Hatfield as defined on the Proposals Map (a similar policy (SP3) is contained in the emerging Local Plan). Para. 145 of the National Planning Policy Framework (NPPF) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless one of the exceptions specified are met which includes:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Outline planning permission (all matters reserved apart from access) was refused in August 2019 (ref. 6/2019/0882/OUTLINE) for the erection of up to 38 dwellings on the site, for the following reason:

*The proposed development constitutes inappropriate development in the Green Belt. In addition to the harm by reason of inappropriateness,*

	<p><i>other harm is identified in relation to loss of openness and impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies GBSP1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework 2019.</i></p> <p>As there has been no significant change in policy or circumstances since the determination of this application, this decision is a material consideration of significant weight in the determination of this current application.</p> <p>The current application seeks outline permission (all matters reserved apart from access) for up to 34 dwellings of which 10 are proposed to be affordable (which equates to 30% of the development). The submitted Planning Statement states that approximately 51% of the affordable units would be for social rent and 49% intermediate housing and would be a mix of 1, 2 and 3 bedroom units. The Strategic Housing Market Assessment, undertaken as part of the evidence base for the emerging Local Plan, identifies that there is a need for affordable housing and policy H7 of the adopted District Plan and policy SP7 of the emerging Local Plan set out the Council's requirements for the provision of affordable housing. Therefore, as the development proposes to contribute towards meeting an identified affordable housing need, if the site is considered to meet the definition of previously developed land (PDL), it will be necessary in accordance with para. 145 of the NPPF, to consider whether the redevelopment of the site would cause substantial harm to the openness of the Green Belt.</p>
<p><b>Is the site previously developed?</b></p>	<p>PDL is defined in the NPPF 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. A number of exclusions are set out, including land that is or was last occupied by agriculture or forestry buildings.</p> <p>The site was previously an agricultural farmstead however for a number of years it appears that many of the buildings within the site have been used for commercial purposes. A certificate of lawfulness granted in February 2019 (ref. 6/2018/2936/LAWE) established that units 3/3A, 3B, 5, 10, 10A and 11 have been used for purposes falling with class B8 of the Use Class Order and unit 2A in a sui generis (B2/B8) use for a period in excess of 10 years. The certificate did not establish any lawful use for units 1A, 1B, 2B, 3X, 3Y and 11A. However, planning permission was granted in January 2020 for the retention of the existing use of buildings 1a, 1b and 2b for storage (use class B8) (ref. 6/2019/2544/FULL).</p> <p>The approved certificate and planning application related only to the use of the buildings and specific identified yard areas (i.e. unit 3B), and in particular the certificate did not appear to deal with wider access/circulation/communal areas. It was observed on site that outside of the yard areas identified in the certificate, there was limited open air commercial storage (which is lawful), although there were a number of</p>

	<p>cars and commercial vehicles parked around the site. Having viewed the way the land around the buildings is used, it is considered that these areas of the site form part of the developed land for the purposes of considering which parts of the site are PDL.</p> <p>It remains however that the lawful use of buildings 3X, 3Y and 11a have not been established and it cannot be certain that the lawful use of these buildings is not agriculture (which is likely to have been their original use). Furthermore, the site also contains a building the lawful use of which is agriculture - building 12 (the building was granted permission under ref. S6/2015/0175/FP). Having regard to the definition of PDL in the NPPF (which excludes land that is or was last occupied by agricultural buildings) it is clear that building 12 and its curtilage would not meet the definition of PDL. Buildings 3X, 3Y, 11a and 12 all fall within the application boundary, and therefore the whole of the site cannot be considered to be PDL.</p> <p>However, notwithstanding the fact that layout is a reserved matter, the applicant has submitted an indicative layout plan. Following the recently refused application, and during the consideration of this current application, the indicative layout plan has been amended such that the proposed dwellings would all predominantly be sited on land which is considered to be PDL, although in some cases small parts of gardens, access roads and parking would be within parts of the site that do not meet the definition of PDL.</p> <p>Whilst the whole of the site cannot be considered to be PDL, the redevelopment of the site for up to 34 dwellings could occur (with some slight amendments to the layout as shown on the submitted indicative plan) wholly within land that is considered to be PDL. It is therefore considered that the proposal can be viewed as the complete redevelopment of previously developed land. To ascertain whether the proposal falls within exception g) of paragraph 145 of the NPPF, it is necessary to consider whether the complete redevelopment of the site would cause substantial harm to the openness of the Green Belt.</p>
<p><b>Effect on openness</b></p>	<p>Para. 133 of the NPPF states that 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. Openness in terms of Green Belt has a spatial aspect as well as a visual aspect.</p> <p>The Green Belt Review Purposes Assessment November 2013, which has been undertaken as part of the evidence base for the emerging Local Plan, identified that the 'levels of visual openness are generally high' within the parcel of land which the application site lies (GB52) 'with long views over the parcel evident, especially from Cuffley'. It goes on to state that 'from more agricultural locations and elevated areas such as the western edge of Cuffley views are panoramic and open'.</p> <p>It is not disputed that the proposed development would reduce the built footprint of development on the site (in accordance with calculations provided by the applicant by around 2,245 sqm having regard only to the lawful commercial buildings, rising to around 3,038 sqm, if the removal of the existing agricultural building and those buildings where their lawful use has not been established by the certificate or application</p>

are included).

Volume calculations provided by the applicant indicate that the proposed development would reduce the volume of development on the site by between 3,714 m<sup>3</sup> (lawful commercial buildings) and 7,752 m<sup>3</sup> (all buildings on the site), however it must be remembered that as this application is seeking outline permission the scale or appearance of the proposed dwellings is not being considered, and the volume of the proposed development could change.

The submitted Planning Statement sets out that the maximum height of the existing buildings on the site ranges from 3 - 7.22 metres in height. Buildings 1a, 1b, 2a, 2b and 5, which are generally located more centrally within the site, are the highest buildings on the site being 6.89, 6.89, 7.03, 7.03, 7.22 metres respectively. Those building which are in close proximity to the western boundary of the site are much lower, ranging from 3 to 5.37 metres high. As the application is in outline, elevations of the proposed dwellings have not been provided, however the submitted Planning Statement states that the proposed dwellings would be mainly two storeys in height, with 1.5 storey units in the western corner of the site. It goes on to state that the dwellings would be only slightly higher than the existing buildings.

The submitted indicative layout plan shows terraced, semi-detached and detached buildings that are dispersed across the site. Whilst the proposed development would result in a reduction in the amount of built footprint and volume of development on the site, this has to be balanced against the resultant spread of built form across the site and into areas where there is currently no built form, especially in the southern part of the site, although it is acknowledged that the extent of the spread of development across the site has been reduced when compared to the previously refused application.

Furthermore, the effect on openness is not confined solely to permanent physical works. Cars parked within the site, play equipment and other domestic paraphernalia in the gardens and boundary treatments will also have some effect on the openness of the Green Belt. Aside from the areas of open space shown on the submitted layout plan, the remainder of the site would be covered by access roads, dwellings, detached garages and domestic curtilages.

Notwithstanding therefore the reduction in the number of dwellings proposed and the amendments to the site layout shown on the submitted indicative layout plan when compared to the previously refused application, it is still considered that the reduction in the footprint of built form on the site would not diminish the effect of buildings of predominantly a greater height and a somewhat more dispersed layout of built form. Having regard therefore to the number of dwellings proposed, their dispersal across the site, the proposed domestic curtilages, boundary treatments, domestic paraphernalia, including play equipment and car parking there would be an unacceptable suburbanisation of the site and a greater impact on openness both in spatial and visual terms.

The proposed development would therefore result in substantial harm to



	<p>the openness of the Green Belt. The proposed development would not meet exception g) of Paragraph 145 of the NPPF and would constitute inappropriate development in the Green Belt. Paragraph 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt.</p> <p>Having regard to the previously developed nature of the existing site and the distance of the site (and the intervening land uses) from the neighbouring settlements of Cuffley and Northaw, it is not considered that the proposal would conflict with the five purposes of including land in the Green Belt, as specified at paragraph 134 of the NPPF. This does not however lessen the harm identified above in respect of the impact of the proposed development on the openness of the Green Belt.</p>
<p><b>Accessibility to services and facilities</b></p>	<p>The spatial strategy for development within the Borough is defined in policy GBSP2 of the adopted District Plan which directs development to the two main towns (Welwyn Garden City and Hatfield) and a number of specified settlements. The application site lies outside of the defined towns and specified settlements and is therefore in an area where new residential development is normally restricted.</p> <p>The site is however located outside of the defined settlement boundary of Cuffley, which is a specified settlement as designated by policy GBSP2. Cuffley has a village centre with a range of shops and other facilities, including a primary school.</p> <p>A footpath exists on the northern side of Northaw Road East, providing pedestrian access to Cuffley. There are also bus stops on the northern and southern side of Northaw Road West (outside of the application site) which serve the 242 bus route (Potters Bar, Northaw, Cuffley, Goff's Oak, Cheshunt, Waltham Cross, and a Sunday service which also goes to Welwyn Garden City and Hatfield), which provides a relatively frequent service at peak times.</p> <p>County Highways have commented that rail services as well as school and shopping opportunities are within an acceptable walking distance from the site. They have identified opportunities to improve pedestrian conditions to Cuffley as well as access to public transport from the bus stops outside of the site, and if planning permission is granted these improvements should be secured by a S106 agreement (along with a second strand contribution towards measure to support and promote the use of non-car based modes of travel).</p> <p>It is acknowledged that where planning permission has been refused elsewhere in the Borough due to the poor accessibility of proposed residential development to services and facilities, these decisions have been upheld on appeal. However, in the case of this application, for the reasons outlined above, the comments of County Highways and the decision made in respect of the previous application (ref. 6/2019/0882/OUTLINE), it is not considered to be appropriate to refuse this application on the grounds of accessibility.</p>
<p><b>The effect on the character and appearance of the area</b></p>	<p>The site's immediate surroundings are predominantly dominated by undeveloped agricultural land that is rural in character. The existing buildings, notwithstanding their scale, bulk and commercial use, are agricultural in character and are generally rural and simplistic in their form and appearance. Such ex-agricultural buildings are not uncommon</p>

in a rural location and whilst it is acknowledged that the existing buildings do not make a positive contribution to the appearance of the site, they do not appear out of character in the rural context of the site and its surroundings.

Whilst the existing buildings sit comfortably in this rural context, the redevelopment of the site for the scale of residential development proposed would be at odds with the site's rural surroundings and would result in harm to the character and appearance of the area. There would be a noticeable visual difference between the two developments and residential development of this scale would be uncharacteristic in this location and visually conspicuous in its countryside setting. The proposed development would result in a harmful change to the character of the site from one of rural buildings and businesses, to a collection of domestic properties.

The site lies within the Northaw Common Parkland Landscape Character Area (area 53) as defined in the Welwyn Hatfield Landscape Character Assessment (April 2005) which outlines that parkland is the dominant land cover within the area, and land use is primarily horse pasture. It states that settlement is predominantly confined to the narrow ridgelines, such as the village of Northaw and The Ridgeway at Cuffley.

There is existing vegetation which screens some of the site's boundaries and which assists in somewhat reducing the visibility and prominence of the site, however due to surrounding topography, views of the site are available from adjacent footpaths and the edge of the settlement of Cuffley (particularly from the western boundaries of Colesdale and Kingswell Ride). The proposed replacement of existing landscaping along the boundary of the site with Northaw Road West (discussed in more detail below) will also increase the visibility of the site.

The proposed development would result in a reduction in the footprint of built form and hardstanding within the site and subsequently an increase in the landscaped areas of the site, some of which would be private gardens. Whilst the increase in space given over to soft landscaping does help to 'green' the site, it is not considered that this benefit overcomes the concerns set out above in respect of the impact of the development on the character and appearance of the area. Furthermore, it is considered that the demarcation of some of this 'green' space into residential curtilages emphasises the urban qualities of the development within the surrounding countryside.

It is noted that the submitted LVIA comments that the existing site makes a negative contribution to the local landscape character and that the proposed development would have a slight beneficial effect on both the immediate and wider landscape setting. However, it is considered that the proposed development would represent a conspicuous encroachment of residential development into the countryside, and it would fail to integrate satisfactorily with its rural surroundings.

For the reasons outlined above however, it is considered that the proposal would result in harm to the character and appearance of the

	area, contrary to policies D1 and D2 of the adopted District Plan.
<b>Loss of employment land</b>	<p>The majority of the buildings within the site are currently in use for commercial purposes. Policy EMP8 of the adopted District Plan sets out the Council's policy for employment sites outside of employment areas. The Council recognises that there are existing employment sites scattered throughout the Borough, many of which are occupied by small businesses who provide valuable local services, they provide employment and services for local residents and provide a variety of affordable units. The policy therefore states that planning permission will only be granted for residential development on employment sites where it can be shown that the development of the site for a 'live-work' mixed use scheme would not be viable. The applicant has not provided any evidence with the application that the use of the site for a 'live-work' mixed use scheme has been investigated and is not viable.</p> <p>Policy SADM10 of the emerging Local Plan requires that proposals that would result in a loss of land from Class B uses will only be permitted where it can be demonstrated through marketing that the land or premises are no longer required to meet future employment land needs and that there is a lack of demand for the land to premises in that location. The Council's evidence base has indicated that even with all of the land allocated as designated employment areas, it will be difficult to provide sufficient employment floorspace to meet forecast job requirements to 2032, and as a consequence it is important to protect employment land as far as possible. This approach is considered to be consistent with the NPPF which requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</p> <p>Whilst it is acknowledged that due to the stage of preparation of the emerging Local Plan the weight that can be given to this emerging policy is reduced at this stage, however for the reasons set out above, it is considered that the emerging policy is consistent with the economic objective of the NPPF by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and therefore in accordance with para. 48 of the NPPF some weight can be given to this policy. The proposed development fails to demonstrate the impact of the loss of existing commercial premises and in light of the Council's policy position on protecting employment land where it has been demonstrated that it is required to be retained for employment purposes, this is a matter which weighs against the proposal.</p>
<b>Highways and parking</b>	County Highways have raised no objection to the application. They have commented that the impact of the changes of the level of vehicle trips generated by the development would be imperceptible within existing daily flows on the network. It is proposed that the existing eastern access to the site is to be retained and would be used solely for use by the existing Colesdale Farm. Whilst it is noted by County Highways that visibility from this access is beneath which the Highway Authority would require for new or amended accesses, due to the less intensive use of the access (when compared to its existing level of use) and provided that the use of the access is restricted for use by

	<p>Colesdale Farm only, County Highways have raised no objection to the retention of this access.</p> <p>The existing western access is proposed to be repositioned further to the west by around 15 metres and this access would provide vehicular access to the proposed residential development. County Highways are satisfied with the visibility from this access, given the scale and nature of the uses on the existing site when compared to the level of trips associated with the proposed development.</p> <p>As set out above in the section of this report on accessibility to services and facilities, County Highways have raised no objection to the application on sustainability grounds. Whilst the concerns raised by third parties in respect of traffic generation and proximity to the junction with Cattlegate Road are noted, having regard to the considerations of County Highways the proposal is unlikely to result in an unacceptable impact on highway safety nor would the impact of the development on road network be severe.</p> <p>The Council's Parking Service has requested details of the proposed parking provision. As set out previously in this report, this is an outline application with all matters reserved apart from access, and the layout of the proposed development is therefore a reserved matter. However it is considered that there is sufficient space within the site to enable sufficient parking to be provided.</p>
<p><b>Other matters</b></p>	<p>Living conditions</p> <p>Layout is a reserved matter, and whilst the layout shown on the submitted indicative layout plan would result in some overlooking between dwellings in places and harm to the outlook of the future occupiers of some dwellings, it is considered that there is sufficient space within the site for the layout to be amended to address this issue. The comments from Environmental Health do comment that due to the levels of traffic along Northaw Road West and Northaw Road East, properties closest to the carriageway will require noise mitigation measures. In accordance with the advice from Environmental Health, it is recommended however that a condition is attached to any permission granted requiring a noise assessment to be undertaken and any required mitigation measures to be identified.</p> <p>Policy SP 7 of the emerging Local Plan requires at least 20% of all new dwellings on sites involving 5 or more dwellings to meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings'. If permission were to be granted for development on this site, it is expected that this requirement would be met.</p> <p>Landscaping</p> <p>The Council's Tree Officer commented on the previous application that there was no objection to the removal of existing vegetation within the site, as what little of it there is, is very low quality. It is proposed to replace the existing planting along the boundary of the site with Northaw Road West, however the replacement planting is unlikely to reach the height of the existing landscaping along the southern boundary of the site and as set out earlier in this report, will result in the</p>

site and the development being more visible within the streetscene. However, from a landscaping perspective, the replacement of non-native species with native species is considered to be a benefit.

The Tree Officer also previously commented that the landscaping proposals shown on the submitted Landscape Master Plan are promising, and it is considered that sufficient space exists within the site to provide landscaping as an integral part of the overall design, in accordance with the requirements of policy D8 of the adopted District Plan.

#### Land contamination

The applicant has indicated on the submitted application form that all or part of the site is suspected to be contaminated, and that the proposed use would be particularly vulnerable to the presence of contamination. Public Health and Protection therefore recommend that any permission granted is subject to a condition that an investigation and risk assessment area undertaken and remediation scheme are undertaken. It is considered that such a condition would also be necessary to accord with policies R2 and R7 of the adopted District Plan.

#### Flood risk and drainage

The site is located within Flood Zone 1 where there is low probability of land flooding (less than a 1 in 1000 annual probability of river flooding). The submitted Flood Risk Assessment and Drainage Strategy October 2019 acknowledges this. In respect of surface water flood risk, the submitted drainage strategy proposes permeable paving areas, an attenuation pond and discharge into a main river. The Lead Local Flood Authority – Herts County Council (LLFA) have confirmed that they have no objection to the application on flood risk grounds. They advised that the site can be adequately drained and mitigate any potential existing surface water flood risk if the development is carried out in accordance with the overall drainage strategy. Thames Water have confirmed that they have no objection to the proposed surface water discharge proposals.

Having regard to the findings of the Flood Risk Assessment and Drainage Strategy October 2019 and the relevant consultee responses, it is considered that the proposed development would not result in an increase in flood risk elsewhere in accordance with para. 163 of the NPPF.

#### Ecology

Herts Ecology have not commented on the current application, but in respect of the previous application commented that they have no records specific to the application site and there are no known records of bats within close proximity to the site. The submitted Preliminary Roost Assessment found neither potential roosting places nor the presence of any evidence of bats, and the submitted badger survey found no badger sets, or evidence of use of the site by badgers or nearby. Such matters are therefore not considered by Herts Ecology to be constraints to the proposed development. Herts Ecology also

previously commented that the submitted landscape master plan would provide biodiversity gains.

#### Infrastructure/S106 contributions

Thames Water have commented that with regard to foul water sewage network infrastructure capacity they have no objections to the planning application.

HCC Growth and Infrastructure Team have commented that to minimise the impact of the proposed development on HCC services, financial contributions towards primary education (the expansion of Woodside Primary School), secondary education (the expansion of Chancellors Secondary School), library services (the enhancement of services at Cuffley Library) and youth services (an increase of capacity at Waltham Cross Young Peoples Centre). If permission were to be granted for the proposed development, the applicant would need to enter into a Section 106 agreement to secure these mitigation measures. As set out above, contributions would also be required to mitigate the impact of the development from a highways perspective and to promote the use of sustainable modes of transport.

#### Previous planning history

In addition to the recent refusal for the erection of up to 38 dwellings on the site, it is also material to the consideration of this application that planning permission has previously been refused and dismissed on appeal on this site for the demolition of the existing buildings, the conversion of the brick built barn to residential and the erection of four two storey dwellings (application ref. S6/2008/2224/MA and appeal ref. APP/C1950/A/09/2108882). Planning permission was refused by the Council for four reasons including that the proposal would represent inappropriate development in the Green Belt and that the suburbanisation of the site would be visually intrusive in the landscape to the detriment of the openness, character, appearance and visual amenity of the Green Belt.

In dismissing the appeal, the Inspector stated that the buildings and structures on the appeal site which were proposed to be demolished were mostly modern agricultural buildings and their design and appearance was what is normally expected to be found in the countryside. The Inspector went on to comment that the design and layout of the proposed four dwellings would be of a more suburban form and that the bulk, height and design of the proposals would introduce a suburban form of development which would harm the character and appearance of the area and would fail to respect the agricultural form of the site within this countryside setting. It was also stated that a condition would not prevent domestic paraphernalia such as garden furniture and children's play equipment being placed within the garden areas, which would detract from the countryside setting of the appeal site and inevitably such domestic paraphernalia would result in additional suburbanisation of the appeal site.

The Inspector stated that the proposals would result in a significant bulk of two storey development in the southern part of the appeal site, and

	<p>although the proposals would reduce the spread of development, and increase the overall openness within the appeal site as a whole, due to the bulk and height of the proposals, it would reduce the openness within the southern part of the appeal site, harm the visual amenity of the Green Belt and the character and appearance of the area.</p> <p>Whilst the weight that can be given to this decision is reduced due to the time since the decision was made and that the proposal was considered against the requirements of PPG2 (which has now been replaced by the NPPF), the Inspector's comments in respect of openness, the character and appearance of the site and surroundings and its impact on its countryside setting remain relevant.</p>
<p><b>Other considerations</b></p>	<p>Housing land supply</p> <p>The Council are unable to demonstrate a five-year supply of deliverable housing sites. The latest published position (February 2019) states that the Council can only demonstrate a supply of 3.10 years. The proposed development would contribute towards the identified shortfall in housing supply, which is a benefit to which moderate weight is attached.</p> <p>Affordable Housing</p> <p>The application proposes that 10 dwellings would be affordable, which would meet the Council's policy (both Policy H7 of the adopted District Plan and Policy SP7 of the emerging Local Plan) in respect of the provision of affordable housing. The Council has identified a need for affordable housing within the Borough and therefore the provision of affordable housing is also a benefit.</p> <p>Economic benefits</p> <p>During the construction of the proposed development a number of construction jobs would be generated, although these would be short term as they would be restricted to the lifetime of the construction of the development. Whilst some weight can be attributed to this from an economic perspective, this must be balanced against the short term nature of the employment and that the development would result in the loss of existing employment opportunities on the site. Economic benefit would also arise from the use of local businesses and services by future occupiers of the proposed development and weight can also be attributed to this benefit.</p>
<p><b>Planning balance</b></p>	<p>The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that substantial weight should be given to any harm to the Green Belt and that 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.</p> <p>The proposed development would deliver additional housing (including affordable units) in a Borough where a shortfall in housing has been identified. Economic benefits would also arise from the construction of the development and future spending of residents on local facilities and services. There would also be environmental benefits due to</p>

	<p>biodiversity improvements. Combined, these considerations would weigh in favour of the proposal.</p> <p>However, it is considered that the other considerations identified do not clearly outweigh the substantial weight that must be given to the harm to the Green Belt by reason of inappropriateness and the other harm identified to openness, character and appearance and loss of employment.</p> <p>The Council's position in respect of housing land supply is acknowledged. Para. 11(d) of the NPPF states that where the policies which are most important for determining the application are out-of-date permission should be granted unless:</p> <p>(i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason of refusing the development proposed; or</p> <p>(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.</p> <p>However, in accordance with footnote 6 to para. 11(d)(i), land that is designated as Green Belt is specified as a policy that protects areas or assets of particular importance. Therefore as Green Belt policy in this case provides clear reason for refusing the development proposed, the presumption in favour of development (also known as the tilted balance) does not apply in this case.</p>
<b>Conclusion</b>	
<p>In conclusion therefore, the proposed development would result in conflict with the development plan and the NPPF. There are no material considerations of sufficient weight or importance that clearly outweigh the significant harm identified to the Green Belt (including harm derived from loss of openness) and the other harms identified so as to amount to the very special circumstances necessary to justify the proposal. For the reasons given above it is recommended that planning permission is refused.</p>	

**Reason for Refusal:**

1. The proposed development constitutes inappropriate development in the Green Belt. In addition to the harm by reason of inappropriateness, other harm is identified in relation to loss of openness to the Green Belt and impact on the character and appearance of the area. The harm by reason of inappropriateness, and the other harm identified, is not clearly outweighed by other material planning considerations such as to constitute the very special circumstances necessary to permit inappropriate development in the Green Belt. The proposal would therefore be contrary to policies D1 and D2 of the Welwyn Hatfield District Plan 2005, Policy SADM 34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016, the Supplementary Design Guidance 2005 and the National Planning Policy Framework 2019.



## REFUSED DRAWING NUMBERS

2.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
A_1921 PL200	A	Indicative Frontage Elevation	1 November 2019
A_1921 PL400		Existing Plans	1 November 2019
011310825		Location Plan	6 November 2019
LP/CFNRW CH/020	B	Landscape Master Plan	1 November 2019
TPP/CFNR W/010	C	Tree Protection Plan	1 November 2019
A_1921 PL200		Proposed Massing Elevations	27 November 2019
A_1921 PL100	C	Proposed Site Plan	28 January 2020

## 1. POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraph 38 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 Sarah Smith  
5 February 2020