

3/14/1785/FP – Demolition of all existing buildings and structures and erection of a single storey two bed dwelling with detached garage at The Kennels, Birch Farm, White Stubbs Lane, Broxbourne, EN10 7QA for Mr M Ferraro

Date of Receipt: 13.10.2014

Type: Full – Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved plans (2E103) (Refs: 2360-14PL-01 A, 2360-14PL-02 B, 2360-14L-03, 2360-14PL-04 and BFEC/011/04)
3. Materials as on application form (2E423)
4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995, no development as specified in Schedule 2, Part 1, Classes A or E shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development on the site which could impact on the openness or rural character of the surrounding Green Belt in accordance with policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

5. The development hereby permitted shall not begin until a scheme to deal with contamination of land and/or groundwater has been submitted and approved by the Local Planning Authority and until the measures approved in that scheme have been fully implemented. The scheme shall include all of the following measures, and should comply with BS10175:2011, unless the Authority dispenses with any such requirement specifically and in writing:
 1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Authority shall be fully established before the desktop study is commenced and it shall conform to any such requirements.

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Copies of the desk-top study shall be submitted to the Authority without delay upon completion.

2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (i) A desk-top study has been completed satisfying the requirements of paragraph (1) above;
 - (ii) The requirements of the Authority for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the Authority.
 - (iv) Copies of a report on the completed site investigation shall be submitted to the Authority without delay on completion.
3. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person. No deviation shall be made from this scheme without the express written agreement of the Authority.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

6. The dwelling hereby permitted shall not be occupied until the vehicular access to the site as shown on drawing 2360-14PL-02B has been constructed, surfaced and marked in a manner to the Local Planning Authority's approval so as to ensure satisfactory access and parking/turning of vehicles outside highway limits.

Reason: In order to ensure satisfactory access to the site and minimise danger, obstruction and inconvenience to users of the highway and of the premises.

7. The detached garage hereby permitted shall only be used for a purpose incidental to the enjoyment of the dwellinghouse within the application site and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over any future development.

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8. Landscape design proposals (4P125) - (a), (b), (c), (e), (i), (j), (k), (l)
9. Landscape works implementation (4P135)

Directives:

1. Other legislation (01OL1)
2. Asbestos (32BA2)
3. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
4. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites. In connection with all site demolition, site preparation and construction works, no noisy working shall be carried out on the premises outside the following hours: 0730 to 1830 Monday to Friday, 0730 to 1300 on Saturdays and at no time on Sundays or bank holidays.
5. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.
6. It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to willfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways> or by telephoning 0300 123 4047.
7. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the part responsible. Therefore best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit

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dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 123 4047.

8. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into the public highway without authorisation from the highway authority, Hertfordshire County Council. If necessary, further details can be obtained from the Eastern Herts Highways Area Team, County Hall, Hertford, SG13 8DN (Telephone: 0300 123 4047).

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

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1.0 Background

- 1.1 The site is shown outlined in red on the attached Ordnance Survey extract. It comprises a vacant kennels building and runs, together with various other ancillary structures. It was formerly leased to the Enfield Chase Hunt for the kennelling of hunting dogs but, following the ban on fox hunting, the site has been vacant for a number of years.
- 1.2 The site lies within the Metropolitan Green Belt and is immediately to the south-west of the site formerly known as Birch Farm Riding Stables. Members may recall that planning permission was granted previously for a new residential development of 3 no. units on this neighbouring site (3/10/0512/OP and 3/11/1899/FO).
- 1.3 To the west of the application site lies a neighbouring residential property, known as Barnes Hall Manor, and a separate dwelling (owned by the applicant) and known as 'The Cottage', lies to the north of the site.

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- 1.4 The wider surroundings are characterised by protected woodland and open agricultural land, while nearby to the north-west is Paradise Wildlife Park.
- 1.5 The current application seeks planning permission to demolish all existing structures on the site and to erect one, single storey detached dwelling with a footprint of approximately 129 sqm and a maximum height of 5.2m to the ridge. A double garage is also proposed to the north east corner of the site in line with the approved garage on the adjoining plot (Plot B approved under 3/11/1899/FO).

2.0 Site History

- 2.1 As mentioned above, the site was originally used as hunt kennels for the Enfield Chase Hunt. A planning application to convert the existing building to a live/work unit was refused in March 2010 (reference 3/09/1995/FP) on the grounds that insufficient information had been submitted to prove that the building was capable of conversion without substantial reconstruction, and that a residential use was not considered to be the only possible means to secure retention of the building contrary to policies GBC1 and GBC9. An earlier application had also been withdrawn (3/08/1882/FP).
- 2.2 Full planning permission for the change of use of the land and the extension and alteration of the existing buildings to provide 30 kennels, an isolation block and parking was refused in March of 2011 (ref: 3/10/2154/FP). A subsequent appeal against this refusal was dismissed in October 2011.
- 2.3 More recently, an application for outline planning permission for 2 3-bed dwellings was refused in January 2012 (3/11/1765/OP). The reasons for refusal were as follows:
 1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given, except in very special circumstances, for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
 2. The proposed development would involve an extension of built form onto previously undeveloped land within the Green Belt. It

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would be detrimental to the openness and rural landscape character of the area and be contrary to the requirements of policies GBC1 and GBC14 of the East Herts Local Plan Second Review April 2007 and guidance in national Planning Policy Guidance 2 – Green Belts.

- 2.4 Earlier this year an application for Prior Approval was sought for the conversion of the kennels building into a single dwelling, but this application was withdrawn before it was determined (ref: 3/14/1080/PR).
- 2.5 The kennels land had originally been linked with the Equestrian Centre site in the earlier residential proposals for that site, but was removed from the site area following discussions between the relevant landowners. Various applications have since been received on the former equestrian site for modifications to the layout and details of the approved scheme, but the general nature of the scheme remains the same. It is understood that there is now a legal agreement in place between the applicant and the owners of the two sites which would enable a comprehensive development of the combined site to take place.

3.0 Consultation Responses

- 3.1 The County Council's Historic Environment Unit Officers advise that the development is unlikely to have an impact upon heritage assets of archaeological interest.
- 3.2 The County Council's Highways Officer comments that the proposed 2-bed house is broadly acceptable in a highways context. The number of trips to and from the site associated with a single dwelling is likely to be minimal and, as such, the wider highway network will not be adversely affected. Parking provision is acceptable and there is sufficient turning space for cars within the site. Conditions are recommended relating to access for service and refuse vehicles, as well as the laying down of hardstanding prior to occupation of the proposed development.
- 3.3 The Council's Environmental Health section have recommended the addition of a condition relating to contaminated land, and also directives relating to bonfires, the safe handling and disposal of asbestos and acceptable working hours.

4.0 Parish Council Representations

4.1 Brickendon Liberty Parish Council comments that “It is noted that the problems of access, land ownership and layout of the wider site and property design have been addressed in this application, so that the redevelopment of this derelict brownfield location can now, in our opinion, be achieved.” No objection is made to the application.

5.0 Other Representations

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

5.2 6 letters of support for the development have been received. In general, the representations cite the resolution of the long-standing uncertainty of the site, and the improvements from tidying the site, as reasons for their support.

6.0 Policy

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

GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV23	Light Pollution and Floodlighting
ENV24	Noise Generating Development
BH1	Archaeology and New Development
HSG1	Assessment of sites not allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG5	Rural Exceptions Affordable Housing

6.2 In addition to the above cited Local Plan policies the National Planning Policy Framework (NPPF) is a material planning consideration in assessing this application.

6.3 The NPPF had not been published at the time of consideration of the last application. The key policies are considered to be 6 – Delivering a

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wide choice of high quality homes, 7 – Requiring good design and 9 – Protecting Green Belt land.

7.0 Considerations

7.1 As the site lies within the Green Belt, the principle consideration is whether the proposal comprises appropriate development in the Green Belt and, if not, whether there are ‘very special circumstances’ that have been shown to exist that would clearly outweigh any harm caused to the Green Belt by inappropriateness, and any other harm.

7.2 Matters relating to design, layout, neighbour amenity, land contamination, site access and any other concerns are also addressed below.

Principle of the development

7.3 The site lies in the Metropolitan Green Belt wherein inappropriate development will not be permitted except in ‘very special circumstances’. Policy GCB1 of the adopted Local Plan sets out the forms of development and uses that are considered to be appropriate in the Green Belt. However, residential development does not fall within any those criteria and, in accordance with that policy, this proposal would constitute inappropriate development which, by definition, is harmful to the Green Belt.

7.4 However, the publication of the NPPF in March 2012 has resulted in a significant change in national planning policy as it relates to previously developed Green Belt land, such as at this site, and this carries significant weight in the consideration of this application.

7.5 The NPPF, at paragraph 89, states that the construction of new buildings can be appropriate development in the Green Belt where it involves “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use” provided that the new development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. As policy GBC1 of the Local Plan is not entirely consistent in this respect with the NPPF, Officers consider that the NPPF should be given more weight and therefore the proposed development would not constitute inappropriate development in the Green Belt subject to it meeting the definition of ‘previously developed’ (or brownfield) land, and subject to the ‘greater impact’ test set out above.

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- 7.6 The kennels site is recognised as redundant previously developed land comprising 3 permanent buildings and associated hardstandings that detract from the rural character of the surrounding area. In principle, therefore, its redevelopment is considered to be appropriate development provided that there would be no greater impact on the openness of the Green Belt, or the rural character of the surrounding area.
- 7.7 The proposed dwelling would occupy a footprint of approximately 129 square metres, with a detached garage of some 42 square metres lying immediately to its north. The 3 existing buildings on site amount to approximately 130 square metres. For the avoidance of doubt, the area calculations do not include the dog runs, which are fenced areas of otherwise open land and which cannot, in Officers' opinion, be counted as buildings for the purpose of establishing a built footprint for the site. Whilst the new garage building would represent an increase in footprint of approximately 42sqm, this would be significantly less than the area of the enclosed runs (approx.76sqm). There would, nevertheless, be some (albeit limited) greater increase in footprint as a result. However, the appearance of the proposed development would, in Officers view, significantly improve the appearance of the site and this limited increase in footprint is not considered to be so significant as to warrant a refusal of planning permission on Green Belt grounds.
- 7.8 Officers consider that there is a reasonable comparison to be drawn between the height of the proposed dwelling and those approved on the neighbouring land, formerly used as the equestrian centre. The three approved houses on the neighbouring site are all two-storey dwellings, while the proposed dwelling would be a single-storey building. The three houses were considered justified, in part, due to the removal of the substantial vacant commercial buildings on the site, in a similar way to the justification proposed within this application. The buildings to be removed in this instance are much smaller than the buildings on the equestrian centre site, and therefore it follows that any new building erected on the site should be smaller to ensure that there is no significant greater impact on openness in the area.
- 7.9 In addition, the house and garage would be sited significantly further to the north on the site than the existing kennels building. This would reduce the extent of sprawl of buildings on the site, and in Officers' opinion would improve the openness of the Green Belt in this location.
- 7.10 Furthermore, Officers note that the redevelopment of the kennels site would allow the resolution of legal matters that have delayed the redevelopment of the adjacent former equestrian site. While this is not,

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in itself, a matter given significant weight in considering the development Officers recognise the benefit that would come from a comprehensive redevelopment of these two adjoining sites.

- 7.11 In summary, therefore, Officers consider that the proposal would not result in a greater impact to the openness of the Green Belt, or the rural character of the surrounding area. The proposed development is therefore considered to be appropriate in principle in this Green Belt location and it is not therefore necessary to consider whether there are any “very special circumstances” for permitting the proposal. It therefore falls to consider whether the specific details of the proposal are acceptable in planning terms.

Landscape character

- 7.12 The site lies within a designated area of Landscape Character (Area 57 Thunderfield Ridges). The East Herts Landscape Character Assessment Supplementary Planning Document September 2007 recognises the character of the area as “Very rural area dominated by wave-like landform and opportunity for extensive long-range views”. Key characteristics are that the area is “small scale and very rural”, and that there has been an “impact of built development on southern part of area”, which includes the application site.
- 7.13 The proposed development would reduce the extent of intrusion of buildings into the south of the site. The extent of built form on the site would be similar, but relocated into the north of the site, closer to the approved two-storey houses. On balance, Officers consider that there would be no greater harm from the proposed development to the character of the area.

Design and appearance

- 7.14 The building would be simple in form, a single-storey L-shaped structure with a low pitched roof. This would result in a restrained presence on site, subordinate to the larger properties approved on the adjacent land.
- 7.15 The proposed dwelling would have a large picture window on its south elevation. This would open up views of the open countryside to the south for the future occupiers of the property.
- 7.16 The proposed garage would be sited between the proposed house and house ‘B’ on the former equestrian site. It would be a subordinate

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building, capable of housing 2 cars but with a ridgeline more than 1 metre lower than that of the proposed house.

- 7.17 The proposed materials for construction of the dwelling and garage would be red brick, clay tiles and timber doors and windows. In general, these materials are considered to be acceptable.
- 7.18 The hardstanding associated with the dwelling would be created from bonded gravel, while the boundaries would be formed of hedging. These details are considered to be acceptable in this location.

Access

- 7.19 The Highway Officer has queried the provision of access to the site for refuse lorries. The new dwelling would share the approved refuse store with the other three approved houses on the former equestrian site. The refuse store is to be located close to the site entrance from White Stubbs Lane, and will be in an acceptable location for access for refuse collection.

Other matters

- 7.20 Environmental Health have previously raised concerns about contamination at the site and in considering the previous application recommended a condition requiring its remediation. That condition is replicated for this application.
- 7.21 Considerable weight is given by Officers to the retention of openness of the Green Belt as a result of the proposed development. Accordingly, it is considered appropriate in this instance to the limit the Permitted Development rights of the dwelling in order to prevent unrestricted sprawl of the built footprint of the development that would be harmful to that openness. A condition is therefore recommended to remove the property's Permitted Development rights for extensions (Part 1, Class A) and outbuildings (Part 1, Class E).

8.0 Conclusion

- 8.1 As the site comprises previously developed land and the development would not have a greater impact on openness than the existing buildings; and not prejudice the purposes of including land within the Green Belt, the proposal is considered to amount to appropriate development in this Green Belt location.

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- 8.2 The dwelling and detached garage would be subordinate buildings in relation to the three previously approved dwellings on the adjacent site. The scale of the development would be acceptable, with the siting of the dwelling representing a contraction of the built form when taken with the approved houses on the adjacent site. The resulting site layout would result in a material improvement in the openness of the Green Belt in this location, and no greater harm to the landscape character of the wider area.
- 8.3 The development would be of an acceptable appearance, and would not raise any vehicular access concerns to warrant a refusal of permission.
- 8.4 Officers therefore conclude, having regard to the specific circumstances of this site and the adjoining land, that planning permission should be granted subject to the conditions outlined at the head of this report.