

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

DELEGATED APPLICATION

Application No: 6/2023/1703/HOUSE
Location: The Lodge, 2 Northaw Place The Lodge Coopers Lane Northaw Potters Bar EN6 4NQ
Proposal: Erection of an outbuilding for ancillary use to the main dwelling
Officer: Ms Kirsty Shirley

Recommendation: Granted

6/2023/1703/HOUSE

Context	
Site and Application description	<p>The application site is located to the west of Coopers Lane and is comprised of a two-storey detached dwelling with detached garage, sizeable driveway and extensive garden. The application site has the historic entrance lodge associated with the Grade II* listed Northaw Place and the site lies entirely within the Metropolitan Green Belt.</p> <p>The description of development describes the proposed development as an outbuilding. However, the development proposed under this application is the same as the approved development under 6/2023/1704/LAWP which was assessed and concluded to meet the definition of a caravan.</p> <p>The proposed development under this application is therefore considered to be a caravan rather than an outbuilding and has been assessed as such.</p>
Constraints (as defined within WHDP 2005)	<p>AAS - Area of Archaeological Significance Area of Archaeological Significance : AAS43 - Distance: 0 NPA - Northaw and Cuffley Neighbourhood Plan Area - Distance: 0 SAG - 0 - Distance: 0 GB - Greenbelt - Distance: 0 LCA - Landscape Character Area (Northaw Common Parkland) - Distance: 0 PAR - PARISH (NORTHAW AND CUFFLEY) - Distance: 0 Wards - Northaw & Cuffley - Distance: 0 A4D - Article 4 Direction - Glasshouses, market gardens and nursery grounds - Distance: 0 HPGU - Northaw Place Gardens - Distance: 0 HPGU - Northaw Place - Distance: 0</p>
Relevant planning history	<p>Application Number: 6/2023/1704/LAWP Decision: Granted Decision Date: 10 October 2023 Proposal: Certificate of lawfulness for the siting of a mobile home for use ancillary to the main dwelling</p> <p>Application Number: S6/1982/0020/FP Decision: Granted Decision Date: 18 February 1982 Proposal: Two storey extensions and detached garage</p>

	<p>Application Number: S6/1982/0021/LB Decision: Granted Decision Date: 18 February 1982 Proposal: Two storey extensions</p> <p>Application Number: S6/1989/0800/FP Decision: Refused Decision Date: 10 November 1989 Proposal: Erection of single storey building to house indoor swimming pool</p> <p>Application Number: S6/1997/0909/LB Decision: Granted Decision Date: 15 December 1997 Proposal: Erection of two storey side extension and first floor rear extension</p> <p>Application Number: S6/1997/0910/FP Decision: Granted Decision Date: 15 December 1997 Proposal: Erection of two storey side extension and first floor rear extension</p> <p>Application Number: S6/1998/0859/FP Decision: Granted Decision Date: 30 November 1998 Proposal: Erection of a rear conservatory</p> <p>Application Number: S6/1998/0937/LB Decision: Granted Decision Date: 30 November 1998 Proposal: Erection of a rear conservatory, two storey side extension and first floor rear extension</p> <p>Application Number: S6/1999/0097/FP Decision: Granted Decision Date: 15 March 1999 Proposal: Erection of wooden trellis fence, a maximum of 1.5 metres in height</p> <p>Application Number: S6/2000/0788/FP Decision: Granted Decision Date: 30 October 2000 Proposal: SINGLE STOREY EXTENSIONS TO HOUSE AND GARAGE TO FORM ANNEXE FOR DEPENDANT RELATIVE</p> <p>Application Number: S6/2000/0789/LB Decision: Granted Decision Date: 30 October 2000 Proposal: SINGLE STOREY EXTENSIONS TO HOUSE AND GARAGE TO FORM ANNEXE FOR DEPENDANT RELATIVE</p> <p>Application Number: S6/2001/0909/FP Decision: Granted Decision Date: 28 September 2001 Proposal: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE EXTENSION</p> <p>Application Number: S6/2001/0910/LB</p>
--	--

	<p>Decision: Granted Decision Date: 28 September 2001 Proposal: ERECTION OF PART TWO STOREY, PART SINGLE STOREY SIDE EXTENSION</p> <p>Application Number: S6/2006/1565/LB Decision: Refused Decision Date: 15 January 2007 Proposal: ERECTION OF REAR TWO STOREY EXTENSION AND DEMOLITION OF EXISTING GARAGE</p> <p>Application Number: S6/2006/1564/FP Decision: Refused Decision Date: 15 January 2007 Proposal: ERECTION OF REAR TWO STOREY EXTENSION AND DEMOLITION OF EXISTING GARAGE</p> <p>Application Number: S6/2007/0546/FP Decision: Granted Decision Date: 29 May 2007 Proposal: ERECTION OF TWO STOREY REAR EXTENSION, CREATION OF LIGHTWELL ON FIRST FLOOR, CREATION OF DOUBLE DOORS TO EXISTING CONSERVATORY AND INTERNAL ALTERATIONS.</p> <p>Application Number: S6/2007/0549/LB Decision: Granted Decision Date: 29 May 2007 Proposal: ERECTION OF TWO STOREY REAR EXTENSION, CREATION OF LIGHTWELL ON FIRST FLOOR, CREATION OF DOUBLE DOORS TO EXISTING CONSERVATORY AND INTERNAL ALTERATIONS.</p> <p>Application Number: S6/2014/0442/LUP Decision: Granted Decision Date: 30 April 2014 Proposal: Certificate of lawfulness for the proposed conversion of garage to habital accommodation</p> <p>Application Number: S6/2014/0753/LUP Decision: Refused Decision Date: 30 May 2014 Proposal: Certificate of lawfulness for the erection of a detached outbuilding</p> <p>Application Number: S6/2014/0980/LB Decision: Granted Decision Date: 30 June 2014 Proposal: Conversion of garage to habitable accommodation, including removing garage door, reducing the opening and installing a window to match existing</p> <p>Application Number: S6/2014/1353/FP Decision: Refused Decision Date: 20 August 2014 Proposal: Erection of detached garage</p> <p>Application Number: 6/2016/0153/HOUSE</p>
--	---

	<p>Decision: Granted Decision Date: 01 April 2016 Proposal: Replacement of existing timber fence along Coopers Lane with new timber acoustic fence</p> <p>Application Number: 6/2019/0918/HOUSE Decision: Refused Decision Date: 11 June 2019 Proposal: Formation of a new vehicular access following removal of existing close boarded boundary fence and erection of post and rail boundary fence and hedge</p> <p>Application Number: 6/2022/1508/HOUSE Decision: Refused Decision Date: 19 August 2022 Proposal: Erection of a two storey side extension</p> <p>Application Number: 6/2022/2530/HOUSE Decision: Refused Decision Date: 20 December 2022 Proposal: Erection of a part-single, part-two storey side extension and part subterranean extension</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 30 August 2023 Site Notice Expiry Date: 20 September 2023 Press Advert Display Date: 23 August 2023 Press Advert Expiry Date: 14 September 2023 Neighbour notification letter</p>		
Summary of neighbour responses	None received		
Consultees and responses	<p>Northaw & Cuffley Parish Council – Major Objection: <i>This application is inappropriate development in the Green Belt with no exceptional circumstances demonstrated.</i></p> <p>Place Services Conservation Officer - Object: <i>There are no objections in principle to a well-designed outbuilding of an appropriate scale. However, the proposed building is large in its footprint and is not sympathetic in its materiality or detailing.</i></p> <p>Historic England – Comment: <i>There are no objections to the proposals in principle. However, the design of the proposed new building could be improved to achieve a more traditional appearance and avoid the potential for harm to significance of the listed building in terms.</i></p>		
Relevant Policies			
<p>Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 National Planning Policy Framework 2023</p> <p>The Welwyn Hatfield Borough Council Local Plan 2016-2036:</p> <ul style="list-style-type: none"> • SP1 Delivering Sustainable Development 			

- SP3 Settlement Strategy and Green Belt Boundaries
- SP9 Place Making and High Quality Design
- SP10 Sustainable Design and Construction
- SADM11 Amenity and Layout
- SADM15 Heritage
- SADM16 Ecology and Landscape
- SADM34 Development within the Green Belt

Northaw and Cuffley Neighbourhood Plan 2022-2036:

- D2 Local Character

Planning Guidance:

- Supplementary Design Guidance 2005
- The Planning Practice Guidance

Main Issues

Green Belt

The application site is entirely within the Metropolitan Green Belt. 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. The National Planning Policy Framework (NPPF), states, in paragraph 147 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 then states that substantial weight should be given to any harm in 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.

Local Plan Policy SADM34 states development within the Green Belt will be granted planning approval subject to development complying with national policy and other policies in the Local Plan.

Appropriateness

The NPPF, in paragraph 149, outlines that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from a limited number of exceptions. The exceptions to inappropriate development set out in these paragraphs does not include caravans. The development would therefore represent inappropriate development within the Green Belt.

Openness

The NPPF identifies the essential characteristics of Green Belts are their openness and their permanence. 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 specific characteristics of the proposal and its setting are also relevant in this case when making an assessment.

	<p>The caravan would be a substantial addition within the site, increasing the density of built structures within the site which would subsequently have a visual effect of reducing the sense of openness of the Green Belt.</p> <p>Consequently, it is considered that the proposal would result in a material loss of openness and visual permeability of the Green Belt.</p> <p><i>Purposes</i></p> <p>Paragraph 138 of the NPPF outlines the five purposes Green Belts serve, which are:</p> <ul style="list-style-type: none"> a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land <p>The proposed development would not be located in a large built-up area or town and is not considered to be urban land. The development would not constitute encroachment in the countryside.</p> <p>The development is therefore considered not to conflict with the five purposes of the Green Belt.</p>
<p>Quality of design and impact on heritage assets</p>	<p>Local Plan Policies SP9 and SADM11 require all proposals deliver high-quality design that relates to their surroundings and local distinctiveness with the creation of a good standard of amenity. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG) which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the proposal and how it harmonises with the existing building and area. Northaw and Cuffley Neighbourhood Plan Policy D2 expects proposals to encourage a strong sense of place by addressing the character and context of the area.</p> <p>Paragraph 126 of the NPPF clearly advises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. At paragraph 130, the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. Paragraph 134 is clear that <i>“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.”</i></p> <p>In line with the NPPF, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Also, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.</p>

	<p>Paragraph 199 of the NPPF outlines that, when considering the impact of a proposed development on the significance of a designated heritage asset, 'great weight' should be given to the asset's conservation and the more important the asset the greater the weight it should be given.</p> <p>Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification.</p> <p>Paragraph 202 of the NPPF states '<i>Where a development proposal 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 including, where appropriate, securing its optimum viable use</i>'. Local Plan Policy SADM15 is similar in these aims.</p> <p>The application site contains the historic entrance lodge associated with the Grade II* listed Northaw Place located to the west. The late seventeenth century garden wall to the south-west of the site is also listed at Grade II. The dwelling at the site has been considerably extended and altered but it still contributes to an appreciation of the history and significance of the listed building and forms part of the group of buildings and structures associated with the former estate. It contributes to the setting of the listed Northaw Place, as does its garden which was historically part of the estate.</p> <p>The proposed caravan would be substantial in size and scale and combined with the untraditional materials and detailing of the caravan, the caravan would not represent a sympathetic addition to the historic estate of Northaw Place. The development is therefore not considered to preserve the setting of the listed building. The harm to the significance of the listed building of Northaw Place is a very low level of 'less than substantial' harm and so paragraph 202 is applicable.</p> <p>The proposal would be for private domestic use and no direct public benefits have been identified. The proposal would therefore be contrary to the provisions of the NPPF; Local Plan Policies SP9, SADM11 and SADM15; and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be given to the desirability of preserving listed buildings or their settings.</p>
Impact on neighbours	<p>No neighbour representations have been received.</p> <p>Giving consideration to the siting and scale of the proposal, it is not considered that the proposal would have an undue effect on the living conditions of neighbouring occupiers in terms of a loss of light, outlook, or overbearing impact.</p>
Access, car parking and highway considerations	<p>The caravan would have one bedroom. No details have been provided as part of this application with regards to any proposed changes to the parking provision on site.</p> <p>The application site benefits from a sizeable hardstanding that can accommodate many vehicles as well as a detached double garage. The development would therefore retain sufficient on-site car parking.</p>
Landscaping	<p>Paragraph 130 of the NPPF requires new developments to ensure appropriate and effective landscaping. Local Plan Policies SP11 and SADM16 expects</p>

	<p>development to maintain, protect, conserve and enhance ecology and biodiversity in the borough.</p> <p>The proposed development would be situated in proximity to an area dense with trees. The proposed development does not propose to fell any trees, and the application site is not within a conservation area nor do the trees benefit from the Tree Preservation Order (TPO).</p> <p>While the caravan would have a screw pile foundation system which would limit the potential damage to tree roots during installation, the root protection area of the trees and potential implication of the development on the roots have not been submitted with this application. The development would therefore not be in accordance with Local Plan Policies SP11 and SADM16 and the NPPF.</p>
<p>Very special circumstances</p>	<p>For the reasons discussed above, the proposal fails to meet the exceptions set out in paragraph 149 of the NPPF. The development proposal therefore represents inappropriate development in the Green Belt. 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 (VSC). Paragraph 148 outlines that <i>'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'</i>. In accordance with the NPPF, substantial weight is afforded to this harm.</p> <p>The development would also result in less than substantial be harmful to the heritage asset of Northaw Place and has also not been demonstrated to protect or conserve the trees in vicinity to the location of the proposed development.</p> <p>It is accepted in case law that there is no prescribed list of what might constitute very special circumstances. It may be that a single aspect of a proposal may itself be a very special circumstance (VSC) sufficient to justify development or it may be that a number of circumstances may cumulatively amount to very special circumstances. As Lord Justice Pill said in <i>South Bucks District Council v Secretary of State for Transport, Local Government and the Regions</i> [2003] EWCA Civ 687, [2003] All ER (D) 250 (May): <i>"It is of the essence of very special circumstances that the applicant establishing them is in a very special category."</i> However, by their nature the existence of very special circumstances must relate to a particular site.</p> <p>The very special circumstances case advanced by the applicant is the case that the development extended family to reside in close proximity to the dwelling.</p> <p>The circumstances described, or similar, could apply to many other residents and properties in the Green Belt. Personal circumstances will inevitably change overtime whereas the harm identified by the proposal would be permanent, and in this context, only very limited weight can be given to the personal circumstances as detailed in the applicant's very special circumstances case.</p> <p>A further VSC case has emerged following the approval of application 6/2023/1704/LAWP. Application 6/2023/1704/LAWP is for the erection of a caravan for use ancillary to the dwelling within the application site. As</p>

application 6/2023/1704/LAWP has been approved, there is a greater than theoretical prospect that this development would be constructed regardless of the outcomes of this application.

The caravan approved under application 6/2023/1704/LAWP would be the same size and scale as the caravan proposed under this application, situated in the same positioning within the site and featuring the same design and style.

Ultimately the comparison between the proposal and the fall-back position is a planning judgement of fact and degree in relation to size and appearance. In this regard, the proposed development and permitted development fall-back position would result in development that would have the same impact on the openness of the Green Belt, the setting of the listed building and trees. As a consequence, the permitted development fall-back position and proposed development would be equally harmful within the Green Belt, to the heritage asset of Northaw Place and to the trees in vicinity to the location of the proposed development.

However, the development proposed in this application is the same in terms of size, scale, design and positioning as that approved under application 6/2023/1704/LAWP at the application site. The approval of the development under 6/2023/1704/LAWP means there is a greater than theoretical prospect that this development would be constructed regardless of the outcome of this application.

It would therefore not be necessary or appropriate to withhold planning approval due to the development's impact upon Green Belt, the listed building of Northaw Place or impact towards the trees a result of the permitted development fall-back position created under application 6/2023/1704/LAWP.

Taking account of the above, it is considered that very special circumstances do exist to justify the development.

Conclusion

The proposed development would result in conflict with the development plan, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

However, it is considered that the permitted development fallback position created under application 6/2023/1704/LAWP constitutes very special circumstances that outweigh the harm identified to the Green Belt, the listed building of Northaw Place and trees in the locality.

The development is therefore recommended for approval.

DRAWING NUMBERS

The development/works shall not be started and completed other than in accordance with the approved plans and details:

Plan Number	Revision Number	Details	Received Date
2153.07.23.6	3	Elevations- Cross Section	14 August 2023

2153.07.23.1	3	Footprint	14 August 2023
2153.07.23.2	3	Proposed Elevations	14 August 2023
2153.07.23.3	3	Proposed Elevations	14 August 2023
2153.07.23.4	3	Existing Location/Block Plan	14 August 2023
2153.07.23.5		Proposed Block Plan	14 August 2023

REASON: To ensure that the development is carried out in accordance with the approved plans and details.

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).

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (water interest etc.) Neither does this permission negate or override any private covenants or legal interest (easements or wayleaves) which may affect the land.
2. In addition, and separate to your planning permission, for the majority of schemes, you are required by law to appoint a building regulator who will inspect your property at various stages during the course of your building project. This is to ensure it is compliant with the Building Regulations and the Building Act 1984.

The checks the building regulator will carry out include, but are not limited to, the structure, foundations, fire precautions and escape routes, electrical and plumbing compliance and other issues such as drainage and insulation. The objective of these checks is to ensure that your building is safe to live in, accessible and environmentally sustainable.

Once all build stages are checked and the works are finished, a Completion Certificate is issued confirming that these objectives have been met. You will also need the Completion Certificate, should you sell the property, as it will confirm to future owners that the work has been carried out in compliance with the Regulations.

As the owner of the property, you are responsible for Building Regulations compliance so we would urge you to decide which regulator to use, as opposed to leaving your builder or architect to make the choice. This is so that you can be sure the building regulator is truly independent and working to protect you from any breach or omission during the works.

Hertfordshire Building Control Limited are a Company wholly owned by eight local authorities in Hertfordshire including Welwyn Hatfield Borough Council. Please

contact them on 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk to discuss the process and all that is involved. Or alternatively refer to the Homeowner Information section on their website at www.hertfordshirebc.co.uk

Determined By:

Mr Mark Peacock
8 November 2023