

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/1344/FULL  
**Location:** Bell Bar Pet Farm, Bell Lane, Brookmans Park, Hatfield, AL9 7AY  
**Proposal:** Change of use of amenity land to residential driveway with new dropped kerb to highway  
**Officer:** Mr David Elmore

**Recommendation:** Refused

6/2020/1344/FULL

<b>Context</b>	
<b>Site and Application description</b>	<p>The application site comprises a single dwelling, its residential curtilage (including driveway, garden and associated outbuilding) and a broadly rectangular shaped section of undeveloped land which adjoins the residential curtilage to the north.</p> <p>The planning permissions for the dwelling at Bell Bar Pet Farm do not include the area of undeveloped land. Therefore, it is not lawfully part of the residential curtilage of this dwelling.</p> <p>Planning permission is sought for the change of use of amenity land to a residential driveway with a new dropped kerb. The dropped kerb and crossover would provide access from the A1000 Great North Road to the undeveloped land, and vice versa. It is noted however that the new crossover and dropped kerb are outside the application site (edged in red) and therefore cannot be considered under this application.</p>
<b>Constraints (as defined within WHDP 2005)</b>	<p>GB - Greenbelt - Distance: 0            PAR - PARISH (NORTH MYMMS) - Distance: 0            Wards - Brookmans Park &amp; Little Heath - Distance: 0            HEN - No known habitats present (medium priority for habitat creation) - Distance: 0            HEN - No known habitats present (high priority for habitat creation) - Distance: 0            HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0            SAGB - Sand and Gravel Belt - Distance: 0            GAS - High Pressure Gas Pipeline(BRICKENDON - FINCH LANE) - Distance: 30.09</p>
<b>Relevant planning history</b>	<p>Application Number: S6/1986/0988/DE            Decision: Granted            Decision Date: 01 June 1987            Proposal: Erection of detached bungalow after demolition of existing buildings</p> <p>Application Number: S6/1985/0732/OP            Decision: Granted            Decision Date: 14 February 1986            Proposal: Site for new dwelling</p>

<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 1	Other: 0
<b>Publicity</b>	Site Notice Display Date: 26 June 2020 Site Notice Expiry Date: 17 July 2020 Neighbour letters sent		
<b>Summary of neighbour responses</b>	North Mymms District Green Belt Society – Objection summarised as follows: <ul style="list-style-type: none"> <li>• Driveway would have a harmful effect on Green Belt openness and no very special circumstances</li> <li>• Unsafe access</li> </ul>		
<b>Consultees and responses</b>	North Mymms Parish Council – Objection summarised as follows: <ul style="list-style-type: none"> <li>• Inappropriate development in the Green Belt and no very special circumstances</li> <li>• Proposed driveway would be excessively long to reach the existing dwelling which already has suitable access to Bell Lane</li> <li>• Proposed access is hazardous</li> </ul> HCC Highways – Objection summarised as follows: <ul style="list-style-type: none"> <li>• Contrary to the Hertfordshire County Council's policies on Road hierarchy</li> <li>• Application fails to demonstrate that there is sufficient space within the boundary of the property to drive a vehicle on and off the driveway in forward gear.</li> </ul>		
<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 type="checkbox"/> M14 <input checked="" type="checkbox"/> Supplementary Design Guidance <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes, D8, R17, RA10			
<b>Main Issues</b>			
<b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b>	<p>District Plan Policies D1 and D2 require the standard of design in all new development to be of a high quality and that all new development respects and relates to the character and context of the area in which it is proposed. These policies are expanded upon in the Council's Supplementary Design Guidance.</p> <p>The NPPF places a clear emphasis on high quality design and states in paragraph 130 that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.</p> <p>This area of Bell Bar is semi-rural in character and along the A1000 Great North Road, developed sites are interspersed amongst open land and countryside.</p> <p>It is assumed from the submitted plans that the land proposed as a residential driveway is that of the broadly rectangular shaped section of land between the residential curtilage of Bell Bar Pet Farm and the carriageway to the north. This area is undeveloped land laid to grass with several trees along the boundary of the site.</p>		

	<p>The proposed crossover and dropped kerb are located outside the application site (edged in red). Consequently, this aspect of the proposal cannot be considered under this application. The extent of land that is proposed to change to residential is also not clear from the submitted plans and information.</p> <p>In terms of the proposed driveway, the proposed site plan annotates “flooring to be permeable (or porous) surfacing which allows water to drain through”.</p> <p>The replacement of grass to a permeable (or porous) floored surface over such an area would be in stark contrast to the character and appearance of the site and its area. Harm to the area would result in conflict with the above policies. Whilst the sites either side are predominately hard surfaced, they do include long established commercial buildings and therefore do not draw direct comparisons to the application proposal.</p> <p>The frontage of the undeveloped land (fronting the A1000) is lined with trees and so too are the side boundaries. These trees are considered to contribute to the landscape quality of the area, particularly when passing along the Great North Road. Local Plan Policy R17 seeks to protect existing trees whilst Policy D8 requires landscaping to form an integral part of the overall design, and in this respect the high quality design required by Policy D1 and D2 would again be relevant. Policy RA10 considers the impact of development on the landscape character area.</p> <p>No information has been submitted to demonstrate how these trees will be protected from the proposed development. Therefore, it cannot be reasonably concluded that the proposal would not harm these trees and maintain area’s character.</p>
<b>Green Belt</b>	<p>The application site lies within the Green Belt. Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough as defined on the Proposals Map.</p> <p>Paragraph 146 of the NPPF outlines that the material change of use of land and engineering operations are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.</p> <p>There is no definition of openness in the NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. However, assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. Openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant. The duration of the development, degree of activity, the specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.</p> <p>Paragraph 134 of the NPPF states that the Green Belt serves five purposes:</p> <ul style="list-style-type: none"> <li>a) to check the unrestricted sprawl of large built-up areas;</li> <li>b) to prevent neighbouring towns merging into one another;</li> <li>c) to assist in safeguarding the countryside from encroachment;</li> <li>d) to preserve the setting and special character of historic towns; and</li> <li>e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.</li> </ul> <p>The proposed permeable (or porous) flooring for the driveway would comprise an engineering operation. It is considered that the change of use of the</p>

	<p>undeveloped land to a residential driveway and the associated laying of a driveway across its whole area would inevitably result in a material loss of Green Belt openness in both spatial and visual terms. Consequently, the proposal would represent inappropriate development in the Green Belt. No very special circumstances have been advanced by the applicant to clearly outweigh this harm nor to the local planning authority consider any very special circumstances to exist in this case.</p> <p>Given the sites location, sandwiched between developed land on either side and to the rear, it is not considered to conflict with any of the five purposes.</p>
<b>Impact on neighbours</b>	No adverse impact
<b>Highway impact</b>	<p>As previously explained, the crossover and dropped kerb providing access are outside of the application site and therefore a decision cannot be made under this application as to the acceptability of this access.</p> <p>Notwithstanding the above, the Highways Authority have been consulted for this application and object both in terms of the access being unsuitable in principle and also unsafe as the applicant has failed to demonstrate that there is sufficient space within the boundary of the property to drive a vehicle on and off the proposed driveway in forward gear. There would be conflict with paragraphs 108 and 109 of the NPPF respectively.</p> <p>Even if the crossover and dropped kerb were within the application site, and the applicant were to demonstrate that sufficient space within the boundary of the property to drive a vehicle on and off the proposed driveway in forward gear, the access would still remain unsuitable in principle.</p>
<b>Conclusion</b>	
<p>The proposed crossover and dropped kerb are located outside the application site (edged in red). Consequently, this aspect of the proposal cannot be considered under this application.</p> <p>The change of use of the undeveloped land to a residential driveway and the associated laying of a driveway across its whole area would result in a material loss of Green Belt openness. This aspect of the proposal would therefore represent inappropriate development in the Green Belt in conflict with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.</p> <p>The laying of a driveway across the area of undeveloped land would be in stark contrast to the character and appearance of the site and its area. Furthermore, no information has been submitted in terms of the impact of the proposed driveway on existing trees. Therefore, it cannot be reasonably concluded that the area's landscape character would be maintained as a result. Consequently, the proposal would conflict with Policies D1, D2, D8, R17 and RA10 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework.</p>	

**Reasons for Refusal:**

1. The proposed crossover and dropped kerb are located outside the application site (edged in red). Consequently, this aspect of the proposal cannot be considered under this application.
2. The change of use of the undeveloped land to a residential driveway and the associated laying of a driveway across its whole area would result in a material loss of Green Belt openness. This aspect of the proposal would therefore represent inappropriate development in the Green Belt in conflict with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. The laying of a driveway across the area of undeveloped land would be in stark contrast to the character and appearance of the site and its area. Furthermore, no information has been submitted in terms of the impact of the proposed driveway on existing trees. Therefore, it cannot be reasonably concluded that the area's landscape character would be maintained as a result. Consequently, the proposal would conflict with Policies D1, D2, D8, R17 and RA10 of the Welwyn Hatfield District Plan 2005, Supplementary Design Guidance 2005 and the National Planning Policy Framework.

#### REFUSED DRAWING NUMBERS

4.

<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
PET/19/P/0 1		Location Plan	12 June 2020
PET/19/P/0 2		Existing and Proposed Site Plan	12 June 2020
PET/19/P/0 3		Proposed Site Plan	12 June 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:**

Mr Mark Peacock  
25 September 2020