

5h 3/13/2107/FP – Change of use of buildings to dwellinghouse, link extensions to buildings and residential garden at Peartree Field Wood, Wyddial, SG9 0EL for Mr G Hodge

Date of Receipt: 28.11.2013

Type: Full – Minor

Parish: WYDDIAL

Ward: BUNTINGFORD

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:

1. The Council are not satisfied that sufficient evidence has been submitted to demonstrate whether the reuse of the building for purposes other than residential, including business, leisure, tourism or other purposes compatible with the rural location has been fully assessed. The proposed development involving a residential use will result in harm to the character and appearance of the site and locality, contrary to policy GBC9 of the East Herts Local Plan Second Review and Section 3 of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

_____ (132107FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is located to the east of the small village of Wyddial. The site is accessed off the main road by a small narrow track. The track leads to a wooded area which is surrounded by open agricultural fields. Within the wooded area is a fairly large open space where three buildings are sited to the south west of the site. The buildings are timber clad with a low brick plinth and slate roof. This application seeks permission to change the use of these buildings to a three bed dwelling with two link extensions. To the north east of the buildings proposed to be converted is an open shack which

3/13/2107/FP

is very dilapidated. The plans submitted with the application show the demolition of that structure. The application also proposes to change the use of the site to garden space.

- 1.2 The three timber clad buildings (referred to as buildings 1, 2 and 3 on the existing plans submitted with this application) were granted planning permission in 2006 as stable buildings. As part of the submissions made in a previous planning application (3/13/1253/FP as referred to in section 2.1 below), Officers understand that one of the buildings was constructed at the beginning of 2007 and was used for the stabling of two ponies for around 6 months. After that period and, for financial reasons, the horses were sold and the buildings have since been used for domestic storage by the applicant. This domestic storage was observed by Officers during a site visit and is referred to in submissions made in the current planning application.
- 1.3 Whilst planning permission was granted for stables, the buildings are not currently used for stabling and have not been used for stabling for a number of years and even then, only for a small period of time. In any event, a permission for buildings on the site has been implemented and the Council must purely consider the planning merits involved with the change of use of the buildings to a residential dwelling (together with extensions) and change of use of the land to garden space. The plans submitted with the application also show a picket fence around the buildings to be converted with alterations to the parking/access arrangements within the site.

2.0 Site History:

- 2.1 Planning permission was granted for buildings at the site within LPA reference 3/06/1007/FP – the permission was for a stable block and hay store.
- 2.2 A planning application has recently been submitted for an identical scheme to this application, under LPA reference 3/13/1253/FP. Planning permission was refused for the following reasons:
 1. *The Council are not satisfied that sufficient evidence has been submitted to demonstrate whether the reuse of the building for purposes other than residential, including business, leisure, tourism or other purposes compatible with the rural location has been fully assessed. The proposed development involving a residential use will result in harm to the character and appearance of the site and locality, contrary to policy GBC9 of the East Herts Local Plan Second Review and Section 3 of the National Planning Policy*

Framework.

2. *Insufficient information has been submitted to assess whether the proposed development will result in a significant impact on any protected species of bats. The proposed development is therefore contrary to policy ENV16 (1) of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.*

- 2.3 To address the above reasons for refusal the applicant has submitted a bat survey and a letter from a local estate agent with this current planning application.

3.0 Consultation Responses:

- 3.1 The Environmental Health Officer advises that any planning permission granted should include conditions relating to soil decontamination.
- 3.2 Natural England comment that the proposal is unlikely to affect any statutory protected sites or landscapes and, from the information within the application there is no reasonable likelihood of protected and priority species being affected adversely or conserved and enhanced within the application site. However, the description and location of the development suggests that an assessment for biodiversity interests should be undertaken.
- 3.3 The Highways Officer comments that the application for conversion to a residential dwelling is acceptable in a highways context provided hedgerows on Vicarage Road are maintained to provide appropriate visibility splays. The proposed use is likely to reduce traffic generation and there have been no accidents recorded at this location in the last five years. A suitable level of parking and space for vehicle turning is provided and any gates should be set back 6m from the highway boundary.
- 3.4 The Historic Environment Unit comment that the proposed development is unlikely to have an impact upon heritage assets of archaeological interest.

4.0 Parish Council Representations:

- 4.1 No comments have been received from Wyddial Parish Council.

3/13/2107/FP

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received through the consultation on this application. However, it is material that 32 letters of support were submitted with the previous application (3/13/1253/FP). Those previous letters of support were in favour of a residential use over any commercial use of the site.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- GBC2 The Rural Area Beyond the Green Belt
- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- GBC9 Adaptation and Re-use of Rural Buildings
- GBC10 Change of Use of an Agricultural Building
- ENV1 Design and Environmental Quality
- ENV16 Protected Species
- BH1 Archaeology and New Development

6.2 The NPPF (National Planning Policy Framework) is also material to the determination of the application.

7.0 Considerations:

7.1 Members will note from section 2.2 above that planning permission has previously been refused for an identical scheme to that submitted in this application. The main consideration of this application is therefore whether the previous reasons for refusal have been addressed in this current application and whether the development is now acceptable having regard to the relevant policies of the Local Plan and any material considerations.

7.2 As such, the Council must consider the following:

- Whether sufficient evidence has been submitted to demonstrate whether the building can be used for purposes other than residential, in accordance with policy GBC9 of the Local Plan and whether the proposed development represents a sustainable form

3/13/2107/FP

- of development in accordance with the NPPF;
- Whether sufficient information has been submitted to demonstrate whether the proposed development will result in harm to a protected species (bats).

Reuse of the building

- 7.3 The application site is located within the Rural Area beyond the Green Belt wherein policy GBC3 of the Local Plan does allow for the adaptation and reuse of rural buildings. In principle therefore, the adaptation and reuse of the building(s) is considered to be acceptable.
- 7.4 In determining whether the proposal would be acceptable, policy GBC9 contains four criteria which need to be met. These criteria are not included in the NPPF. However, as is set out in the NPPF, the role of the Local Plan is to add detail to reflect local circumstances. Paragraph 157 of the Framework specifically identifies that Local Plans, supported by a clear explanation, should identify areas where it may be necessary to limit the change of use of buildings. Whilst the Local Plan and policy GBC9 of the Local Plan predate the Framework the Local Plan is considered to be consistent with it. The four criteria of policy GBC9 are important and are considered below:-

Criterion (II) (a) – whether the building is worthy of retention and the effect of the proposal on the character and appearance of the area

- 7.5 Policy GBC9 has a selective approach to determine which buildings are suitable for residential conversion, buildings must be worthy of retention. The justified reasoning for the policy is set out in the preface to the policy and the Council's Guidance Note 'Farm Buildings'. That document indicates that to be worthy of retention buildings should have architectural or historic interest. Having regard to that consideration and the preface to policy GBC9 Officers consider that the reasoning behind this policy is clear, in accordance with para 157 of the NPPF.
- 7.6 The buildings subject of this application were originally granted planning permission within LPA reference 3/06/1007/FP for personal equine purposes only. The surrounding land is used for agriculture. The restriction on the use of the building for equine purposes was based upon a use compatible with the rural area. To reflect its rural equine use, the buildings were approved with a simple, utilitarian design and constructed from dark stained timber weatherboards. The buildings were only granted permission on the basis that it was required for a purpose compatible with the rural area. Had the proposal been for a residential dwelling, as is now proposed, it would have been contrary to

3/13/2107/FP

Policy GBC3 of the Local Plan.

- 7.7 The proposed residential use of the building would bring with it a significant level of domestication, including the proposed linking of the barns with a glazed structure. Whilst the glazed structures are constructed of a skeletal frame reducing their visual impact, they bring a harmful domestic character between the rural buildings and potential for additional light spill from those glazed features (and other glazed features) during the night, emphasising the residential nature of the site and harm to the rural setting. Further, the red outline of the application includes a large area which would form garden space. Officers consider that residential garden space of this large area would result in harm to the character of the space by virtue of the likely paraphernalia associated with garden amenity space and a change to the character and appearance of the land (i.e. appearing more domestic). The applicant has shown on the submitted plans a fenced enclosure around the dwelling and indicates in statements submitted with the application that the garden amenity space would be limited to that area of the site. However, that is not shown on the submitted drawings and the Council must consider the residential use of the land as outlined in red with the planning application.
- 7.8 The Council could control the effect of domestic paraphernalia on the site by limiting the size of the residential curtilage and by the removal of certain permitted development rights which would weigh in favour of the planning application. However, the red outline of the planning application is a significant area and any grant of planning permission would grant residential use of that space. In such circumstances, a restriction on residential curtilage would not alter Officers view that the proposed development would cause unacceptable visual harm to the character and appearance of the area.
- 7.9 In considering the impact of the proposed development, the Council must take into account the level of screening afforded by existing trees which surrounds the site. From the plans submitted it would seem that no proposals to remove the trees are made and, on that basis, the impact of the proposed development would likely be screened by those landscape features. However, those trees are not protected by any Tree Preservation Orders or Conservation Area control and the Council would therefore have no control over possible wholesale removal of trees at the site. The Council must therefore balance into their considerations the impact of the residential use of the buildings without the presence of trees to obscure views into the site.
- 7.10 Having regard to the above considerations and, given that policy GBC9

3/13/2107/FP

is considered to be consistent with the NPPF, Officers are of the opinion that the buildings are not worthy of retention and the residential conversion would lead to harm to the rural character and appearance of the area.

Criterion (II)(b) - Business use of the building

- 7.11 The approach of policy GBC9 is to consider whether existing rural buildings can be used for business, leisure, tourism, community or other purposes compatible with the rural area before considering whether residential use is acceptable. Paragraph 4.11.5 of the Local Plan provides a clear explanation for this approach, consistent with para 157 of the NPPF, "In pursuing a policy that is intended to assist economic activity and protect the countryside, the conversion and reuse of buildings for residential purposes, besides often being visually harmful to the buildings and its surroundings, has little or no positive effect on the rural economy." This approach is, in Officers opinion, in accordance with paragraph 28 of the NPPF which supports the growth and expansion of businesses in rural areas in order to support a prosperous rural economy.
- 7.12 In relation to the requirements of policy GBC9 and in respect of the previous application (3/13/1253/FP) the applicant made submissions that the location of the site and size of the buildings would constrain an office use; a farm shop would not be appropriate in terms of passing trade; a holiday let could be viable but the location and lack of public transport would make the holiday let difficult; the buildings could be used as dog kennels but this would require an additional dwelling on the site and; the buildings could be used for stabling as part of a livery business, but for this to be commercially viable there would need to be additional stables, ménage and further land for grazing which is not available.
- 7.13 The submissions made by the applicant in respect of that previous planning application (3/13/1253/FP) were not considered to be sufficient to address the requirements of policy GBC9 II) b) and in the absence of marketing of the buildings for a range of employment related uses, the Council considered that it had not been demonstrated that the buildings are redundant in relation to economic activity, as is required in policy GBC9 II) b).
- 7.14 In support of this application the applicant submitted a letter from Mullocks Wells (MW) – a local estate agent. The MW letter sets out that their advice relates solely to B1 (office/light industrial use) and that, due to the limited size of the buildings and their location, any uses relating to

3/13/2107/FP

leisure, tourism, community or other uses compatible with the rural area are considered by MW to be inappropriate.

- 7.15 With regards to B1 uses of the building, MW comment that refurbishment costs will be between £1076-£1400 per square metre. MW adopt the lower figure (£1076) and comment that to accommodate a B1 use would cost around £140,000. MW comment that rental returns for good quality offices would generate around £10,700 per annum and it would therefore take around 14 years to make a return on the investment. MW also comment that, given that the building would only be worth around £140,000 a B1 office scheme would be unviable.
- 7.16 MW also comment that there is limited growth in the economy and that there is a significant level of office space available within a 15 mile radius of the application site. Many converted rural buildings remain vacant.
- 7.17 The letter from MW therefore concludes that B1 use of the building is unviable; there is unlikely to be any interest in the use of the building for such purposes and the lack of infrastructure, village services, rural locality and limited mobile telephone service and broadband capacity would significantly limit any business use of the buildings.
- 7.18 In addition to those considerations and whilst letters of support have not been submitted specifically with this application, from the submissions made in the previous application, Officers understand that there is local support for a residential use on the site rather than a commercial use. The support from third parties does therefore weigh in favour of the application. However, any support from third parties should, in Officers opinion, be tempered by the location of the site which is around 100-150m from the nearest neighbour, Wyddial Grange.
- 7.19 The MW letter is a material consideration which weighs in favour of the application and would indicate that there is likely to be limited interest in a B1 business reuse of the buildings. Furthermore, the viability information as submitted, which is material to the determination of planning applications (as set out in para 173 of the NPPF) also adds further weight in favour of the application.
- 7.20 However, the policy requirements of GBC9 II)b) are clear and are reinforced through the NPPF and Officers remain concerned that insufficient evidence has been submitted to demonstrate whether the buildings are redundant to business use and other non-residential uses compatible with the rural area. Whilst having regard to the comments from third parties and acknowledging the advice from MW's in relation

to B1 (office/light industrial) use, Officers consider that the advice relates only to B1 uses and full evidence in respect of a range of business uses has not been submitted. Officers acknowledge that a marketing exercise is not required in policy GBC9, but is a common exercise used in planning related matters and referred to by Planning Inspectors in recent appeal decisions, to demonstrate the limitations of use of a particular building. Without that information and given the reasons behind policy GBC9 and the NPPF, Officers do not consider that the requirements of policy GBC9b) will be fully met.

- 7.21 In reaching this view, Officers have considered the Councils lack of five year housing land supply, but consider that only limited weight can be attached to this consideration given that the application is for a single dwelling only.
- 7.22 Officers have also considered the requirements of para 55 of the NPPF which states that, Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to the enhancement to the immediate setting.
- 7.23 Officers acknowledge that some weight should be attached to the proposed demolition of the existing shack building which is located to the north west of the buildings which are the subject of this application and which would result in some enhancement to the setting. However, in accordance with the above considerations, the existing buildings are not considered to be disused and it has not been shown that they are redundant to other business uses which are consistent with the Councils approach in considering reuse of rural buildings.

Criterion (II) (c) – Affordable housing

- 7.24 Planning permission was not previously refused under this criteria and the buildings are not considered to be suitable for making a contribution to affordable housing.

Criterion (II) (d) – Listed Buildings

- 7.25 The buildings are not listed and this criterion does not therefore apply.

Ecology

- 7.26 The applicant has submitted a bat survey with the planning application which sets out that a former bat roost/resting place was determined to be defunct as no possible bat access is viable with the building now

3/13/2107/FP

completely sealed (building 1). Three very old bat droppings would suggest that this former roost/resting place was only used on a few occasions and is explained by the fact that the building was left uncompleted for a few years before the windows and doors were implemented.

- 7.27 From the information submitted it would therefore appear that there will be no significant impact on protected species in accordance with policy ENV16 of the Local Plan. However, Officers will update Members at the Committee meeting when further consultation responses are received from Hertfordshire Ecology.

Other matters

- 7.28 With regards to matters of highway safety and parking, having regard to the comments from the Highways Officer and, taking into account the space within the site for parking, Officers consider that the development proposal is acceptable in relation to these matters.
- 7.29 With regards to archaeological matters, having regard to the advice from the County Historic Environment Unit Officers do not consider that there will be significant harm to archaeology.
- 7.30 As noted above, the nearest neighbouring property is some distance from the application site and there will therefore be no impact on neighbour amenity.

8.0 Conclusion:

- 8.1 In accordance with the above considerations, the Councils Local Plan Policy GBC9 is considered to be up to date and in accordance with the NPPF. Full weight should be attached to that policy in the determination of this planning application.
- 8.2 Whilst acknowledging the support for the application from third parties and that the proposal involves the demolition of a shed and the degree of existing screening from landscape features, for the reasons set out above, a residential use of the land and conversion of the existing buildings will, in Officers opinion, result in material harm to the rural character and appearance of the site and locality, contrary to policy GBC9 II)a).
- 8.3 A selective policy approach for reuse of rural buildings is required by policy GBC9 which is reflected in the approach for securing sustainable economic development in rural areas as set out in para 28 of the NPPF.

3/13/2107/FP

Whilst acknowledging the submissions made in supporting information from a local estate agent together with the housing land supply issues, Officers are of the opinion that insufficient evidence has been submitted to demonstrate whether economic use of the buildings are possible. The proposed development therefore conflicts with policy GBCII)b) and the NPPF.

- 8.4 For the reasons set out above Officers therefore recommend that planning permission be refused.