

3/15/1460/FUL – Installation of 1no metal shipping container for storage of hand tools at Southern Country Park, Lake View, Bishop’s Stortford for East Herts Council

Date of Receipt: 10.07.2015

Type: Full – Minor

Parish: BISHOP’S STORTFORD CP

Ward: BISHOP’S STORTFORD – SOUTH

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)
3. Landscape design proposals (4P12)

Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

4. Landscape works implementation (4P13)

Informatives:

1. Other legislation (01OL)
2. Public Rights of Way (18FD)

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

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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 2015. The balance of the considerations having regard to those policies and the very special circumstances evident in this case is that permission should be granted.

_____ (146015FUL.SE)

1.0 Background

- 1.1 The site is shown on the Ordinance Survey extract.
- 1.2 The proposal is for the siting of a metal shipping container to the northern edge of Southern County Park and to the west of a property known as Corner Cottage. It is proposed to be used for the storage of hand tools used by the Friends of Southern County Park, who are a group of local volunteers who meet regularly to carry out conservation work and practical tasks in the Park. The container would be 6.06 metres long, 2.44 metres wide and 2.59 metres high and is to be painted dark green.
- 1.3 The site is within the Metropolitan Green Belt.

2.0 Site History

- 2.1 There is no relevant planning history in relation to this application.

3.0 Consultation Responses

- 3.1 The Highway Authority does wish to restrict the grant of permission. It notes that, to undertake this development, access will need to be gained from a public right of way (Bishop's Stortford 039 Bridleway) and have therefore made the following comments on the potential impacts the development works might entail and the required minimum standards regarding the maintenance of the Public's rights and safety during and after construction:
 - The Public right of Way should remain unobstructed by vehicles, machinery, materials, tools and any other aspects of the construction during works; and
 - The safety of the public using the route and any other routes to be used by construction traffic should be a paramount concern during works, safe passage past the site should be maintained at all times.

- The condition of the route should not deteriorate as a result of these works and any damage to it is to be made good.

4.0 Town Council Representations

4.1 No comments have been received from Bishops Stortford Town Council at the time of writing this report. Any representations received will be reported to the Committee at the meeting.

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.

6.0 Policy

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

GBC1	Appropriate Development in the Green Belt
LRC1	Sport and Recreation Facilities
LRC5	Countryside Recreation
LRC9	Public Rights of Way
ENV1	Design and Environmental Quality
ENV2	Landscaping

6.2 The National Planning Policy Framework (NPPF) and the national Planning Policy Guidance (NPPG) are also material considerations in the determination of the application.

7.0 Considerations

Principle of Development

7.1 Policy GBC1 of the Local Plan and paragraph 89 of the NPPF state that the construction of new buildings within the Green Belt should be regarded as inappropriate development, except when they are required for certain specified purposes.

7.2 Policy GBC1 states that one of those exceptions is for the provision of 'essential small scale facilities for outdoor sport and outdoor recreation'. The NPPF also indicates that the provision of 'appropriate' facilities for

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outdoor sport or recreation is appropriate development in the Green Belt 'as long as it preserves the openness of the Green Belt' and does not conflict with the purposes of including land in the Green Belt.

- 7.3 It is necessary then to consider whether there is an essential or appropriate need for this development and whether the proposal would preserve the openness of the Green Belt such as to constitute appropriate development.
- 7.4 The applicant has indicated that the Friends of Southern County Park are mostly retired individuals who play a key role in representing the community and who work with the Police and Council to help make the park a safe and enjoyable place to visit. It is stated that they are no longer able to store tools at their homes and the current absence of storage facilities in the Park is adversely affecting their ability to continue with their practical tasks.
- 7.5 Officers consider that the proposed container, used for this purpose, can be considered to be an 'appropriate', if not 'essential', facility for outdoor recreation purposes. However, it would inevitably have some impact on the openness of the Green Belt and does not therefore accord with the precise wording of either policy GBC1 or the NPPF. Officers have therefore considered the proposal against the higher test of being 'inappropriate development' in the Green Belt and Members will be aware that this requires 'very special circumstances' to justify the development. These will not exist unless the harm caused by inappropriateness, and any other harm, is 'clearly outweighed' by other material considerations.
- 7.6 In this case, in addition to inappropriateness, Officers consider that there would be some other limited harm caused to the surrounding area by the proposed development. The container would be large, and although painted green to blend in with its surroundings, would be of a commercial appearance that is out of keeping with the surrounding semi-rural siting. Its visual impact would, however, be reduced by its siting adjacent to mature trees and further soft landscaping to the west of the container is also proposed, between the site and the public right of way. Nevertheless, some harm to the Green Belt would occur.
- 7.7 It is necessary then to consider whether there are any other material considerations that would clearly outweigh the harm caused by inappropriateness and this other identified harm.
- 7.8 Officers consider that the need for the proposed development, in order to support the maintenance of Park, and assist in making it a safe and

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enjoyable place to visit, is a material consideration of significant weight and this is sufficient to clearly outweigh the limited harm that would occur to the Green Belt in this area.

Neighbour Amenity

- 7.9 The container would be sited adjacent to the common boundary with the dwellinghouse known as Corner Cottage. However, due to the mature landscaping that will separate the container and the common boundary with that property, together with the limited scale of the development, it is not considered that the proposal would result in any harm to the amenities of the occupiers of that property.
- 7.10 Similarly, the residential dwellings to the north of the site are approximately 30 metres away and, given the existing and proposed landscaping at the site, it is not considered that this proposal would cause harm to the enjoyment of those dwellings.
- 7.11 With regard to the users of the bridleway, leading to Southern County Park, Officers are satisfied that, subject to a sufficient landscaping scheme, the proposed siting of this container will not cause harm to the enjoyment of this public right of way.
- 7.12 For the above reasons Officers recommend that this proposal accords with the amenity considerations of policy ENV1 of the Local Plan.

8.0 Conclusion

- 8.1 Officers consider that, whilst the proposed container would be for an appropriate facility for outdoor recreation, it is arguable as to whether it is an 'essential' facility as set out in policy GBC1. If it is not essential, it would not be considered appropriate development in the Green Belt under that policy. Furthermore, it would have some impact on openness, and would not therefore represent appropriate development in the Green Belt using the NPPF definition.
- 8.2 The proposal has therefore been assessed as constituting inappropriate development in the Green Belt.
- 8.3 Nevertheless, it is considered that the need for the development in maintaining the amenity and safety of the Park is sufficient to clearly outweigh any harm that would be caused to the Green Belt in this case, and Officers are satisfied that there are 'very special circumstances' therefore to justify the grant of planning permission, subject to the conditions set out at the head of this report.

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- 8.4 The proposed container, together with the scheme of soft landscaping, would not significantly harm the rural character and appearance of the local area. In addition, the container would be sited such as not to cause harm to neighbour amenity, or harm the enjoyment of the adjacent public right of way.
- 8.5 The application is therefore recommended for approval subject to the conditions set out above.