

# Appeal Statement

In Respect of:

**Northaw Equestrian Centre**

**Northaw Road West**

**Northaw**

**Potters Bar**

**EN6 4NT**

Local Planning Authority Reference:

**S6/2015/1159/MA**

Date:

**February 2016**

Heronslea Group



# 1. Introduction

- 1.1. This appeal has been submitted by the Heronslea Group against the decision of Welwyn Hatfield Borough Council to refuse a planning application for residential development at Northaw Riding School.
- 1.2. The planning application was submitted to the Council on the 28th May 2015 and given the reference number S6/2015/1159/MA for the planning application and S6/2015/1160/LB for the Listed building consent. The application description and was for the following development:
- 1.3. **“Conversion of barn to residential dwelling and erection of 14 dwelling houses following demolition of structures.”**
- 1.4. However, it should be noted the description was amended by the Council prior registration, and this is incorrect as the proposals is for 13 new build dwellings and the conversion of the listed building.
- 1.5. The planning application was subject to a considerable amount of negotiation with Borough Council Officers from pre application through the application. The application was determined as a delegated decision and refused on the 23rd December 2015.
- 1.6. The application was refused on the following grounds:
  - 1.6.1. By virtue of its location and its remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, the proposal is contrary to the settlement strategy of the Council and represents an environmentally unsustainable form of development. Furthermore, the proposal would result in the loss of 15 jobs at the site and therefore fails to support the existing rural economy. This is not outweighed by the limited economic benefits that would arise during construction of the development. In this regard the development is also economically unsustainable. As such, the proposal is contrary to Saved Policies SD1, H1, H2, RA16, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the ‘golden thread’ of the National Planning Policy Framework which seeks to achieve sustainable development.
  - 1.6.2. The proposed development results in harm to physical and visual aspects of openness of the Green Belt, encroaches residential form into the countryside and fails to assist in urban regeneration by

encouraging the recycling of derelict and other urban land. As such the proposal results in harm to openness and contravenes the purposes of including land within the Green Belt that would be significantly greater than that of the existing use of the site. As such the proposal represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm caused, by reason of its inappropriateness and the other harm identified. Accordingly the proposal is contrary to the National Planning Policy Framework, policies RA17, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and Welwyn Hatfield District Plan Supplementary Design Guidance 2005 (Statement of Council Policy).

1.6.3. The proposed conversion of the listed barn to a residential unit would, by virtue of the perforation of the exterior walls with a large number of residential features and by the subdivision of the large expanse of the volume of the building to form internal rooms and a first floor, erode the key characteristics of this heritage asset. The setting of the listed building would also be significantly and demonstrably harmed by the residential design and layout of the proposed units and the loss of the existing buildings, which are more rural in nature and appropriate to their immediate setting than those proposed. This would have a deleterious impact on the special traditional, rural and historic interest of the building and is considered to amount to substantial harm to the designated heritage asset. The Local Planning Authority does not consider there to be substantial public benefits arising from the proposal that would outweigh the harm caused to the significance of the listed building nor are all of the remaining criteria of paragraph 133 of the Framework met. As such, the proposal is not of high quality design and is not in accordance with Section 12 of the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan 2005.

1.6.4. The residential nature and layout of the development, particularly towards the south of the site, introduces an incongruous urban feature within the immediate area. The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, strengthen, maintain or enhance the wider surrounding area. As such, the proposal fails to represent a high quality of design and is contrary to policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005, Welwyn Hatfield District Plan Supplementary Design Guidance 2005 (Statement of Council Policy) and Sections 7 and

- 1.6.5. Insufficient information has been provided within the application to establish whether or not there is any agricultural demand for the agriculturally tied unit at the site. It is therefore not possible to establish whether the land serviced in conjunction within this tied unit would be appropriately managed following the buildings removal from the site. The proposal therefore cannot be properly considered against Policy RA20 of the Welwyn Hatfield District Plan 2005.
- 1.6.6. The applicant has failed to satisfy the aims of the plan to secure the proper planning of the area by failing to ensure that the development proposed would provide financial contributions towards open space, play equipment and bin/recycle provision which are necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to the above contributions. The Local Planning Authority considers that it would be inappropriate to secure the financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies M2, M4 and IM1 of the Welwyn Hatfield District Plan 2005.
- 1.6.7. Insufficient information has been provided within the application to establish whether or not the proposed development would result in harm to biodiversity at the site. As such, an appropriate assessment in terms of the Habitats Regulations cannot take place. The proposal therefore cannot be properly considered against Policy R11 of the Welwyn Hatfield District Plan 2005, the relevant Sections of the National Planning Policy Framework and the requirements of the Natural Environment and Rural Communities Act 2006.
- 1.6.8. The proposed development would involve the repositioning of a speed reduction feature (mini-roundabout) to a location where there is an increased likelihood of interaction with pedestrians and vehicles. The absence of any deflection through the mini-roundabout would also reduce the effectiveness of this feature. Furthermore, the proposed pedestrian crossing facility would encourage pedestrians to cross at a point immediately after the proposed mini- roundabout. This would significantly compromise pedestrian and vehicular safety. As such, the proposal would result in unacceptable impacts in terms of highway safety and is contrary to Policy D1 of the Welwyn Hatfield District Plan 2005.

## 2. The Site

2.1. The appeal site is approximately 1 hectare and lies within the Metropolitan Green Belt, Northaw Common Parkland Landscape Character Area (53) and an Area of Archaeological Significance (AAS41), as designated in the Welwyn Hatfield District Plan 2005

2.2. The site is a rectangular area of land located on the road frontage with Northaw Road West, about 175 metres east of the junction with Park Road. The site is currently a mixture of hard surfacing, buildings and landscaping and is used as a Riding/Equestrian Centre. The site is laid out with a number of ménages, storage bays and storage containers for offices and ancillary facilities on its southern boundary. There is a substantial brick wall and hedge on the Northaw Road West frontage. The area is well developed and located within the metropolitan Green Belt.

2.3. The site includes the following:

- Residential House
- a number of stables
- Barns
- Listed barn
- Car storage area
- Three access points
- Outdoor Ménages
- Flood lighting
- Covered storage
- Garage
- Substantial hardstanding and internal roads
- Ancillary Structures

2.4. The site is located within the village of Northaw, which is within the parish of Northaw and Cuffley.

**Figure 1: Site Aerial Photo**



### 3. Planning History

3.1. The site has an extensive planning history. Planning permission for the use of the site as livery stables and riding school with ménage was granted in 1995 under ref. S6/1995/0545/FP. The full planning history of the site is set out below:

S6/2015/1160/LB – Conversion of barn to dwelling which includes the insertion of a first floor, seven roof lights windows and doors and windows at ground floor level.

S6/2014/1314/S73A - Variation of condition 2 (agricultural occupancy) of planning permission S6/1987/0013/FP. No Decision

S6/2014/0082/LUE - Certificate of lawfulness for continued use of building as single dwelling house. Refused

S6/2013/2275/MA - Erection of two stable blocks and office together with retention of existing hardsurfacing - Refused

S6/2013/1910/MA - Erection of two stable blocks and office together with retention of existing hardsurfacing - Refused

S6/2013/0670/EA - Operational Development - Formation of hardstanding/development taking place to the rear of the barn - Withdrawn

S6/2012/2461/FP - Erection of two stable blocks. Refused

S6/2009/0566/FP - Erection of replacement dwelling following demolition of existing dwelling. Refused.

S6/2006/1 1 23/AG - Erection of open fronted barn for storage of hay. Approved.

S6/1995/0545/FP Permanent use as livery stables and. riding school with ménage (variation to condition 1 of Planning Permission S6/0319/93/FP which restricted permission to temporary period). Approved.

S6/1995/0089/FP - Erection of flood lighting to existing ménage. Approved.

S6/1993/031 9/FP - Use of existing stables (with permission for stabling bloodstock horses) for livery and riding school and formation of ménage (exercise area). Approved.

S6/1 992/0238/FP Change of use of a) an agricultural workshop and b) an agricultural barn, for the stabling of-bloodstock horses. Approved.

S6/1991/0957/FP - Single stored rear extension. Approved.

S6/1991/0362/FP - Erection of car port and entrance porch. Refused. Appeal - Porch allowed, car port dismissed ( would appear the carport may have been later built under permitted development)

S6/1991/0371/FP - Single stored side extension. Refused. Appeal dismissed.

S6/1988/0301/FP - Erection of detached garage. Approved.

S6/1987/001 3/FP Detached agricultural workers dwelling with parking space Approved.

S6/1985/0390 Site for dwelling for agricultural worker. Refused.

S6/1980/0044 - Change of use of farm building to dwellings of agricultural workmen. Approved

S6/1980/0043 - Cattleyard and storage building for beef unit. Approved

S6/1979/0720/LB Demolition of existing dwelling. Approved

S6/1979/0151/LB Demolition of existing buildings and erection of dwellinghouse. Refused

S6/1 974/0646 Change of use of farm buildings to dwellings for agricultural workmen. Approved.



3.2. The application process has been extensive, the key application dates have been as follows:

- Pre application submitted 2nd April 2015
- Pre application meeting 20th April 2015
- Public consultation 21st May 2015
- Application submitted 28th May 2015
- Pre application report received 15 June 2015
- Amended plans submitted 4 August 2015
- Application made valid 29 May 2015
- Listed Building Consent Refused 9<sup>th</sup> December 2015
- Full Application decision 23rd December 2015

## 4. Statement of Case

4.1. The application was refused on eight grounds, each of the reasons are taken in turn and the case is demonstrated why these reason are incorrect any why the appeal should be allowed:

4.2. *By virtue of its location and its remoteness from existing services and facilities and, in particular, from existing infrastructure in the area, the proposal is contrary to the settlement strategy of the Council and represents an environmentally unsustainable form of development. Furthermore, the proposal would result in the loss of 15 jobs at the site and therefore fails to support the existing rural economy. This is not outweighed by the limited economic benefits that would arise during construction of the development. In this regard the development is also economically unsustainable. As such, the proposal is contrary to Saved Policies SD1, H1, H2, RA16, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and the 'golden thread' of the National Planning Policy Framework which seeks to achieve sustainable development.*

4.3. Northaw is a village with a number of key services, which is acknowledged by the Council. The Welwyn and Hatfield Local Plan (2005) distinguishes two categories of Green Belt settlement in paragraph 4.13, (a) Rural villages supporting a number of facilities and (b) Other small settlements. Northaw is included within Rural villages supporting a number of facilities category. such as a primary school

4.4. Paragraph 4.13 states: *“(a) Rural villages supporting a number of facilities, such as a primary school and/or a church, a village hall, a shop/post office and pubs, and as such, have a degree of self sufficiency to sustain their communities. These are Essendon, Northaw, Newgate Street and Lemsford.”*

4.5. This is further elaborated in paragraph 15.6 of the Local Plan which states: *“Settlements within the Green Belt are subject to general presumption against inappropriate development. Paragraph 4.13 defines two categories of Green Belt settlements. The first of these categories of settlement are Essendon, Northaw, Newgate Street and Lemsford which have a number of facilities with a degree of self sufficiency. The Council considers these settlements have local needs that may justify exceptional development.”*

4.6. The approach in paragraph 15.6 of the Local Plan is also set out in Policy RA2 - Development in Settlements within the Green Belt. This states that apart from the exceptions in Policy RA1, within the Green Belt settlements of Essendon, Newgate Street, Northaw, and Lemsford development will

only be permitted to accommodate the specific needs of the settlement and the surrounding local rural area for housing, employment, local facilities, services and leisure, by a number of recognised standards.

- 4.7. As demonstrated with the submitted planning statement there are a number of existing facilities, which make the village highly sustainable. Figure 2 demonstrates that they are within 800 metres of the site, which is accepted as sustainable 10 minutes walk.



Bus Stops Adjacent to the site are bus stops with regular services between Potters Bar and Waltham Cross (242).



There is a children's nursery in Northaw - Squiggles Nursery.



The village primary school (Northaw Church of England Primary School) is located on Vineyards Road.



Within Northaw, there is a Village Hall which is available for hire and community use.



There are two public houses in Northaw, the Sun and the Two Brewers.



Within Northaw there is also a large church, the St Thomas a Becket Church located on Vineyards Road.



In addition to a number of amenity areas, and the countryside walks in Northaw there is also a Children's Play Area. An Amenity Area is also proposed on the application site.



**Figure 2 Local Facilities**

- 4.8. Welwyn Hatfield are currently producing the revised Local Plan. This includes work on housing need.
- 4.9. The Council published the Strategic Housing Market Assessment in August 2014. This states in Paragraph 10.42 “Taking account of the size of each sub-area, proportionally there are particular areas of need in the Rural South” The application site appears to be on the border of both the Cuffley and Rural South sub area, the report demonstrates housing need in both locations.
- 4.10. It is quite clear from the SHMA that a balance housing approach is required in the Borough, whilst larger development is directed to areas such as Welwyn Garden City and Hatfield, development is also required in rural locations to help local need, and reduce concealed households. The SHMA demonstrates that there is housing need in areas such as Northaw

which this application seeks helps to mitigate. This is a material consideration in the application and appeal

4.11. The reason also states that the application is environmentally unsustainable, however this is incorrect. The proposal includes considerable environmental benefits to the site. It removes the ad hoc structures, removes the use of chemicals from the land and removes the car storage yard. The application includes significant landscaping and a park amenity area, which have substantial environmental benefits. This area would create a variety of habitats and opportunities for biodiversity. The application is submitted with a landscaping scheme and ecological report, which demonstrate these benefits.

4.12. There is a clear precedence for similar developments within the Borough, for example Fir Stable where outline approval was allowed by the Council for erection of 5 dwellings and a stables block on a former livery. The site consists of a number of buildings including an old mechanics workshop, five stable blocks and a number of single storey units within the northern section of the site. The old mechanics workshop is a large open structure internally with three office rooms to the northern end of the building. This application sought outline planning permission for the erection of five dwellings and a stable block with approval sought for access, layout and scale (appearance and landscaping would for reserved matters). Four dwellings would be located towards the south of the site, with the remaining dwelling sited in the northern corner of the application site. The block of stables would be located towards the centre of the site, between the two separate locations for the dwellings, and would not be for commercial use. The Council and the Committee concluded The impacts of the proposal have been considered on the visual amenity of the area, including the Green Belt, on the amenity of neighbouring dwellings and on other relevant material considerations. It has been concluded that the proposal is acceptable in terms of the above. As such, the development is in accordance with the relevant policies of the adopted Welwyn Hatfield District Plan 2005, the adopted Supplementary Design Guide and with the NPPF.



**Figure 3: Fir Stable – Site Plan**

4.13. The LPA also state that 15 jobs will be lost, whilst this is correct the Riding School only has a short term lease which is due to expire this summer. There is no guarantee that this will be renewed. As a result these jobs should be considered as short-term jobs and when balanced against the construction phase of the development there would increase in employment from the application with at least 25 people employed via the development. In addition the additional residents within the village would help to sustain the existing facilities further with extra patronage for facilities such as the pubs. This reason is not substantiated and should be overturned.

4.14. *The proposed development results in harm to physical and visual aspects of openness of the Green Belt, encroaches residential form into the countryside and fails to assist in urban regeneration by encouraging the recycling of derelict and other urban land. As such the proposal results in harm to openness and contravenes the purposes of including land within the Green Belt that would be significantly greater than that of the existing use of the site. As such the proposal represents inappropriate development within the Green Belt. The Local Planning Authority considers that very special circumstances do not exist to outweigh the harm caused, by reason of its inappropriateness and the other harm identified. Accordingly the proposal is contrary to the National Planning Policy Framework, policies RA17, GBSP1 and GBSP2 of the adopted Welwyn Hatfield District Plan 2005 and*

*Welwyn Hatfield District Plan Supplementary Design Guidance 2005  
(Statement of Council Policy).*

- 4.15. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. The National Planning Policy Framework (NPPF) encourages the provision of more housing within towns and other specified settlements and encourages the effective use of land by reusing land that has been previously developed.
- 4.16. The site lies within the identified Green Belt, where the Green Belt Strategy is set out in the National Planning Policy Framework (NPPF) (Section 9: Protecting Green Belt Land). Therefore aside from the presumption in favour of sustainable development and core planning principles set out in paragraphs 6-17 of the NPPF the most relevant paragraph is 89. This states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, unless it falls within one of the exceptions set out.
- 4.17. One exception (bullet point 6) states that previously developed land can be partially or completely redeveloped subject to development preserving the openness of the Green Belt and not contravening the purposes of including land within it.
- 4.18. With regards to the above, the current lawful use of the buildings and land is for equestrian centre (D2). As such, with regards to Annex 2 of the NPPF, it is confirmed that the application site, in this current chapter of the planning history of the site, is comprised of previously developed land.
- 4.19. Annex 2 of NPPF states: Previously developed land: land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the

permanent structure or fixed surface structure have blended into the landscape in the process of time.

4.20. On this basis, it is considered that the construction of residential units and the associated change of use of land to residential, subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it, meets the above mentioned exception for appropriate development within paragraph 89 of the NPPF.

4.21. Subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it, the proposed development would be an appropriate element of the proposal with regard to paragraph 89 of the NPPF.

4.22. The key test is location of the development, the volume, footprint and hardstanding of the development, this is assessed in

	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>	<b>% Change</b>
<b>Volume</b>	0,867 m3	4,209 m3	6,688 m3	<b>-62%</b>
<b>Hardstanding</b>	,210 m2	2,579 m2	3,631 m2	<b>-58%</b>
<b>Footprint</b>	,360 m2	1,951 m2	2,409 m2	<b>-55%</b>

4.23. The application considerably reduces the amount volume, hardstanding and footprint on the site. As a result the impact on the Green Belt is considerable reduced. In addition the application removes structures, fences and paraphernalia from the west side of the site, with the provision of the park , this improves the Green Belt. The proposed development is confined within the built footprint area of the site, as a result there is no encroachment into the Green Belt. The application is a benefit to the site, character area and village and listed buildings improving the condition of the site and reducing the volume of buildings and structures on the site. The application also includes a park/amenity area which is again an improvement to the Green Belt than the existing facilities and structures.

### **Housing Trajectory Supply**

4.24. The council’s evidence base for the emerging local comprises a number of studies that have been carried out to inform the preparation of the Local Plan.



4.25. The Strategic Housing Land Availability Assessment: Phase 1 (December 2013) and the Welwyn Hatfield Borough Council Annual Monitoring Report (December 2013) are the most recent documents detailing the housing land supply in the district. The AMR details the housing land supply against two separate targets. Target A is set against the rolled forward Welwyn Hatfield District Plan target that covered the period 1991 to 2011 however has been rolled forward for 2011 to 2021.

4.26. Based on an assessment of this figure, the Council state that they would have 7.6 years' worth of supply with no requirement to identify any future development sites. This is clearly based on an evidence base and plan target which is wholly out of date.

4.27. The Council then refer to a more realistic target. Target B is set against the Emerging Core Strategy (2012) which has a target of 6,800 dwellings between 2011 and 2029; the Emerging Core Strategy is no longer being progressed but at the time of the AMR was based on the most up-to-date information. Based on this target the AMR states that there is 5.38 years worth of housing supply.

4.28. Matters have moved on since then with the Council having further updated its assessment of housing need to support the new Local Plan. In September 2014 the Council accepted the findings of the 2013 Strategic Housing Market Assessment, which identified a need to provide 625 dwellings over the plan period. It is on this basis that an assessment of housing land supply is calculated and set out below.

A	Total Dwelling Requirement 2011-2031	12,500
B	Annual Requirement	625
C	Completions 2011-2014	653
D	Remaining Requirement (a-c)	11847
E	Annual Build Rate Requirement (d/17 years remaining in plan period)	696
F	5 year requirement (ex5)	3480
G	Projected 5 year supply (2014/15 to 2018/19)	2203
H	Projected Over Supply (g-f)	-1277
I	Projected % of supply (Requirement = 120%)	63%
J	Number of Years Supply (g/e) (requirement 6 years)	3.16 years

4.29. The above calculation has been based on the application of a 20% buffer, which the NPPF advocates where there has been persistent under delivery of housing. It is reasonable to state that there has been persistent under

delivery with only 653 completions (including 2014 projections) over the last 3 years, which just exceeds the requirement for a single year.

- 4.30. The table above shows that the Council can currently only demonstrate 3.16 years' worth of supply, just over half of the requirement. Even with a conservative estimate and the application of a 5% buffer, the Council will still be deficient by over 2 years' worth of housing land supply. The Council have concerns that development of the site would impact on urban sites coming forward for residential redevelopment – however to the contrary the development of the site would help meet the housing need as sites are not coming forward at the appropriate rate. There is insufficient evidence that the development of this site would prejudice other sites.
- 4.31. The undersupply of housing couple with the age of the Welwyn Hatfield Local Plan (2005) demonstrates that the development plan for the area is out of date.
- 4.32. In a recent High Court decision (Suffolk Coastal v Hopkins Homes Limited, Richborough Estates Partnership LLP v Cheshire East Borough Council, with the Secretary of State appearing in both appeals, [2016] EWCA Civ 168.) has considerable importance, in combined appeals, the Court of Appeal declared the meaning of the expression in paragraph 49 of the NPPF, “relevant policies for the supply of housing”. The importance of the paragraph is that if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, such policies are not to be considered as up-to-date. Where this is so, the strong presumption in paragraph 14 may be engaged.
- 4.33. As stated in paragraph 14 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.’
- 4.34. It also advises that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless adverse impacts would significantly and demonstrably outweigh benefits or specific policies in the Framework indicate development should be restricted.
- 4.35. Whether a particular policy of the plan is a relevant policy for the supply of housing in the above sense is not a question for the court...it is a question for the decision-maker. Given that the Council have not adequately demonstrated a housing land supply in line with Government guidance the Local Plan is considered out of date. The application should be considered

in line with paragraph 14 of the NPPF. There is not impact on the openness on the Green Belt and the application makes a considerable contribution to housing need of the rural area. This reason should be overturned.

- 4.36. *The proposed conversion of the listed barn to a residential unit would, by virtue of the perforation of the exterior walls with a large number of residential features and by the subdivision of the large expanse of the volume of the building to form internal rooms and a first floor, erode the key characteristics of this heritage asset. The setting of the listed building would also be significantly and demonstrably harmed by the residential design and layout of the proposed units and the loss of the existing buildings, which are more rural in nature and appropriate to their immediate setting than those proposed. This would have a deleterious impact on the special traditional, rural and historic interest of the building and is considered to amount to substantial harm to the designated heritage asset. The Local Planning Authority does not consider there to be substantial public benefits arising from the proposal that would outweigh the harm caused to the significance of the listed building nor are all of the remaining criteria of paragraph 133 of the Framework met. As such, the proposal is not of high quality design and is not in accordance with Section 12 of the National Planning Policy Framework and Policy D1 of the Welwyn Hatfield District Plan 2005.*
- 4.37. It is considered that proposals would represent not only a clear enhancement of the setting of the listed building but also enable a more intensive yet effective use, and therefore the appropriate future maintenance and conservation of the heritage asset itself. Principally due to their deference and reference to the listed building, proposals are considered and of a high quality, with any potential impacts being well managed. Although a departure from formerly agricultural use, and therefore the use for which the structure was originally designed, at the present time such a use is demonstrably lacking in its capacity to enable continued survival of the heritage asset.
- 4.38. As such, proposals are understood to accord with the objectives of the NPPF, but in particular, paragraphs 132, 134 and 137.
- 4.39. Given the extensive history of change at the site – particularly more recently - it can be seen that the listed barn is in fact one of the few constants there, yet one that is not without significant change itself. This renders legibility of the site as a whole, and its history and fabric, difficult

to appreciate. This can also be seen to render the character and appearance of the listed building and its setting, much compromised.

- 4.40. Whilst patently altered, the listed barn nevertheless retains its significance as a relatively complete structure of its type, generally common across the UK in terms of plan, form and feature from the medieval period up until at least the C19. Irrespective of its actual date of origin, the structure is also of some quality both visually and physically. The only departures from its original integrity have had little impact upon these qualities, and merely illustrate the early evolution of the structure, yet without detracting from this in any way.
- 4.41. In contrast, the wider setting of the building can be seen to be much compromised by recent, poor quality development of a permanent nature (specifically, the replacement farmhouse and front boundary wall). More temporary agricultural structures have had less of a negative impact being of a similar function, materials etc. Although a number of earlier agricultural buildings survive, the complex as a whole comprises buildings and fabric of an untidy number of phases, appearance and quality and therefore lacks cohesion more generally.
- 4.42. Added to the current trend toward combined storage and dereliction to be found at the application site (which would include the listed building), the setting of the listed building offers considerable scope for enhancement (particularly physical, environmental enhancement), although given wider planning and/or economic contexts, this is unlikely to comprise a return to agricultural use. It is therefore considered that proposals would represent not only a clear enhancement of the setting of the listed building but also enable a more intensive yet effective use, and therefore the appropriate future maintenance and conservation of the heritage asset itself.
- 4.43. Great weight has been given the asset's conservation, both as a matter of enablement and design. Significance would not be harmed or lost. Whilst it is not acknowledged that any harm would accrue, should proposals be interpreted as such, this would be less than substantial and public benefits would be significant from a point of view of both general amenity and ongoing conservation. Furthermore, it is clear that the opportunity has been taken to both enhance and better reveal the significance of the heritage asset and should therefore be treated favourably.
- 4.44. Additional windows are proposed on the barn, those proposed on the front elevation are located predominantly where there are existing openings. Additional openings and windows are proposed on the rear elevation

however, any perceived harm is offset by the removal of the unsympathetic additions to the rear of the building such as the concrete buildings and the removal of the car yard with a landscaped area.

- 4.45. The application improves the setting of the building and increase the public benefit from the building as this is the focus of the development, and the centre of the front courtyard.
- 4.46. *The residential nature and layout of the development, particularly towards the south of the site, introduces an incongruous urban feature within the immediate area. The urbanisation of this site is considered to result in an unacceptable erosion of the demonstrable physical attributes within the Landscape Character Area and would neither conserve, strengthen, maintain or enhance the wider surrounding area. As such, the proposal fails to represent a high quality of design and is contrary to policies D1, D2 and RA10 of the adopted Welwyn Hatfield District Plan 2005, Welwyn Hatfield District Plan Supplementary Design Guidance 2005 (Statement of Council Policy) and Sections 7 and 11 of the National Planning Policy Framework.*
- 4.47. The development proposes a logical and natural layout to the site. This is consistent with the evolution of the village for example the historical extension at Park Road. Attention is drawn to Appeal Ref: APP/C1950/W/15/3029003 at The Willows, Marshmoor Lane, North Mymms, Hatfield AL9 7HT a Green Belt Site in Welwyn Hatfield Borough, where the Inspector stated:
- 4.48. *17. Regarding possible encroachment onto the countryside, this site is previously developed land, and its enclosure by timber fences has effectively cut it off from the open fields to the west, east and south. In my opinion there has already been significant encroachment, but this would not be increased by building the proposed dwelling. It follows that none of the purposes of including land within the Green Belt would be vitiated.*
- 4.49. The character of the site has already been changed by the riding school with the proliferation of the site with fences, structures, floodlighting and building, the application proposes buildings within the built footprint of the site. The application does not erode the landscape conservation area. No objections were raised by the Landscape Officer to the development. The site south side already has large barns with high ridges and limited landscaping. The houses proposed in this location well landscaped and break up the bulk within this part of the site creating sky gaps. Residential development

- 4.50. The layout proposes a landscaping scheme which improves the setting of the site and improves the landscape area when the proposal is assessed against the current site.
- 4.51. The application proposes high quality design, the architect took reference from the Chiltern Design Guide, whilst noted this is not the Chilterns this offers highly regarded information and advice for design rural sites, with listed buildings. The site creates a high quality courtyard at the front of the site, and house to the rear of the site are typical houses expect to find in a village rural area – reference is taken from a farm house. The layout of the development is constrained by the listed building and guidance from the Council during the pre-application discussion, however the design provides a high quality sympathetic scheme.
- 4.52. *Reason 4. Insufficient information has been provided within the application to establish whether or not there is any agricultural demand for the agriculturally tied unit at the site. It is therefore not possible to establish whether the land serviced in conjunction within this tied unit would be appropriately managed following the buildings removal from the site. The proposal therefore cannot be properly considered against Policy RA20 of the Welwyn Hatfield District Plan 2005.*
- 4.53. Information was provided during the application, which states the house on Northaw Riding School has not been used as part of the wider farm for some time. The house has been used to service the equestrian/riding school which operates on a short-term lease. The house has been used for this purposes since 1995, providing residential accommodation close to the horses. An application regarding this is un determined since 2014.
- 4.54. The wider agricultural land which is separate from the equestrian centre is serviced from Meadow Farm House on Northaw Road West and many of the staff are based off site and travel to site as required. The agricultural land is not farmed intensively and much of this land is used for temporary events such as point to point races.
- 4.55. *The applicant has failed to satisfy the aims of the plan to secure the proper planning of the area by failing to ensure that the development proposed would provide financial contributions towards open space, play equipment and bin/recycle provision which are necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to the above contributions. The Local Planning Authority considers that it would be inappropriate to secure the financial contributions by any*

*method other than a legal agreement and the proposal is therefore contrary to Policies M2, M4 and IM1 of the Welwyn Hatfield District Plan 2005.*

- 4.56. The appellants sought to enter a s106 with the Council during the application, terms have been agreed with the Council. The appellants are currently in the process of producing a s106 with the LPA which will be submitted during the appeal.
- 4.57. *Insufficient information has been provided within the application to establish whether or not the proposed development would result in harm to biodiversity at the site. As such, an appropriate assessment in terms of the Habitats Regulations cannot take place. The proposal therefore cannot be properly considered against Policy R11 of the Welwyn Hatfield District Plan 2005, the relevant Sections of the National Planning Policy Framework and the requirements of the Natural Environment and Rural Communities Act 2006.*
- 4.58. An additional ecology report was submitted during the application which took account of the concerns raised by Hertfordshire Ecology – however this is not referred to in the decision notice or officers report, this was submitted on CD in September 2015. This information overcomes the concerns. Applicant is seeking a statement of common ground with Hertfordshire Ecological which will be submitted during the appeal process.
- 4.59. *The proposed development would involve the repositioning of a speed reduction feature (mini-roundabout) to a location where there is an increased likelihood of interaction with pedestrians and vehicles. The absence of any deflection through the mini-roundabout would also reduce the effectiveness of this feature. Furthermore, the proposed pedestrian crossing facility would encourage pedestrians to cross at a point immediately after the proposed mini roundabout. This would significantly compromise pedestrian and vehicular safety. As such, the proposal would result in unacceptable impacts in terms of highway safety and is contrary to Policy D1 of the Welwyn Hatfield District Plan 2005.*
- 4.60. Significant information was submitted regarding the highways. Additional plans were submitted on 10/11/15 and 22/12/2015. The latest plan overcomes the concerns of the Highways Officer – however – the officer was on leave when the application was determined so no response was received

to the amended plan, which overcame the concerns. The revised plan including the required traffic management measures as well as the provision to footpaths. The Appellants are seeking a statement of common ground with Hertfordshire Highways which will be submitted during the appeal process to overcome this grounds for refusal.



## 5. Conclusion

5.1. The proposal is therefore in accordance with National and Local Planning Policies. The application site is comprised of previously developed land. As such, the proposal would not result in harm to the openness of the Green Belt and would not conflict with the purposes of including land within it, the proposed development is appropriate with regards to paragraph 89 of the NPPF. The site will be a windfall site which will make an important contribution to the housing land supply in Welwyn Hatfield. The scheme results in a significant reduction in volume, hardstanding, and footprint as demonstrated in the below table.

	<b>Existing</b>	<b>Proposed</b>	<b>Difference</b>	<b>% Change</b>
<b>Volume</b>	10,867 m <sup>3</sup>	4,209 m <sup>3</sup>	-6,688 m <sup>3</sup>	<b>-62%</b>
<b>Hardstanding</b>	6,210 m <sup>2</sup>	2,579 m <sup>2</sup>	-3,631 m <sup>2</sup>	<b>-58%</b>
<b>Footprint</b>	4,360 m <sup>2</sup>	1,951 m <sup>2</sup>	-2,409 m <sup>2</sup>	<b>-55%</b>

5.2. It is considered in this case that the overall development will improve the openness of the Green Belt for the following reasons:

- The proposed buildings are contained across the site being more evenly distributed creating important significant sky gaps between buildings whereby views through the site can be afforded from the Green Belt.
- The development is concentrated within the built footprint of the site.
- The siting of the proposed buildings has created a stronger defensible boundary to the Green Belt that has a more settled visual appearance.
- The mass and bulk of the proposed buildings will have a built form that has traditional rural proportions with far greater articulation than the existing buildings.
- Overall there is a significant reduction in the level of hardsurfacing by 58 % with the intent of significant soft landscape works to take place around the proposed buildings to help assimilate the public space and development with the wider rural Green Belt.
- The proposal would reduce in the amount of activity in the Green Belt, and reduce the number of traffic movements into the site.
- Our proposals would also result in the long term protection of a listed heritage asset on the site. The listed barn is in a declining external condition, and has had a number of unsympathetic additions. We

would meet the NPPF aspiration to protect and enhance this listed building.

- 5.3. Therefore, it can be safely concluded that the development has no greater impact on the Green Belt and is in accordance with Green Belt policy. In addition, there are clear benefits / positives and improvements to the openness of the Green Belt particularly given the significant reductions in footprint and hardstanding. Therefore the proposal is acceptable in regards to the National Planning Policy Framework 2012.
- 5.4. The existing structures make no positive contribution to the surrounding landscape. The existing structures are generally unattractive, degrading and out of character from the neighbouring properties and wider street scene. The proposed development will open up views from the surrounding area. Overall, the proposed scheme is considered to improve the wider landscape and will be an improvement on the openness of the Green Belt. The existing site has a number of varying structures which are in places an eye sore, our proposal would provide a comprehensive development improving the aesthetics of this rambling site which detracts from the Green Belt.
- 5.5. The site has poor record due to some illegal structures which would be removed as part of the application. The site was also a feature in some national press due to its connection to murder of a former occupier.
- 5.6. The application was subject to pre-application discussions with the Council, and a pre-submission consultation event was held in the village. Of those who completed a questionnaire 12 supported the scheme and 6 didn't.
- 5.7. The Green Belt serves five purposes including checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging and safeguarding the countryside from encroachment and it is considered that the proposed development would not have a greater visual impact on the openness of the Green Belt and would not have a greater impact on the purposes of the Green Belt than the existing development and, therefore, constitutes appropriate development.
- 5.8. The development results in a number of positive benefits:
- Removal of ad hoc structures, and poorly maintained site from the green belt

- Reuse and Redevelopment of a previously developed site
- Enabling development to support the repair, conservation and enhancement of a listed building
- Reduction of volume, hardstanding and footprint in the Green Belt
- Provision of family houses in an area of need as demonstrated by the SHMA
- Windfall Site which helps to meet housing of the borough - whose housing land supply is questionable when compared to recent SHMA document
- Provision of an amenity area for the community
- Reduction in vehicle activity
- removal of the roundabout which will improve highway safety

5.9. When assessed against the quoted policies both Local and National, we have demonstrated the application is fully policy compliant and consistent with other nearby decisions. The reason for refusal is again unlawful, and should be overturned. We invite you to approve the development.