

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

**DELEGATED APPLICATION**

**Application No:** 6/2020/2141/HOUSE  
**Location:** Nyn Manor Vineyards Road Northaw Potters Bar EN6 4PQ  
**Proposal:** Replacement entrance gates  
**Officer:** Mr David Elmore

**Recommendation:** Refused

6/2020/2141/HOUSE

<b>Context</b>			
<b>Site and Application description</b>	<p>The application site comprises the main yard at Nyn Manor, its buildings and the access road connecting to Vineyards Road.</p> <p>The site lies in a rural area in the Metropolitan Green Belt.</p> <p>The application form describes the proposed works a 'replacement entrance gates'. The submitted drawings however show metal rail fencing on either side of the existing gates and proposed development includes piers and a wall alongside the gates.</p>		
<b>Constraints (as defined within WHDP 2005)</b>	<p>LBC - NULL Stable on south side of farmyard at Nyn Manor Farm, Handpost Hill/Vineyards Road, Northaw - Distance: 0  LBC - NULL Nyn Manor Farm, Handpost Hill/Vineyards Road - Distance: 0  LBC - NULL Barn And Wall On East Side Of Farmyard At Nyn Manor Farm - Distance: 0  AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS40 - Distance: 0  GB - Greenbelt - Distance: 0  LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0  PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0  Wards - Northaw &amp; Cuffley - Distance: 0  A4D - ARTICLE 4 DIRECTION - Distance: 0  WILD - Northaw Brick Kiln Area - Distance: 0  HPGU - Nyn Park - Distance: 0</p>		
<b>Relevant planning history</b>	<p>Application Number: 6/2017/1080/MAJ  Decision: Granted  Decision Date: 07 December 2017  Proposal: Erection of deer fencing along part of the boundary to the farm</p> <p>Application Number: 6/2017/0489/MAJ  Decision: Granted  Decision Date: 22 June 2017  Proposal: Erection of 2m high fencing along part boundary to the North</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 0	Other: 0

<b>Publicity</b>	Neighbour notification letters Press Advert Display Date: 7 October 2020 Press Advert Expiry Date: 28 October 2020
<b>Summary of neighbour responses</b>	No representations received
<b>Consultees and responses</b>	HCC Historic Environment Advisor – No comment The Gardens Trust – No comment
<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 (SDG) <input type="checkbox"/> Supplementary Parking Guidance <input type="checkbox"/> Interim Policy for car parking and garage sizes Others: Policy RA10 of the District Plan; Policy SADM34 of the Emerging Local Plan	
<b>Main Issues</b>	
<b>Green Belt</b>	<p>Policy GBSP1 of the District Plan states that the Green Belt will be maintained in the Borough.</p> <p><i>Appropriateness</i></p> <p>Paragraph 145 of the NPPF outlines that the construction of new buildings in the Green Belt should be regarded as inappropriate development apart from a limited number of exceptions. One of these exceptions (relevant in this case) is the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.</p> <p>The term ‘building’ is not defined in the NPPF but the definition in the Town and Country Planning Act 1990 refers to ‘any structure or erection’. It is considered that the proposed wall, piers and gates should be treated as a ‘building’ for the purposes of the NPPF.</p> <p>The Council’s District Plan and the NPPF do not contain any detailed guidance on the amount of development that would be materially larger. Policy SADM34 of the Council’s Emerging Local Plan however states that replacement buildings will be permitted provided that the new building is not materially larger than the one it replaces in terms of its footprint, height and external volume and is in the same use. In assessing the impact of the proposal the Council will take into account:</p> <ol style="list-style-type: none"> <li>i. The location of the replacement building and its prominence within the landscape;</li> <li>ii. The extent to which the proposed development is consistent with the general pattern of development and character of the area.</li> </ol> <p>Whilst Policy SADM34 does not carry full weight at this stage, in the absence of any other local standards, it is considered an appropriate benchmark by which to assess the development. It is clear that this policy applies both a spatial and visual assessment for replacement buildings.</p> <p>The existing metal rail fencing and supporting posts have a height of around 2 metres and the gates range from in height from 2 metres to 2.2 metres. The posts are 0.12 metres in width and depth. The railings are narrow and allow clear views through.</p> <p>The proposed structure would be positioned approximately 4.5 metre behind the existing entrances gates to be replaced and would comprise metal rail</p>

	<p>gates, stone piers and a stone wall. The gates would have a height of 4 metres; the supporting piers would have a height of 4.7 metres, width and depth of 0.75 metres; the wall would have a height of 3 metres and depth of 0.6 metres.</p> <p>Unlike the existing gates and fencing, the proposed structure would be a large and solid structure with a grandiose appearance. Its height and depth would be significantly greater than existing and it would very bulky in comparison to the existing gates and fencing. Its size and appearance would also make it very prominent when passing on foot along Vineyards Road and on approach.</p> <p>For these reasons, it is considered that the proposed building would be materially larger than the one it would replace and, therefore, represent inappropriate development in the Green Belt.</p> <p><i>Openness</i></p> <p>The existing gates and fencing allow clear views through to open land beyond. This permeability would be significantly reduced through the introduction of the solid walls and piers and ornamented gates. This factor, together with the increase in scale, bulk and prominence of the proposed development, would result in a material loss of Green Belt openness.</p>
<p><b>Design (form, size, scale, siting) and Character (appearance within the streetscene)</b></p>	<p>Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location, maintaining and where possible enhancing the character of the existing area. These policies are expanded upon in the Council's SDG which outlines that new development must sensitive to local character.</p> <p>The NPPF advocates high quality design and that permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.</p> <p>The site and immediate locality has a rural character and the gated entrance provides access to a farmhouse with associated farmyard and agricultural buildings. There is sporadic development in the vicinity along Vineyards Road and the entrances to some properties do include hard boundary treatments. Such hard boundary treatments are however considerably smaller in scale than the proposal and do not have an imposing appearance.</p> <p>It is considered that the scale and grandiose style of the proposed structure would be in stark contrast to the traditional agricultural character of the site and its rural setting. The proposal would also be at odds with other hard boundary treatments in the area. It would appear as an incongruous addition and would fail to respect or relate to the area's character, in conflict with the above policies.</p>
<p><b>Impact on neighbours</b></p>	<p>No adverse impact</p>
<p><b>Other considerations</b></p>	<p><i>'Very special circumstances?'</i></p> <p>Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>Paragraph 144 of the NPPF goes on to state 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'</p>

	<p>(VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.</p> <p>The structure would represent inappropriate development in the Green Belt and result in a loss of Green Belt openness. Substantial weight is attached to this harm. Considerable weight is also attached to the harm which would result to the character and appearance of the area.</p> <p>The applicant has not advanced any considerations to be weighed in the balance and the Council are not aware of any VSC. Therefore, the VSC necessary to justify the development does not exist.</p>
<b>Conclusion</b>	
<p>The proposed structure would represent inappropriate development in the Green Belt and result in a loss of Green Belt openness. Consequently, the development would fail to accord with Policy GBSP1 of the Welwyn Hatfield District Plan 2005; Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework.</p> <p>The proposed structure, by virtue of its scale, bulk and appearance, would fail to respect and relate to the area's character. It would represent an incongruous addition to the area, in conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Design Guidance 2005 and the National Planning Policy Framework.</p>	

**Reasons for Refusal:**

1. The proposed structure would represent inappropriate development in the Green Belt and result in a loss of Green Belt openness. Consequently, the development would fail to accord with Policy GBSP1 of the Welwyn Hatfield District Plan 2005, Policy SADM34 of the Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 and the National Planning Policy Framework.
2. The proposed structure, by virtue of its scale, bulk and appearance, would fail to respect and relate to the area's character. It would represent an incongruous addition to the area, in conflict with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005, the Council's Supplementary Design Guidance 2005 and the National Planning Policy Framework.

**REFUSED DRAWING NUMBERS**

3.	<b>Plan Number</b>	<b>Revision Number</b>	<b>Details</b>	<b>Received Date</b>
	PL01 C		Location Plan, Site Plan, and Existing & Proposed Elevations	25 September 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  
20 November 2020