

**WELWYN HATFIELD BOROUGH COUNCIL
ASSISTANT DIRECTOR (PLANNING)**

DELEGATED APPLICATION

Application No: 6/2023/1421/FULL
Location: Postern Gate Farm Newgate Street Village Hertford SG13 8QR
Proposal: Retention of two animal shelters and erection of a further two identical animal shelters
Officer: Ms Elizabeth Mugova

Recommendation: Refused

6/2023/1421/FULL

Context	
Site and Application description	<p>The application site is located north of Newgate Street Village and Darnicle Hill and comprises a single storey dwelling and a few outbuildings. The surrounding area is predominantly open countryside. The site lies within the Metropolitan Green Belt and Landscape and Character Area (Ponsbourne and Tolmers Parkland Estates).</p> <p>The site was previously operated as a pig farm, this use ceased approximately during the winter of 1996.</p> <p>Planning permission is sought for the retention of two animal shelters and erection of a further two identical animal shelters to facilitate the keeping of goats and sheep.</p>
Constraints (as defined within WHDP 2005)	<p>FLZ2 - Flood Zone 2 (Fluvial Models) - Distance: 0 FLZ3 - Flood Zone 3 (Fluvial Models) - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Ponsbourne and Tolmers Parkland Estates) - Distance: 0 PAR - PARISH (HATFIELD) - Distance: 0 SAC - Special Area of Conservation (SAC 1) - Distance: 80.11 Wards - Northaw & Cuffley - Distance: 0 ALA - Broxbourne - Distance: 0 FM30 - Flood Zone Surface Water 30mm (1902183) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (496) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (498) - Distance: 0 FM10 - Flood Zone Surface Water 100mm (2739687) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18090) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18092) - Distance: 0 FM00 - Flood Zone Surface Water 1000mm (18136) - Distance: 0 HEN - Habitat not currently qualifying under S41 NERC Act - Distance: 0 HEN - No known habitat present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0</p>
Relevant planning history	<p>Application Number: S6/1985/0049/ Decision: Refused Decision Date: 09 May 1985 Proposal: Siting of temporary mobile home</p>

Application Number: S6/1989/0944/FP
 Decision: Granted
 Decision Date: 08 December 1989
 Proposal: Renewal of temporary consent for the siting of a mobile home ref. S6/343/86 dated 31 July 1986

Application Number: S6/1993/0344/DE
 Decision: Granted
 Decision Date: 08 July 1993
 Proposal: Erection of detached bungalow

Application Number: S6/1993/0613/FP
 Decision: Granted
 Decision Date: 06 June 1994
 Proposal: Erection of barn and stables

Application Number: S6/2003/0877/FP
 Decision: Refused
 Decision Date: 12 August 2003
 Proposal: Erection of one new dwelling house

Application Number: S6/2009/1169/LU
 Decision: Refused
 Decision Date: 21 July 2009
 Proposal: Certificate of lawfulness for completion of construction work commenced under S6/2007/1268/FP for conversion of pig pens to one holiday-let cottage

Application Number: S6/2010/1043/FP
 Decision: Refused
 Decision Date: 12 July 2010
 Proposal: Retention of new build holiday let cottage on existing foundations following demolition of former pig pens

Application Number: 6//2018/0859/LAWE
 Decision: Granted
 Decision Date: 17 June 2018
 Proposal: Certificate of lawfulness for continued existing use of static caravan as a dwelling

Application Number: 6/2022/1793/HOUSE
 Decision: Granted
 Decision Date: 17 October 2022
 Proposal: Erection of a single storey front extension

Application Number: 6/2022/2524/PN8
 Decision: Withdrawn
 Decision Date: 12 December 2022
 Proposal: Prior approval for the erection of two single storey side extensions measuring 8m. in depth, 4m. in height and 2.5m. to the eaves

Application Number: 6/2022/2525/PN8
 Decision: Withdrawn
 Decision Date: 12 December 2022
 Proposal: Prior approval for a single storey rear extension measuring 8 metres in depth, 4 metres in height and 2.5 metres to the eaves

	<p>Application Number: 6/2022/2526/PN27 Decision: Prior Approval Required and Granted Decision Date: 29 December 2022 Proposal: Prior approval for the construction of an additional storey to facilitate the enlargement of the dwellinghouse to a maximum of approximately 2.8m in height following the demolition of existing roof</p> <p>Application Number: 6/2023/1086/HOUSE Decision: Withdrawn Decision Date: 10 August 2023 Proposal: Erection of an outbuilding following demolition of existing outbuilding and removal of concrete blocks to vehicle crossover</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	Site Notice Display Date: 24 July 2023 Site Notice Expiry Date: 14 August 2023 Neighbour letters		
Summary of neighbour responses	No representations received		
Consultees and responses	Network Rail – No objection subject to informatives		
Relevant Policies			
<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			
<u>The Welwyn Hatfield Draft Local Plan Proposed Submission (August 2016) Incorporating The Proposed Main Modifications (January 2023) (Draft Local Plan)</u> SADM34 Development in the Green Belt			
Main Issues			
Green Belt	<p>The site is located within the Metropolitan Green Belt as defined by Local Plan Policy GBSP1. Paragraph 147 of the NPPF outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 outlines 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>Appropriateness</p> <p>Paragraph 149 requires that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt unless the following exceptions apply:</p> <ul style="list-style-type: none"> a) buildings for agriculture and forestry b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities 		

preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- 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 development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Draft Local Plan Policy SADM34 outlines that within the Green Belt as defined on the Policies Map, planning permission will be granted for development in accordance with national policy and other policies in the Draft Plan subject to the following criteria:

- Openness and purposes of the Green Belt
- Extensions and alterations to existing buildings
- Replacement buildings
- Major developed sites
- Change of use
- Infill development
- Agricultural and forestry dwellings

The applicant considers that the proposed keeping of goats and sheep is for the purposes of agriculture. According to Section 336 of the Town and Country Planning Act 1990, agriculture is defined as including:

'horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and "agricultural" shall be construed accordingly'

According to Council's planning historical records, the site was previously operated as a pig farm, and agricultural use ceased approximately during the winter of 1996.

In an appeal decision for a proposed animal shelter in Potters Bar (APP/N1920/A/12/2177720), the Planning Inspector concluded that:

"The evidence submitted states that the appellants' intentions are small scale breeding and selling on the progeny to other breeders and rare

breed farms. However, beyond this assertion there is no cogent evidence that this intention would be carried out or that the use amounts to agriculture. Furthermore, the stated purpose of keeping the pigs is to breed stock to sell on. This does not demonstrate that the keeping of the pigs is for an agricultural purpose or that the development would be for the purposes of agriculture. The breeding of animals to sell on may not in itself be agricultural if the animals are to be sold as pets or for hobby purposes. On the evidence before me, I consider that the keeping of the pigs is not for agricultural purposes. As such, the development is inappropriate development within the Green Belt.”

The keeping of goats and sheep at this application site appears to be for hobby purposes. Although the use of the land for keeping/grazing goats and sheep may appear to meet the Section 336 definition of agriculture, there is no evidence submitted to demonstrate that the proposed development would facilitate the keeping of goats and sheep for production purposes as defined in planning and related law.

Generally, new development is inappropriate subject to the exceptions in NPPF paragraph 149 above. In this case, none of the NPPF exceptions apply. Furthermore, the proposal fails to satisfy any of the criteria in Policy SADM34. It is therefore considered that the retention and erection of animal shelters represents inappropriate development in the Green Belt.

Green Belt Purposes and Openness

Paragraph 134 of the NPPF outlines the five purposes of including land within the Green Belt. These seek to check unrestricted sprawl of built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting and special character of historic towns, and encourage the reuse of urban land. Being single storey and of timber construction, the proposed buildings would be relatively low-key. They would not represent a material encroachment into the countryside being for a suitable development within a countryside location. Consequently, the proposal would not conflict with any purposes of including land in the Green Belt.

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.

The total footprint of the animal shelters would be approximately 104.4m², each structure would have a ridge height of approximately 3.2m. The scale of the proposal, and the changes as a result of it, would impact upon the openness of the Green Belt in spatial terms due to the cumulative footprint and volume, where no building currently exists. However, despite this consideration of scale, this alone is not sufficient to support that the development would cause harm to Green Belt openness.

Despite there being an impact upon the site's openness, in spatial terms, it is

	<p>relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt. Other considerations include those relevant to how built up the Green Belt currently is as well as factors relevant to the visual impact of the development. The visual dimension of the Green Belt is an important part of designating land as Green Belt. The perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site.</p> <p>The existing and proposed animal shelters would be located more than 250m away from the main access gate off Newgate Street Village. The proposed buildings would be well screened from the highway to the south and the site is well enclosed by woodland to the north and east. The largest visual impact would be from the railway which runs along the western boundary of the site, where a landscaped boundary has recently been heavily pruned and views of the buildings could potentially be heightened when planting is not in leaf.</p> <p>The proposed buildings would have a limited effect upon people's perception of openness from beyond the boundary of the site. Nonetheless, the development would result in a reduction of openness, in both a spatial and visual sense, albeit to a limited degree.</p> <p><i>Very special circumstances</i></p> <p>Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 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. The applicant has not advanced very special circumstances, and none have been identified by the Local Planning Authority. Accordingly, the harm to the Green Belt is not clearly outweighed by other considerations and therefore the very special circumstances necessary to justify the development do not exist.</p>
Impact on Amenity	<p>The nearest neighbouring property is located approximately over 150m away from the animal shelters. Given the separation distance and single storey nature of the shelters, it is considered that the proposal would not have an adverse impact upon the neighbour amenity.</p>
Any other considerations	<p><i>Network Rail</i></p> <p>The application site adjoins the railway line to the west. Network Rail have been consulted and have no objection to the proposal and they have suggested an informative regarding boundary treatments in the event of a recommendation for approval.</p>
Conclusion	
<p>To conclude, the proposal is inappropriate development that, by definition, would harm the Green Belt. The development would also harm the openness of the Green Belt. Paragraph 148 of the NPPF requires substantial weight to be given to any harm to the Green Belt. No very special circumstances exist to clearly outweigh the harm to the Green Belt. Consequently, the proposed development would conflict with Policy RA3 of the Welwyn Hatfield District Plan; Policy SADM34 of the Draft Local Plan; and the National Planning Policy Framework.</p>	

For the reasons given above it is recommended that planning permission is refused.

Reasons for Refusal:

1. The existing and proposed animal shelters represent inappropriate development in the Green Belt. There would also be a material loss of Green Belt openness. No very special circumstances exist to clearly outweigh the harm to the Green Belt, and any other harm. Consequently, the proposed development would conflict with Policy RA3 of the Welwyn Hatfield District Plan; Policy SADM34 of the Draft Local Plan; and the National Planning Policy Framework.

REFUSED DRAWING NUMBERS

2.

Plan Number	Revision Number	Details	Received Date
339_PL01		Location and Site Plan	7 July 2023
339_PL03		Proposed Plans	7 July 2023
339_PL04		Proposed Elevations	7 July 2023
339_PL02		Proposed Site Plan	10 July 2023

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
4 September 2023