

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

**DELEGATED APPLICATION**

**Application No:** 6/2021/1791/VAR  
**Location:** Nyn Manor Vineyards Road Northaw Potters Bar EN6 4PQ  
**Proposal:** Variation of condition 4 (approved plans) on planning permission 6/2019/1813/FULL  
**Officer:** Mr David Elmore

**Recommendation:** Refused

6/2021/1791/VAR

<b>Context</b>	
<b>Site and Application description</b>	<p>This Section 73 application seeks to vary condition 4 (approved plans) of planning permission 6/2019/1813/FULL. The variation relates specifically to the machinery shed which has not been built in accordance with the approved plans. This application seeks to regularise the alterations which have taken place and comprise:</p> <ul style="list-style-type: none"> <li>- Bi-fold doors installed behind roller shutters; and</li> <li>- Change of location of rooflights on 'Old Barn Elevation' and insertion of five additional rooflights on this roof slope</li> </ul> <p>Applications for non-material amendments to the approved machinery shed have been granted under application numbers 6/2019/1813/NMA1 and 6/2019/1813/NMA3. This included: alterations to door and window locations; insertion of one additional rooflight on the 'Field Elevation'; and internal alterations.</p> <p>The red line area of the application site encloses the access drive from Vineyards Road, the main house (Nyn Manor Farmhouse), its annexe, farmyard including listed buildings, a ménage and portion of a field to the southern side of the farmyard. The blue line area covers the wider farm holding.</p> <p>Nyn Manor Farmhouse, the stable on the south side of the farmyard and the barn and wall on the east side of the farmyard are all Grade II listed buildings.</p> <p>The application site is located within the Green Belt and Northaw Common Parkland Landscape Character Area.</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</p>

	<p>A4D - ARTICLE 4 DIRECTION - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1887872) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1887873) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1888024) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1888035) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1888041) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1888052) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1888073) - Distance: 0</p> <p>FM30 - Flood Zone Surface Water 30mm (1902183) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (485) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2745007) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2744735) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2744974) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2744983) - Distance: 0</p> <p>FM10 - Flood Zone Surface Water 100mm (2765741) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (18099) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7627190) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7627224) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7627225) - Distance: 0</p> <p>FM00 - Flood Zone Surface Water 1000mm (7626950) - Distance: 0</p> <p>WILD - Northaw Brick Kiln Area - Distance: 0</p> <p>HEN - No known habitats present (high priority for habitat creation) - Distance: 0</p> <p>HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0</p> <p>SAGB - Sand and Gravel Belt - Distance: 0</p>
<p><b>Relevant planning history</b></p>	<p>Application Number: 6/2021/0433/COND Decision: Granted Decision Date: 02 June 2021 Proposal: Submission of details pursuant to condition 2 (external lighting) on planning permission (6/2019/1813/FULL)</p> <p>Application Number: 6/2019/1813/NMA3 Decision: Granted Decision Date: 02 June 2021 Proposal: Non-material amendment for alterations to door and window locations; insertion of one additional rooflight on 'Field Elevation' and; internal alterations, on planning permission 6/2019/1813/FULL</p> <p>Application Number: 6/2019/1813/NMA2 Decision: Refused Decision Date: 05 May 2021 Proposal: Non-material amendment for alterations to door and window locations; insertion of one additional rooflight on 'Field Elevation' and five additional rooflights on 'Old Barn Elevation' and; internal alterations, on planning permission 6/2019/1813/FULL</p> <p>Application Number: 6/2019/1813/NMA1 Decision: Granted Decision Date: 05 May 2021 Proposal: Non-material amendment for alterations to door and window locations and internal amendments on planning permission 6/2019/1813/FULL</p> <p>Application Number: 6/2019/3165/COND    Decision: Granted    Decision</p>

	<p>Date: 07 February 2020          Proposal: Submission of details pursuant to condition 1 (samples of materials) on planning permission 6/2019/1813/FULL</p> <p>Application Number: 6/2019/1813/FULL          Decision: Granted          Decision Date: 15 November 2019          Proposal: Erection of 1x machinery store and 1x hay barn following demolition of existing Dutch barn</p> <p>Application Number: 6/2017/1524/FULL          Decision: Refused and dismissed at appeal          Decision Date: 15 September 2017          Proposal: Demolition of the existing Dutch barn following alteration to the existing barn to include a new roof, an extension to the east of the building, new windows and openings following its part demolition and laying of hard surfacing to facilitate the storage of hay.</p>		
<b>Consultations</b>			
<b>Neighbour representations</b>	Support: 0	Object: 2	Other: 1
<b>Publicity</b>	<p>Site Notice Display Date: 1 October 2021          Site Notice Expiry Date: 22 October 2021</p> <p>Press Advert Display Date: 29 September 2021          Press Advert Expiry Date: 20 October 2021</p> <p>Neighbour letters sent</p>		
<b>Summary of neighbour responses</b>	<p>Comments from No.119 and No.121 The Ridgeway summarised as follows:</p> <ul style="list-style-type: none"> <li>• Not convinced by agricultural use of land and building.</li> <li>• Domestic appearance and could be converted to residential</li> </ul> <p>Objection summarised as follows:</p> <ul style="list-style-type: none"> <li>• Domestic in nature and appearance with negative impacts on the Green Belt</li> </ul>		
<b>Consultees and responses</b>	<p>Northaw &amp; Cuffley Parish Council – Major objection stated as follows:</p> <p><i>“The Parish Council wish to reconfirm their objection to 6/2020/0311/MAJ which was to object on the grounds of inappropriate development in the green belt. This remains a big structure to support what is alleged to be a domestic activity. If minded to permit development then steps to preclude further development should be made explicit. The Council members would like to highlight that this is one step further to domestication and this with the inclusion of a large and well lit driveway leading to the development feels like it will be more for domestic use”.</i></p> <p>Historic Building Consultant (Place Services) – Objection. Less than substantial harm to setting of listed buildings</p>		
<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 checked="" 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			

**Main Issues**

**Green Belt**

*Appropriateness*

Policy GBSP1 of the District Plan seeks to maintain the Green Belt but otherwise does not explain how development is to be managed.

Paragraph 149 of the NPPF advises that the construction of new buildings in the Green Belt should be regarded as inappropriate development, apart from certain exceptions. The paragraph 149 (a) exception applies where a building is for agricultural use. The paragraph 149 (d) exception applies where a replacement building is in the same use and not materially larger than the one it replaces. In terms of the latter, no plans or elevations of the Dutch Barn which this building replaced have been submitted and therefore a planning assessment in this regard cannot be undertaken.

Under the parent application (6/2019/1813/FULL) it was confirmed that the application site is in agricultural use for hay cropping and grazing and the proposed buildings are required in order to improve facilities for hay cropping.

For a new building to be considered as an agricultural building, so as to benefit as an exception to paragraph 149, it must not only be used for agricultural purposes but also be designed for agricultural purposes. The latter is supported by long established case law in *Belmont Farm Ltd v MHLG and another [1962]* and *Chichester D.C. v FSS & Simon Green [2006]*.

In *Belmont Farm Ltd* the Court held that “designed” means more than simply “intended by the developer”, and that the correct approach was to “look at the structure at the time of its erection and ask; is this designed for the purposes of agriculture in the sense of its physical appearance and layout?”. Also, in *Chichester* the Court indicated that in deciding whether to grant permission the decision maker would need to take account of what the essential character or design of the building was. It was insufficient to simply ask whether a building designed for one purpose might be capable of use for another purpose.

The glazed bi-fold doors which have been installed behind the roller shutters have a domestic scale and appearance. These features and the now total of eight roof lights on one roof slope are highly unusual for buildings in agricultural use and are normally witnessed on residential buildings.

While roof lights are included on the consented machinery shed, their quantity on each roof slope is markedly less than those now present on the ‘Old Barn Elevation’. The building as a whole now has an obviously residential character and appearance and gives the impression externally of two symmetrical dwellings.

The character and appearance of the building contrasts with simple and functional characteristics of all other agricultural buildings at the site and is also untypical of a contemporary farm building.

It is also considered that the bi-fold doors would not provide ease of movement of agricultural machinery. This access and egress arrangement for such machinery is not practical or efficient.

Furthermore, it is noted that the end roof lights on the ‘Old Barn Elevation’ have been installed notably higher on the roof slope than the other roof lights which are all at the same height. This is very odd and does not support the main argument for the roof lights which is to reduce reliance on artificial lighting.

For the above reasons, it is considered that the machinery shed building has

	<p>not been designed for agricultural purposes. Therefore, the exception at paragraph 149 (a) of the NPPF does not apply to this building.</p> <p>The machinery shed building constitutes inappropriate development in the Green Belt. The failure to maintain the Green Belt does not accord with Policy GBSP1 of the District Plan and there is a failure to accord with the NPPF.</p> <p><i>Openness</i></p> <p>Paragraph 137 of the NPPF outlines that the essential characteristics of Green Belts are their openness and their permanence.</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>It was deemed that the consented building would not harm Green Belt openness as it would represent appropriate development in the Green Belt (by being a building for agriculture). That reasoning no longer applies as the building is considered to not be a 'building for agriculture'.</p> <p>It is considered that the building, as built, results in a loss of Green Belt openness in spatial terms due to its footprint, height, scale and mass.</p> <p>Beyond the site, the building is visible from Vineyards Road and neighbouring properties which back onto the wider site along Vineyards Road and The Ridgeway. The bi-fold doors and additional five rooflights on the 'Old Barn Elevation' have given the building a domestic appearance. The size and domestic appearance of the building has highlighted its presence in the context of the farmyard and also from neighbouring properties and public vantage points. A noticeable adverse impact on the openness of the Green Belt in visual terms has resulted.</p> <p>Taking account of the above, the building results in a loss of Green Belt openness in conflict with the NPPF.</p>
<p><b>Design, character and setting of heritage assets</b></p>	<p>Policy D1 of the District Plan states that the Council will require the standard of design in all new development to be of a high quality, and that the design of new development should incorporate the design principles and policies in the District Plan and the guidance contained in the Supplementary Design Guidance (SDG).</p> <p>One of the design principles is character and Policy D2 (Character and Context) states 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 and that development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.</p> <p>The site is located within Northaw Common Parkland Landscape Character Area. Policy RA10 of the District Plan states that proposals for development in the rural areas will be expected to contribute, as appropriate, to the conservation, maintenance and enhancement of the local landscape character of the area in which they are located, as defined in the Welwyn Hatfield Landscape Character Assessment.</p> <p>Nyn Manor Farm contains a group of three grade II listed buildings forming a courtyard: Nyn Manor Farmhouse dating from the early 19th century (list entry</p>

	<p>no. 1348169); a stable of 17th century origin with 19th century alterations (list entry no. 1295991); and a 17th century barn and wall also with 19th century alterations (list entry no. 1100976). Their significance is largely derived from their architectural form and historical interaction, indeed the stable building is noted on the listing as being included for group value. The subject building is located to the north-east of the group of listed buildings and within their setting.</p> <p>To the southern side of the farmyard is a timber framed and clad storage building. To the north-west of the subject building close to Nyn Manor Farmhouse is a pitched roof building of smaller scale but similar appearance to the as-built machinery shed.</p> <p>Pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard is to be had to the desirability of preserving, among other things, the setting of listed buildings. Paragraph 200 of the NPPF sets out that the significance of a heritage asset can be harmed or lost through development within its setting.</p> <p>It is considered that the five additional rooflights on the 'Old Barn Elevation' and glazed bi-fold doors have given the building a domestic character, in contrast with its use and undermines the utilitarian appearance of the consented building. Similarities in the appearance of the machinery shed and the non-listed barn to the north-west have been noted in the Planning &amp; Heritage Statement, but the non-listed barn is in ancillary use to the farmhouse and its size and appearance reflects that.</p> <p>The Council's Built Heritage Consultant has been consulted for this application and comments that the cumulative effect of the additional rooflights and the glazed bi-fold doors has resulted in a building with a more domestic appearance which does not relate to the functional character of the farmyard which is an important element of the setting of the group of listed buildings. This impact is also appreciable outside of the site from views along Vineyards Road.</p> <p>Less than substantial harm to the significance of the listed buildings have been caused due to inappropriate development within their settings.</p> <p>Paragraph 202 of the NPPF states that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.</p> <p>The Planning &amp; Heritage Statement outlines that the proposal seeks to maximise the efficiency of the building by allowing additional southern sunlight into the work space and the reduction in energy consumption that results is a positive public benefit.</p> <p>The public benefit advanced would not outweigh the less than substantial harm identified, nor do the Local Planning Authority consider that any other public benefits exist.</p> <p>Taking account of the above, it is considered that the insertion of the additional five rooflights on the 'Old Barn Elevation' and the bi-fold doors cause harm to the character and appearance of the site, including the adjacent grouping of listed buildings. The development is therefore contrary to Policies D1 and D2 of the District Plan, the Council's SDG and the NPPF.</p>
<b>Impact on neighbours</b>	No adverse impact
<b>Other considerations</b>	<p><u>Very special circumstances?</u></p> <p>Paragraph 147 of the NPPF states that inappropriate development is, by</p>

	<p>definition, harmful to the Green Belt and should not be approved except in very special circumstances.</p> <p>Paragraph 148 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.</p> <p>‘Very special circumstances’ 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 building represents inappropriate development in the Green Belt and results in a loss of Green Belt openness. In accordance with the NPPF, substantial weight is attached to each of these harms. In addition, the development harms the character and appearance of the site including the setting of designated heritage assets within it. Significant weight is attached to each of these harms.</p> <p>No very special circumstances have been advanced by the applicant. Very special circumstances necessary to justify the development do not exist.</p>
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**Conclusion**

The building represents inappropriate development in the Green Belt and results in a loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Consequently, the development conflicts with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

The building detracts from the character and appearance of the site and has resulted in less than substantial harm to the setting of designated heritage assets. Consequently, the development 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.

**Reasons for Refusal:**

1. The building represents inappropriate development in the Green Belt and results in a loss of Green Belt openness. No very special circumstances exist to clearly outweigh this harm. Consequently, the development conflicts with Policy GBSP1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.
  
2. The building detracts from the character and appearance of the site and has resulted in less than substantial harm to the setting of designated heritage assets. Consequently, the development 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>
	PL05 C		Location Plan	1 August 2019
	PL02 A		Hay Barn - Plans &	23 July 2019

	Elevations	
PL04 C	Proposed Site Plan	1 August 2019
PL10F	Machinery Shed - As Built Plans & Elevations	27 September 2021
PL11	Machinery Shed - As Built Plans & Elevations	11 October 2021

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 Derek Lawrence  
18 November 2021