

**3/14/2188/FP – Retention of existing residential dwelling house, modifications to the remaining site buildings and the change of use of these buildings from forestry/agriculture to short let holiday homes at Manor Wood, Pembridge Lane, White Stubbs, Broxbourne, EN10 7QR for Mr and Mrs M Spire**

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**Date of Receipt:** 30.12.2014

**Type:** Full - Major

**Parish:** BRICKENDON LIBERTY

**Ward:** HERTFORD HEATH

**RECOMMENDATION:**

- (a) That planning permission be **REFUSED** for the following reasons:
1. The proposed development involves the re-use of buildings (buildings A, B and D) that will require substantial reconstruction in order to accommodate the use proposed. Furthermore, buildings A and B are required to be removed by a previous Section 106 Agreement. The development proposed would be visually intrusive and unsympathetic to its surroundings. The proposal is therefore contrary to the requirements of policies ENV1, GBC1, GBC3 and GBC9 of the East Herts Local Plan Second Review April 2007 and would result in an inappropriate form of development in the rural area and Metropolitan Green Belt. There are no material considerations to which such weight can be attached such that very special circumstances have been demonstrated to clearly outweigh the harm to the green belt by reason of inappropriateness or any other harm.
  2. The proposed solar panel structure would constitute inappropriate development in the Metropolitan Green Belt that would detract from its open character and amenity and there are no material considerations to which such weight can be attached such that very special circumstances have been demonstrated to clearly outweigh the harm to the green belt by reason of inappropriateness or any other harm. The proposal is therefore contrary to the requirements of policy GBC1 of the East Herts Local Plan Second Review April 2007.

**Summary of Reasons for Decision**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive 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

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sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

#### Informative:

The applicant is advised that the poultry buildings (buildings A and B) the subject of part of this application should be removed from the site under the terms of a Section 106 Agreement dated 15<sup>th</sup> December 1994 associated with planning permission 3/92/1225/FP for the erection of four poultry houses.

- (b) That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to:
1. Secure the cessation of the use of part of the land for scrap metal recovery and to secure the removal of associated waste containers and scrap metal.
  2. Secure the cessation of the use of a workshop (part of Building D) as a residential dwelling and the removal of associated unauthorised development.

Period for compliance: 6 months

Reasons why it is expedient to take action:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will only be given for appropriate development. The use part of the site for scrap metal recovery and the use of part of a building as a residential dwelling comprise inappropriate development that is detrimental to the character and appearance of the site and the openness of the Green Belt. The development would thereby be contrary to Policies GBC1 and GCB9 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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#### **1.0 Background**

- 1.1 The application site, shown on the attached Ordnance Survey extract comprises cleared land surrounded by woodland. It was formerly used as a poultry farm and became a forestry business. In recent years the forestry business has been in decline and it is now financially unsustainable.

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1.2 There are five existing buildings on the site comprising :

- two disused poultry sheds (buildings A and B),
- a disused stable building (building C),
- a storage barn and workshop (building D)
- a three bedroom dwelling used by the applicants (building E).

The storage barn and workshop (building D) has living accommodation for the site manager that remains in use.

1.3 The site is a cleared area lying within Broxbourne Woods and within the Green Belt. Parts of the site are designated as Sites of Special Scientific Interest and a National Nature Reserve.

1.4 The proposal is to:

- convert the two poultry sheds (buildings A and B) into 2 x two bedroom units,
- convert the stable building (building C) into 2 x two bedroom units
- convert the storage barn and workshop building (building D) into 6 x two storey, three bedroom units, one of which would include a site office.

The created accommodation would be used for holiday lets. The existing three bedroom dwelling in the centre of the site (building E) would be retained.

1.5 The proposal also includes a freestanding solar panel located on the eastern side of the site. This would be a steel structure 10.4m wide and 3m high supporting 30 solar panels.

## **2.0 Site History**

2.1 The site has a long and complex planning history of relevance are the following:

- 3/92/1225/FP – Erection of 4 poultry sheds. Approved 15<sup>th</sup> December 1995, subject to a Section 106 Agreement that the sheds be removed if the poultry business ceased. This permission was part implemented in that only two of the sheds were erected.
- 3/99/0644 – Change of use to boarding kennels and conversion of barn to a dwelling. Refused 28<sup>th</sup> July 1999.

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- 3/00/1762/FP – Change of use of former poultry farm to cattery, creation of forestry service inclusive of open barn and maintenance building for the provision of charcoal burning and associated woodland products and provision of temporary residential accommodation (in building E). Refused 6<sup>th</sup> August 2001 but subsequently part allowed in an appeal decision dated 14<sup>th</sup> February 2002. The Inspector refused the cattery use proposed but allowed the forestry service buildings. The residential accommodation was subject to a 3 year temporary use condition and a forestry/agricultural worker occupation condition.
- 3/05/0446/FN – Use for a permanent forestry dwelling (renewal of that part of 3/00/1762/FP). Approved 8<sup>th</sup> July 2005 for a further temporary period of 3 years.

### **3.0 Consultation Responses**

4.1 Environmental Health recommend conditions if permission is granted.

4.2 County Highways do not wish to restrict the grant of permission, subject to conditions.

### **4.0 Brickenden Liberty Parish Council Representations**

4.1 Any comments received will be reported at the meeting.

### **5.0 Other Representations**

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Five letters have been received supporting the proposals, including three letters from nearby occupiers and a letter from Paradise Wildlife Park.

### **6. Policy**

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

SD1	Making Development more Sustainable
SD3	Renewable Energy
GBC2	Appropriate Development in the Green Belt
GBC6	Occupancy conditions
GCB9	Adaption and Re-use of Rural Buildings

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GCB10	Change of Use of an Agricultural Building
TR7	Car Parking Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV13	Development and SSI's
ENV14	Local Sites
ENV16	Protected Species
ENV17	Wildlife Habitats
ENV23	Light Pollution and Floodlighting
LRC5	Countryside Recreation
LRC10	Tourism

6.2 The National Planning Policy Framework and Planning Practice Guidance is also of relevance to the determination of the application. In particular Section 1 Building a strong economy, Section 7 Design, Section 9 Protecting the Green Belt and Section 11 Conserving and enhancing the Natural Environment, paragraph 28 on sustainable economic development, paragraph 55 on rural housing and paragraphs 97 and 98 on renewable energy.

### 7.0 Considerations

7.1 The main planning issues to be considered in the determination of this application are:

- Green Belt considerations and whether the proposed development is appropriate having regard to policies GBC2, GBC6, GBC9, GCB10, SD3 and the NPPF.
- Highways, access and parking.
- Landscape impact on the appearance and character of the area.
- Impact on the natural environment and biodiversity having regard to policies ENV13, ENV14, ENV16, ENV17 and ENV23.
- The development of tourism and access to the countryside having regard to policy LRC10 and the NPPF.

### Green Belt

7.2 Local Plan policy (policy GBC1) provides that the adaptation and re-use of redundant rural buildings for an alternative use compatible with the rural area, including tourism is not regarded as inappropriate

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development in the Green Belt, subject to the criteria set out in policies GBC9. Policy LRC10 also supports the provision of suitable tourist proposals. The GBC9 criteria are as follows:

- (a) The building is of a form, bulk, general design and materials of construction such that it is in keeping with its surroundings
- (b) The building is permanent, soundly constructed and not requiring substantial reconstruction before adaptation to a new use
- (c) The proposal is sympathetic to the rural character and appearance of the building, not requiring extensive alterations or anything other than minor operations to accommodate it
- (e) The proposed use is sympathetic to its surroundings

7.3 These criteria are not included in the NPPF. However, as set out in the NPPF, it is the role of the Local Plan to add detail to reflect local circumstances. Whilst Local Plan policy guidance predates the National Framework it is considered to be consistent with it and this view has been reflected by Inspectors in determining recent appeals. The NPPF specifically supports the reuse of buildings where they are of permanent and substantial construction.

7.4 The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversions and well-designed new buildings. Sustainable rural tourism and leisure businesses are supported. This includes supporting the provision and expansion of tourist and visitor facilities where identified needs are not met. The thrust of Policies LRC5 and LRC10 is similar.

7.4 In this case there are also other considerations as follows:

- Two of the buildings (poultry sheds buildings A and B) proposed to be converted to holiday homes remain on the site in breach of the terms of the Section 106 Agreement associated with planning permission 3/92/1225/FP dated 15<sup>th</sup> December 1995.
- The continued occupation of the dwelling (building E) on the site is in breach of the temporary use and agricultural/forestry worker occupation conditions of planning permission 3/05/0446/FN (renewal of permission 3/00/1762/FP).

7.5 The condition relating to temporary use as a single family dwelling may no longer be enforceable as the breach has persisted for longer than

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four years (permission expired in July 2008).

- 7.6 In terms of whether or not different elements of the proposal constitute inappropriate development in the Green Belt, it is necessary to look at them separately. This approach was adopted by the Inspector in the previous appeal 3/00/1762/FP).
- 7.7 In granting planning permission for the temporary residential use in the appeal decision relating to 3/00/1762/FP, the Inspector concluded that a residential presence on the site was only justified in the Green Belt on the basis of the safety and production requirements of the specific forestry operation proposed, namely charcoal burning. The Inspector accepted the appellant's argument that the capital cost of the basic conversion of the building to residential use was not prohibitive and that it would not preclude a trial-run permission while the prospects for a viable business were demonstrated in accordance with the policy then in operation (Annex I of PPG7).
- 7.8 A letter to the applicants dated 8<sup>th</sup> July 2005 accompanying the decision notice on the renewal application (3/05/0446/FN) noted that the charcoal burning element of the enterprise, to which the Inspector gave weight had not been established, contracts had not materialised and that the evidence of viability was flimsy. It was also noted with disappointment, that the two poultry buildings required to be removed by the Section 106 Agreement remained on the site. The applicants were advised that, in the circumstances, a further 3 year period of consent was necessary to fully establish the functional requirement of a dwelling on the site, the installation of charcoal burners and the viability of the business. The letter further advised that unless such evidence were provided it was unlikely that a permanent or a further temporary permission would be granted.
- 7.9 No further justification has been submitted with the application to support a case that the retention of an on-site permanent residential presence is a necessary requirement of the proposed use of the other buildings for holiday let accommodation.
- 7.10 The continued use of the building 'E' for permanent residential accommodation is regarded as inappropriate development in the Green Belt having regard to policies GBC1 and GBC9. Whilst the Council may not be able to take enforcement action against this use, it would be inappropriate to grant permanent permission via this application, as the application relates to a wider proposal.
- 7.11 Buildings A and B remain in breach of the Section 106 Agreement

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requiring their removal should the poultry business cease. The walls of the buildings are constructed of breeze block with external timber cladding. Their adaptation to the proposed use will require the provision of an additional internal wall skin to form a cavity construction and probably recladding externally. The drawings indicate that the foundations will be strengthened as necessary. Internally building A is quite small and a 1m deep open roof overhang on the building would be infilled with a new external wall to create the necessary internal space to accommodate the proposed use, effectively extending the building.

- 7.12 It is considered likely that the buildings, and in particular building A, would need to be substantially rebuilt. Having regard to criteria (b) and (c) of GBC9 the development is considered to be inappropriate development in the Green Belt. It is considered that the buildings are not worthy of retention or re-use, a position that is reinforced by the requirement to remove them in the original Section 106 Agreement.
- 7.13 Building C comprises a fairly substantial disused stable block built in breeze block with a concrete tile roof. It is of reasonably sound construction. It is considered that the building is capable of conversion to the proposed use.
- 7.13 Apart from the existing single storey site worker accommodation building D largely comprises a steel framed shed structure with corrugated steel back wall and roof. It is open on two sides. To adapt the building for the proposed use substantial alterations are proposed. These include the infilling of the open front and side with new walls elevation containing doors and windows. The construction of a rear wall with door and window openings, the provision of a new internal floor to support the first floor bedroom and bathroom accommodation and reconstruction/replacement of the steel sheet roof. It is considered that the majority of the building would be required to be rebuilt.
- 7.14 The building created would be residential in character, two storeys in height and of considerable bulk, having the appearance of a row of six terraced cottages. The enclosure of its currently open sides would serve to increase its permanence and presence. It is considered that the resulting building would represent a significant urbanising element in the landscape that would further detract from the open character and amenity of the locality and the Green Belt. Having regard to Policy GCB9, the proposal is considered to be inappropriate development in the Green Belt. Given the extent of the building and adaptation works required it is considered that the building is not worthy of retention.
- 7.15 Whilst some weight can be assigned to the tourism accommodation



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element of proposals this must be tempered. In addition to the anticipated scale of the works required to the buildings, and the visual impact of those works there does not appear to be a detailed justification with regard to the need for facilities in this location.

#### Highways

- 7.16 No highway objections have been received in relation to the proposed development and the scale of the proposed use is not such that it is likely to result in significant traffic or highway problems. Off street parking can be comfortably provided within the site.

#### Ecology

- 7.17 With respect to ecological considerations, further input is currently sought from expert advisors at the time of report submission. Feedback will be reported to Members at the meeting. It is anticipated that opportunities for enhancement may exist, but further survey work would be required at the site to assess the potential and extent of this.

#### Solar Panels

- 7.18 Policy SD3 and the NPPF are generally supportive of renewable energy development and its benefits. However, SD3(b) states that proposals for harnessing solar power will be judged primarily on their visual impact, particularly where they affect areas of particular visual quality or sensitivity. The installation of the proposed solar panel structure is regarded as inappropriate development in the Green Belt. In this case it is considered that the freestanding structure would be visually intrusive and that it would detract from the open character and appearance of the Green Belt. In addition, the orientation of the solar panel, which is shown as facing east, appears to be inconsistent with its aim.

#### Other matters

- 7.19 The applicants submit that the forestry business is currently financially unsustainable and that over the past couple of years or so, and in order to boost dwindling income from the site, scrap metal recovery and recycling operations have been carried out. They are now concerned about the untidy site conditions that this activity is producing, and recognise that this cannot continue. The provision of holiday let accommodation would enable the site to be financially productive and greatly improve the appearance of the existing buildings, improve the appearance of the site generally, as well as restoring the surrounding

woodland within their control for the benefit of the applicants, the local community and provide enjoyment for visitors.

## **8.0 Conclusion**

- 8.1 Whilst the financial failure of the forestry business and the potential for development to improve the visual appearance and management of the site is noted, it is considered that this should be assigned minimal weight in the decision making process. Some weight can also be assigned to the aspiration that tourist accommodation would be provided as a result of the proposals.
- 8.2 However, in conclusion, having regard to Local Plan policy and the NPPF, much of the development proposed is regarded as inappropriate development in the Green Belt that would be of further detriment to its open rural character and amenity. It is considered that no issues to which such weight can be attached such that very special circumstances exist that would clearly outweigh the harm to the Green Belt.
- 8.3 Given the uses that have become apparent at the site as a result of the assessment of these proposals, it is considered expedient to secure compliance with the Section 106 Agreement that required the removal of the poultry buildings A and B, and, subject to further investigation, secure the cessation of unauthorised residential and scrap metal recovery uses on the site and the removal of associated unauthorised development.