

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

DELEGATED APPLICATION

Application No: 6/2023/2276/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: Granted

6/2023/2276/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>This application is a resubmission following the refusal of planning application 6/2023/1421/FULL for retention of two animal shelters and erection of a further two identical animal shelters.</p> <p>Planning application 6/2023/1421/FULL was refused for the following reasons:</p> <ol style="list-style-type: none"> <i>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.</i> <p>The applicant has asked the Council to reconsider the proposal for the retention of two animal shelters and erection of a further two identical animal shelters to facilitate the keeping of goats and sheep. They consider that the application site benefits from agricultural use and that the Council made an error in law in refusing the previous application.</p>
Constraints	<p>FLZ2 - Flood Zone 2 (Fluvial Models) - Distance: 0 FLZ3 - Flood Zone 3 (Fluvial Models) - Distance: 0 GB - Green Belt - 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: 79.44 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</p>

	<p>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 - No known habitat present (high priority for habitat creation) - Distance: 0 SAGB - Sand and Gravel Belt - Distance: 0 HEN - Existing habitat not currently qualifying under S41 NERC Act - Distance: 0</p>
<p>Relevant planning history</p>	<p>Application Number: S6/1985/0049/ Decision: Refused Decision Date: 09 May 1985 Proposal: Siting of temporary mobile home</p> <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</p> <p>Application Number: S6/1993/0344/DE Decision: Granted Decision Date: 08 July 1993 Proposal: Erection of detached bungalow</p> <p>Application Number: S6/1993/0613/FP Decision: Granted Decision Date: 06 June 1994 Proposal: Erection of barn and stables</p> <p>Application Number: S6/2003/0877/FP Decision: Refused Decision Date: 12 August 2003 Proposal: Erection of one new dwelling house</p> <p>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</p> <p>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</p> <p>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</p> <p>Application Number: 6/2022/1793/HOUSE Decision: Granted</p>

	<p>Decision Date: 17 October 2022 Proposal: Erection of a single storey front extension</p> <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: 6/2023/1421/FULL Decision: Refused Decision Date: 04 September 2023 Proposal: Retention of two animal shelters and erection of a further two identical animal shelters</p>		
Consultations			
Neighbour representations	Support: 0	Object: 0	Other: 0
Publicity	<p>Site Notice Display Date: 30 November 2023 Site Notice Expiry Date: 21 December 2023 Neighbour letters</p>		
Summary of neighbour responses	No representations received		
Consultees and responses	<p>Network Rail - Comments</p> <ul style="list-style-type: none"> • No objection to the change of use of land • Ensure sufficient stock proof fencing to prevent their livestock from getting onto the railway 		
Relevant Policies and Guidance			
National Planning Policy Framework			
The Welwyn Hatfield Borough Council Local Plan 2016-2036:			
<ul style="list-style-type: none"> • SP1 Delivering Sustainable Development • SP3 Settlement Strategy and Green Belt Boundaries • SP9 Place-making and High Quality Design • SADM11 Amenity and Layout • SADM16 Ecology and Landscape • SADM34 Development in the Green Belt 			
Planning Guidance:			
<ul style="list-style-type: none"> • Supplementary Design Guidance 2005 • Planning Practice Guidance • National Design Guide 			
Main Issues			
Green Belt	<p>The application site is washed over by the Metropolitan Green Belt as defined by Local Plan Policy SP3. The NPPF states, in Paragraph 152 that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 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</p>		

	<p>harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p><i>Appropriateness</i></p> <p>Paragraph 154 of the NPPF 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. One of these exceptions (relevant in this case) is buildings for agriculture and forestry (a).</p> <p>According to Section 336 of the Town and Country Planning Act 1990, agriculture is defined as including:</p> <p><i>'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'</i></p> <p>The applicant seeks planning permission for the retention of two animal shelters and erection of a further two identical animal shelters to facilitate the keeping of goats and sheep as a hobby. The site was previously operated as a pig farm, this use ceased approximately during the winter of 1996.</p> <p>A statement submitted in support of the current application sets out that the applicant contends that the land still benefits from an agricultural use. This is accepted by Officer's on the basis that there is no evidence available to the Council to suggest that the agricultural use was superseded by a different use.</p> <p>The definition of agriculture as provided by section 336 does not specifically refer to there being a need for a business element neither does it preclude hobby farming. It is therefore accepted that the proposed development would be for agricultural use. Accordingly, the proposal would represent appropriate development in the Green Belt.</p> <p><i>Openness and Purposes of Including Land in the Green Belt</i></p> <p>The Courts have held that appropriate development is not harmful to Green Belt openness or the purposes of including land within it. Consequently, no discussion of this has been made in respect of the new building.</p>
<p>Design (form, size, scale, siting) and Character (appearance within the streetscene)</p>	<p>Paragraph 131 of the NPPF advises that the creation of high quality, beautiful and sustainable 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.</p> <p>Local Plan Policy SP1 states the need to deliver sustainable development whilst ensuring development is built to high design standards reflecting local character. Policy SP9 emphasises this need to deliver a high-quality design that fosters a positive sense of place, also responding to the character and context of the surrounding area. The Council's Supplementary Design Guidance (SDG) includes guidance which requires the impact of a development to be assessed giving regard to the bulk, scale and design of the</p>

	<p>proposal and how it harmonises with the surrounding area. The SDG can only be guidance because it cannot address all the potential circumstances associated with new development.</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 animal shelters would have a maximum height of approx. 3.2m. Due to the size and siting of the animal shelters, it is considered that the proposal would not be unduly prominent within the landscape and would not detract from the character of the surrounding area.</p> <p>The animal shelters would feature timber cladding and felt pitched roof. It is considered that the external materials would adequately respect and relate to the character of the surrounding landscape.</p> <p>Subject to a condition regarding external materials, it is considered that the proposal would not harm the character, quality and condition of the landscape and would accord with the local and national policies.</p>
Impact on neighbours	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.
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 advised that sufficient stock proof fencing should be put in place to prevent livestock from getting onto the railway, which could result in accidents to rail users and the animals themselves. An informative is therefore suggested regarding boundary treatments.</p>
Conclusion	
Subject to the suggested planning conditions, the proposed development would accord with relevant local and national planning policies.	

Conditions:

1. The development must not be carried out other than in accordance with the details of external materials specified on the approved drawings. Details of any alternative materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to above ground development. The development shall be implemented using the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of maintaining the character and visual amenity of the area, in accordance with the Welwyn Hatfield Borough Council Local Plan and the National Planning Policy Framework.

DRAWING NUMBERS

2. 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
339 PL01		Location Plan	10 November 2023
339 PL02		Proposed Site Plans	10 November 2023
339 PL03		Proposed Plans	10 November 2023
339 PL04		Proposed Elevations	10 November 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. The fencing for the proposed pens should be sufficient to prevent animals from escaping into the broader field and potentially onto the railway. The railway boundary fence at this location appears to be post and wire only and not necessarily suitable to prevent animals from getting onto the railway. It should be noted that Network Rail are unable to prioritise removal of animals and pets from the operational railway environment and not only is access to the railway highly dangerous, unauthorised access (for instance to retrieve animals) is a criminal offence. The applicant should be certain that fencing provision is suitable to prevent this and provide an additional stock proof boundary where this is not the case.

Determined By:

Mr Mark Peacock
7 March 2024