

WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT
DELEGATED REPORT

APPLICATION No:	S6/2013/1225/FP
APPLICATION Site:	Northaw House, Coopers Lane

NOTATION:

The site is located within an area of archaeological significance, the Metropolitan Green Belt and a Landscape Character Area as designated by the Welwyn Hatfield District Plan 2005.

DESCRIPTION OF SITE:

Northaw House is a listed building located to the west of Northaw Village, east of Coopers lane and south of Judges Hill. The house is part of a group of interconnected buildings similar in style and age. This application relates to the former caretaker's flat located on the ground floor of the west wing to the rear of the main building. The flat benefits from a private garden and two parking spaces as outlined in red on the submitted Site Location Plan.

The listing description is as follows:

*Northaw TL 20 SE NORTHAW AND COOPER'S LANE CUFFLEY (east side)
12/227 Northaw House 22.8.72 GV II House, built in 1698, now office. Painted plaster on red brick. Slate mansard roof. 2 storeys and attics over sunken basement. 7-window elevation stepping forward in 3 shallow projections, the centre 2 projections and the angles with chamfered quoins. Continuous moulded eaves cornice with square modillions. 1st floor band. Pedimented to 3-window centre with bullseye window. C1800 semicircular porch with 2 Doric columns and pilaster responds fluted at the necks. Flush panel door in moulded frame. 6 stone steps and plain iron railings, similar railings fronting ditch. Recessed 1st floor sash windows. Ground floor french windows. Box dormers. Flanking quadrant red brick walls. Stone flag entrance hall with groin vaulting and reeded door surrounds each side. C19 replica staircase. Original service staircase with barley twist balusters on right centre. Plainer 2-3 storey service blocks on W join with late C18/early C19 former stable block in painted brick, the slate roof with central ventilator. 1:4:1 windows, the outer bays recessed and with 2-storey relieving arches. (Pevsner (1977)).*

DESCRIPTION OF PROPOSAL:

This application seeks full planning permission for change of use from offices (Use Class B1) to residential (Use Class C3). No physical changes are proposed to the existing building. Northaw House has been occupied by Architects Co-Partnership as its principle offices since 1972. The area that features in this application was used as a caretaker's flat until February 2002, when a change of use was granted to expand office

use into this space. No alterations were made to the building during its use as office accommodation. In June 2012, the area was let as a flat and the purpose of this application is to regularise that use.

RELEVANT PLANNING HISTORY:

S6/2001/1322/FP – Change of use of caretakers flat (Use Class C2) to Offices (Use Class B1) (Granted 25/02/2002)

S6/1976/0427/LB – Alterations and conversion of garages for use as offices (Granted 2/12/1976)

The building was listed 22 August 1972.

SUMMARY OF DEVELOPMENT PLAN POLICIES:

National Planning Policy Framework 2012

Circular 03/09: Costs Awards in Appeals and Other Planning Proceedings

Welwyn Hatfield District Plan 2005:

SD1: Sustainable Development

GBSP1: Definition of Green Belt

R1: Maximising the Use of Previously Developed Land

R3: Energy Efficiency

R11: Biodiversity and Development

RA10: Landscape Regions and Character Areas

RA17: Re-use of Rural Buildings

H2: Location of Windfall Development

D1: Quality of Design

D2: Character and Context

M14: Parking Standards for New Developments

Welwyn Hatfield District Plan, Supplementary Design Guidance, February 2005

Welwyn Hatfield District Plan, Supplementary Planning Guidance, Parking Standards, January 2004

CONSULTATIONS

None

TOWN/PARISH COUNCIL COMMENTS

“The PC have no objection”

REPRESENTATIONS

The application was advertised by site notice. No representations have been received from neighbouring occupiers. The Welwyn Hatfield Access Group responded by letter, dated 26 August 2013, addressed to the applicant and copied to the Council. This letter requested confirmation of the width of the principal point of entry, whether the entry and the approach from the car park are level and also the distance from the car park? No further correspondence was received and The Welwyn Hatfield Access Group did not submit any representation directly to the Council. The period for representations expired on 09/10/2013.

DISCUSSION:

The main issues are:

1. Whether the development is acceptable in principle
2. Other material considerations

1. Whether the development is acceptable in principle

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 17 of the NPPF identifies a number of core planning principles which should underpin decision-taking, the following are of particular relevance to this proposal:

- *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth...;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*
- *take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;*
- *support the transition to a low carbon future in a changing climate... and encourage the reuse of existing resources, including conversion of existing buildings...;*
- *conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations...*

The application site lies within the Green Belt where the general policies controlling development in the countryside apply with equal force but there is, in addition, a general presumption against inappropriate development within them. As with previous Green Belt policy, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in “very special circumstances”. 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.

The NPPF accepts that within the Green Belt the construction of new buildings should be regarded as inappropriate development. Paragraph 90 of the NPPF states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate in the Green Belt, as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt which are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

Local Plan Policy RA17 states, the re-use of rural building will be permitted provide that the following criteria are met:

- i) The proposed use and any proposed extensions or alterations are in accordance with Green Belt policies;*
- ii) The intensity of use of the site does not substantially increase;*
- iii) Any increase in traffic generated from the site is acceptable in environmental and highway terms;*
- iv) There would be no adverse effects on protected species, identified in Policy R16 or other species, identified in the local Biodiversity Action Plan, which use such buildings;*
- v) The new activity is in sympathy with its surroundings and there is no adverse effect on the amenity of nearby residential properties and other uses;*
- vi) The existing structure is of a permanent nature and is not in such poor repair that it could only be brought back into use by complete or substantial reconstruction;*
- vii) Any proposed alterations would be in accordance with the design policies in the plan and the Supplementary Design Guidance; and*
- viii) In cases of agricultural buildings erected recently as a result of permitted development rights, clear evidence must be given to establish why the building is no longer suitable for agricultural use.*

Residential re-use will only be permitted where it can be demonstrated that business re-use would be inappropriate and unviable. In addition to the above, consideration will also be given to the contribution made by the existing use to the rural economy and whether its loss would prejudice village vitality.

The following section of the report will consider the proposal against the criteria listed above:

i) Whether the proposed use and any proposed extensions or alterations are in accordance with Green Belt policy:

The proposed development would comprise the change of use of an existing building. No extensions to the building are proposed. Given that this is the conversion of an existing building, it is considered that the proposal would not have a materially greater impact on the openness of the Green Belt over-and-above the existing situation.

With regard to the five purposes of including land in the Green Belt, the proposal is not considered to conflict with these. It would involve the re-use of an existing building, within an existing site, and thus would not result or contribute towards sprawl or the merging of neighbouring towns; encroach into the countryside; affect the setting or special character of historic towns or affect the efforts to direct development towards derelict and other urban land owing to the presence of the existing building and small-scale nature of the proposal.

ii) The intensity of the use of the site does not substantially increase:

The proposed change of use from office to a residential dwelling would not intensify the activity at the site to such an extent that would have a detrimental impact on the rural character of the area or openness of the Green Belt to justify refusal of planning permission.

iii) Any increase in traffic generated from the site is acceptable in environmental and highway safety terms:

Northaw House is accessed via a private driveway and benefits from a large area of hard surface which provides ample off street parking to serve the new dwelling. Access arrangements would remain unchanged and typically a residential development of this scale would lead to a lower number of vehicular trips than a similar sized B1 use. Therefore, the proposal would not have an unreasonable impact, whether environmentally or in highway safety terms.

iv) There would be no adverse effect to the protected species, identified within Policy R16 or other species, identified in the local Biodiversity Action Plan, which use the buildings:

The presence of protected species is a material consideration, in accordance with, Natural Environment & Rural Communities (NERC) Act 2006 (section 40), Wildlife and Countryside Act 1981 as well as Circular 06/05. In the UK the requirements of the EU Habitats Directive is implemented by the Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations 2010). Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(5) of the Conservation Regulations 2010, which states: "a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions." The Conservation Regulations 2010, (Regulation 41) contains the main offences for EPS animals, however the existing site and development is such that there is not a reasonable likelihood of EPS being present on site nor would a EPS offence be likely to occur. It is therefore not necessary to consider the Conservation Regulations 2010 and amended 2012 Regulations further.

v) The new activity is in sympathy with its surrounding and there is no adverse effect on the amenity of nearby residential properties and other users:

Policy D1 of the District Plan, which seeks to ensure that proposed development has a satisfactory relationship with neighbouring properties, is also relevant. In this case, no

physical changes are proposed to the existing building. Furthermore, there are no other nearby residential properties that would be affected by the proposal and no neighbour representations were received. Subsequently, no objections are raised with regard to criterion (V) of RA17.

vi) The existing structure is of a permanent nature and is not in such poor repair that it could only be brought back into use by complete or substantial reconstruction:

Criterion (vi) of Policy RA17 reflects the advice within paragraph 90 of the NPPF which states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction. In this case, the application building is already in use as residential flat and no reconstruction or physical changes are proposed to the existing building.

vii) Any proposed alterations would be in accordance with the design policies of the plan and the Supplementary Design Guidance:

Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 respectively require high quality design in all new development and for proposals to respect and relate to the character and context of their location. These policies are expanded upon in the Council's Supplementary Design Guidance (SDG). In this case no physical changes are proposed to the existing building, therefore, its character and appearance will be maintained.

With regard to the provision of private amenity space, the site includes a garden area to the rear of the flat. This amenity area would be sufficiently private and appropriate for the location and function of the building as a three bedroom dwelling in accordance with Local Plan Policies D 1 and the SDG.

viii) In the case of agricultural buildings erected recently as a result of permitted development rights clear evidence must be submitted to establish why the building is no longer suitable for agricultural purposes:

The application building is not an agricultural building erected under permitted development and therefore criterion (viii) of Policy RA17 does not apply.

Residential re-use will only be permitted where it can be demonstrated that business re-use would be inappropriate and unviable. In addition to the above, consideration will also be given to the contribution made by the existing use to the rural economy and whether its loss would prejudice village vitality:

Since the Local Plan was adopted in April 2005 economic and political conditions have changed significantly to the extent that it is widely acknowledged that the country is not building sufficient housing to meet its needs, whilst at the same time the demand for B1 uses has diminished greatly. The NPPF and recent changes to permitted development rights reflect this change and provide a national context which is relevant. For example, when considering applications for the re-use of buildings in the Green Belt there is no requirement in the NPPF to demonstrate that a business use would not be viable before consideration of a residential use can take place. The NPPF should now take precedence for this assessment to ensure the Local Plan remains consistent with the NPPF. Furthermore, since 30 May 2013, Class J, Part 3 of the Town and Country Planning General Permitted Development Order 1995 (As Amended) has allowed, for a 3 year period (until 30 May 2016) and subject to specific land designations (being

outside a safety hazard area and not being listed) and prior notification to the Local Planning Authority, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) from a Class B1a (office) use. Whilst in this particular case, full planning permission is required as the application building is listed, it is relevant that the Government consider that in principle change of use from B1a to C3 is acceptable.

The application documents lack information to demonstrate that an alternative business use would be unviable, therefore the proposal conflicts with the wording of the final criterion of Policy RA17, this in itself is insufficient reason to justify a refusal of planning permission in this case as no demonstrable harm would arise from the conflict. Whilst the proposal does not fully comply with the final criterion of Policy RA17, the proposal is considered compliant with the criteria for re-use of buildings in the Green Belt in the NPPF. Together with compliance with all other criteria of Policy RA17, on balance it is considered that a refusal on the basis of lack of further detail to demonstrate a viable business use at the site would not be defensible at appeal, therefore, no objection is made in this regard. Accordingly, the proposal is not considered inappropriate development in the Green Belt as it would meet the criteria for re-use and alterations to buildings in the Green Belt, criteria (i)-(vii) of Policy RA17.

2. Other material considerations

Sustainable development: Policy R3 states that the Council expects all development to include measures to maximise energy conservation through the design of buildings, site layout and provision of landscaping. Furthermore, Policy SD1 states that development proposals will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. This application relates to the change of use of an existing building, therefore, little can be done to maximise energy conservation or demonstrate that the principles of sustainable development are satisfied. It is considered that the proposal has sufficiently considered sustainability measures in accordance with Policy SD1 and R3 of the Welwyn Hatfield District Plan, 2005.

CONCLUSION:

The proposed change of use from offices (Use Class B1) to residential (Use Class C3) is not considered inappropriate development in the Green Belt as it would meet the criteria for re-use of buildings in the Green Belt. Whilst the proposal does not fully comply with the final criterion of Policy RA17, the proposal is considered compliant with the criteria for re-use of buildings in the Green Belt in the NPPF. Together with compliance with all other criteria of Policy RA17, on balance it is considered that a refusal on the basis of lack of further detail to demonstrate a viable business use at the site would not be defensible at appeal, therefore, no objection is made in this regard. Accordingly, the proposal is not considered inappropriate development in the Green Belt as it would meet the criteria for re-use and alterations to buildings in the Green Belt, criteria (i)-(vii) of Policy RA17.

RECOMMENDATION: APPROVAL

SUMMARY OF REASONS FOR THE GRANT OF PERMISSION:

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 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 Councils website or inspected at these offices).

INFORMATIVES:

1. INF1 – Other Legislation
2. NF6 – Street Numbering

Signature of author..... Date.....