

DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 2016

Application Number	3/16/0532/FUL
Proposal	Erection of 1no. new two storey detached residential dwelling together with associated detached double bay garage, associated driveway/off-street car parking, private garden space, landscaping and other associated development
Location	Priory Farm House, High Street, Widford, SG12 8RA
Applicant	Mr A and S Richardson
Parish	Widford
Ward	Hunsdon

Date of Registration of Application	07 March 2016
Target Determination Date	02 May 2016
Reason for Committee Report	Called in by Cllr Andrews at the request of Cllr Brunton
Case Officer	Martin Plummer

RECOMMENDATION:

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 The application seeks planning permission for the erection of a single detached dwelling on the site which is located outside of the village of Widford and within the designated Rural Area wherein there is a presumption against inappropriate development. The proposal therefore represents a departure to Rural Area policies contained in the Local Plan.
- 1.2 However, in the absence of the Council's five year land supply, regard must be had to the presumption in favour of sustainable development set out in paragraph 14 of the NPPF, and a determination made as to whether there would be adverse impacts arising from the proposed development that would 'significantly and demonstrably' outweigh the benefits of the proposal. The site is well located in relation to village services and Officers consider the proposal to amount to a sustainable form of development and therefore, in accordance with the NPPF, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 1.3 Officers are satisfied that the development would not result in any significant harm to the character and appearance of the site including

the setting of listed buildings and the wider Conservation Area, and its impact would be acceptable in terms of highways, landscaping and neighbour amenity issues. It is acknowledged that there would be some reliance on the private car for access to shopping, employment and other services and that some harm would arise from changes to the character and appearance of the area. However, on balance, these matters are not considered to significantly and demonstrably outweigh the benefits of the development in terms of housing provision and it is recommended therefore that, in accordance with paragraph 14 of the NPPF, planning permission should be granted subject to conditions.

2.0 Site Description

- 2.1 The site is located to the east of the existing development which fronts onto Hunsdon Road as shown on the attached OS plan. To the west of the site are the residential dwellings known as The House of Orange and Bullards which are grade II listed buildings. To the north of the site is a development site which has been granted planning permission for 6 residential dwellings under LPA reference 3/15/0386/VAR. That permission has started to be implemented. Further to the north is the dwelling known as Priory Farm House. PRow (Public Right of Way) Widford 007 runs from Hunsdon Road to the west of the site, across the northern boundary of the application site and links to Nether Street to the north east of the village.
- 2.2 The site comprises a largely square parcel of land with an area of approximately 0.086ha. It is largely overgrown with some mature trees to the boundaries.

3.0 Background to Proposal

- 3.1 The application proposes the erection of a single detached dwelling on the site with an access onto the farm track (also a PRow) which is to the north of the site. The proposed dwelling would sit centrally within the plot and is a five bedroom dwelling at a height of 9.7 metres. A garden space to the front, rear and side is proposed and a detached double garage to the side of the dwelling with driveway is also proposed.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
The principle of residential development within the Rural Area	Paragraph 14	SD2
Impact on character and appearance of the area and neighbour amenity	Paragraph 14	ENV1
Impact on the setting of the listed building and Conservation Area	Section 12	BH6
Landscaping		ENV2, ENV11

4.2 Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. Given its stage in preparation, little weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 Herts County Council Historic Environment Unit comment that the site is within an area of archaeological significance and includes the historic settlement of Widford which has medieval origins. It is likely that there has been a farmstead at the site since the medieval period and the site therefore has the potential to contain archaeological remains of historical significance. It is necessary and reasonable therefore to attach a planning condition requiring further archaeological work.

6.2 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The scheme proposes a new vehicle access where appropriate visibility can be provided and a suitable level of parking and space for vehicle turning is proposed. Traffic generation will not be significant.

6.3 The Council's Landscape Officer comments that, due to the enclosure/screening provided by existing trees to be retained and provided that suitable boundary treatment can be provided, the site is able to accommodate a dwelling and garage of the size proposed without causing unacceptable adverse landscape impact on the surroundings. The Landscape Officer recommends the approval of planning permission subject to conditions.

- 6.4 The Council's Environmental Health Team advises that planning permission be granted subject to conditions relating to construction hours of working; soil decontamination, dust and piling.
- 6.5 Thames Water comments that surface water drainage is the responsibility of the developer. The applicant should ensure that storm flows are attenuated or regulated into the public network through on or off site storage. Consent will be required to connect to a public sewer.
- 6.6 The Councils Conservation and Design Team recommend that planning permission be granted and comment that the development will not harm the character and appearance of the Conservation Area.

7.0 Parish Council Representations

7.1 Widford Parish Council objects to the application for the following reasons:

- The development is outside the village boundary;
- The development would result in harm to the Conservation Area and be contrary to BH policies and policy OSV2;
- The development relies on the grant of planning permission for a new access (LPA reference 3/16/0325/FUL);
- The development does not meet housing needs of the village;
- The development will result in increased traffic movements and harm to highway safety.

8.0 Summary of Other Representations

8.1 Letters of representation in objection have been received from 5 individual households which, in summary, raise the following issues:-

- Development site is outside the village boundary and represents inappropriate development contrary to the Development Plan;
- There is no local need for a dwelling of this proportion;
- Development will be out of keeping with the character of the village and Conservation Area;
- Harmful overlooking impact and loss of privacy;
- Harmful impact to views from the PRoW and surroundings;
- Harmful impact on users of the PRoW and vehicular traffic entering the B180.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:

Ref	Proposal	Decision	Date
3/15/2040/FUL	Erection of 1 No. detached dwelling with detached double bay garage and associated works.	Withdrawn	11.01.2016
3/15/0386/VAR (site to north)	Removal of condition 2 of LPA ref 3/12/1325/FP (The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority)	Approved with conditions	27.04.2015
3/12/1325/FP (site to north)	Erection of 5 no. dwellinghouses; garages and change of use and alteration of workshop to form a single dwelling and demolition of a small store building, demolition of agricultural barns, alterations to access and landscaping works.	Approved with conditions	09.11.2012
3/96/0603/FP	Detached house and single garage	Judicial review - Withdrawn	07.01.1999
3/95/1267/FP	Detached house and single garage	Refused	03.01.1996
3/95/0527/FP	Detached house and double garage	Refused	07.09.1995

9.2 As Members will note from the above, planning permission has been granted for a residential development on the site to the north of the current planning application under reference 3/12/1325/FP which was varied under application reference 3/15/0386/VAR. That planning permission has started to be implemented.

9.3 LPA reference 3/95/0527/FP was refused for the following reasons:

The application site lies within a Rural Area as defined in the East Hertfordshire Local Plan 1993 wherein there is presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at RA3 within the Local Plan.

The proposal would extend the built up part of Widford, which is not allocated for further development in the East Herts Local Plan. When viewed from the footpath system to the east it would result in a prominent building and would be detrimental to the character and appearance of Widford Conservation Area and contrary to Policy BE8 of the East Hertfordshire Local Plan.

- 9.4 LPA reference 3/95/1267/FP was refused planning permission for similar reasons to LPA reference 3/95/0527/FP.
- 9.5 A further application for a dwelling on the site was submitted under LPA reference 3/96/0603/FP. That application was reported to the Development Control Committee and Members resolved to grant planning permission.
- 9.6 However, a judicial review of the Council's decision to approve LPA reference 3/96/0603/FP was submitted and the decision was quashed by the Courts. The judgement of that judicial review focused on the weight which Members had attached to a consultation response from the Police which was found to be factually inaccurate. The judgement did not comment on the acceptability or otherwise of the development proposal but rather in the way in which the application was determined and considered by the Committee.

10.0 Consideration of Relevant Issues

Principle of development

- 10.1 The site lies outside the boundary of Widford and therefore within the Rural Area Beyond the Green Belt wherein policy GBC3 only allows for specific forms of development, not including new residential developments. The proposal therefore represents inappropriate development in principle and is a departure to the aforementioned Rural Area policies of the Development Plan. However, regard must be had to any other material considerations, including policies contained in the NPPF.

- 10.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.’
- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the district. It is therefore acknowledged that, in respect of the wording of the NPPF, the Council’s settlement boundaries and housing allocations based on the 2007 Local Plan are now out of date. Little weight can therefore be given to policy GBC3 in so far as it relates to the provision of housing. Whilst work is on-going on the District Plan to provide a full 5 year housing supply, the Plan is still in draft form and can only be given limited weight in the balance of considerations. Objectors to the application are critical that the development comprising of a five bedroom dwelling will have limited impact in addressing five year housing supply and there is no local requirement for housing. Officers consider nonetheless that the proposed development would make a contribution towards the Council’s deficit in housing supply in its current form (a five bed dwelling) and this weighs in favour of the proposal, but must be balanced against any harm arising from the development.
- 10.4 In terms of sustainability, the proposed development site is located towards the central part of the village. There is access to local services and amenities in the village including a primary school and the village pub. The site is reasonably well located to those services and amenities and is within reasonable walking and cycling distance. The village is allocated as a Category two village in the Local Plan and is proposed to be designated as a Group One village in the emerging District Plan. Whilst the site is outside the village boundary it is in very close proximity to other residential development within the boundary and, given the above categorisation of the village as a sustainable location for development, it is considered to be sustainably located.
- 10.5 It is acknowledged that the majority of major shopping trips and employment will need to be accessed via the more significant urban centres of Bishop’s Stortford, Harlow, Hertford or further afield. There is some access to those centres through use of public transport. However, it is anticipated that the majority of future residents will probably use private motor vehicles, and this does weigh against the development proposal, to some degree.

- 10.6 Overall, however, Officers consider that development of this site can be considered to represent a sustainable form of development in terms of economic, social and environmental issues, and the scale of the proposed development is not considered harmful to the capacity of the existing infrastructure and services in the village. In accordance with paragraph 14 of the NPPF, therefore, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal in terms of housing provision. A number of other issues therefore need to be considered in that assessment and these are set out below.

Impact on character and appearance of the area

- 10.7 The majority of representations, including those from the Parish Council, raise concern that the development will harm the village setting; the character of the site and surroundings, and the setting of the Conservation Area and listed buildings. Officers also note that planning permission has previously been refused on the basis of the impact of views from the public right of way to the east of the site and the resultant impact on the Conservation Area. That planning history is a material consideration in the determination of this current application.
- 10.8 Whilst very mindful of that planning history, it has to be acknowledged that those decisions were made some time ago now and planning policy and other circumstances have since changed. It is a material consideration that planning permission has been granted and is currently being implemented for a range of new residential dwellings to the north of the application site. Furthermore, there are various landscape features to the east of the site which would obscure views of the development from the PRoW to the east of the site. Neither the Landscape Officer nor Conservation and Design Team object to the application on the basis of the impact in landscape terms or the impact on the setting of the Conservation Area.
- 10.9 The proposed dwelling is considered to be of an appropriate size, scale, form and design which is reflective of the traditional character of other development in the village. The development proposal includes the provision of gable features, pitched roofs and a palette of materials which is reflective of other existing development in the village. High quality materials of construction can be secured through a planning condition. The proposed dwelling sits within a good sized plot which has good spacing to the boundaries and a garden space and overall plot size which is reflective of the mixed grain of development in the village.

- 10.10 Having regard to those considerations, the proposed development will not result in an adverse impact on the character or appearance of the Conservation Area or in wider views of the site from the surrounding countryside.

Setting of listed buildings

- 10.11 The development site is located to the east of the listed buildings of The House of Orange and Bullard's and to the south of the listed buildings serving Priory Farm House. It is noted that the Conservation and Design Team raise no objection in regard to the impact on the setting of those listed buildings. In Officers opinion, the proposed dwelling is considered to be at an appropriate distance from those buildings and of a design such that there will be no harm to the significance of the setting of those listed buildings.

Highways matters and parking

- 10.12 The Highway Authority has commented that the proposed development will have no material impact in terms of traffic flows or highway safety.
- 10.13 Objectors to the application are critical of the impact on the PRow associated with vehicular traffic. The development proposal is for the provision of a single dwelling and it is not considered that vehicle movements associated with such a quantum of development will result in material harm to the users of the PRow in accordance with policy LRC9 of the Local Plan.
- 10.14 The level of off-street parking is considered to be appropriate to the size of the dwelling. The development accords with policy TR7 of the Local Plan and the emerging parking policy in the District Plan and will not encourage off-street parking within surrounding streets.

Neighbour amenity impact

- 10.15 The main neighbour amenity consideration in this case relates to the impact of the development on the living conditions of existing neighbouring properties (The House of Orange and Bullards to the west and south west) and the impact on dwellings being constructed at the development site to the north of the application site.
- 10.16 The proposed dwelling would sit side-on to the western boundary with the House of Orange. No first floor windows are proposed to front onto this neighbour and there is a distance of around 35 metres between the side elevation of the proposed dwelling and that neighbour. Having

regard to the relationship and siting between the proposed dwelling and the neighbour Officers do not consider that there will be a significant impact on the living conditions of that neighbour such that would warrant the refusal of the application.

- 10.17 Bullards is located closer to the proposed dwelling than The House of Orange. However, the proposed dwelling will retain a distance of approximately 25-30 metres between the rear building line of Bullards and the proposed dwelling. Given that distance Officers are therefore of the opinion that there will be no significant harm to the living conditions of that neighbour.
- 10.18 With regard to the impact on future residents of the development site to the north, Officers consider that the proposed dwelling is an appropriate distance and relationship to those properties such that there will be no significant harm to living conditions.

Other matters

- 10.19 Representations in objection to the application refer to the Judicial Review of a previous decision made by the Council. Whilst the planning history is material to the consideration of this application (and Officers have had regard to it and considered the previous reasons for refusal above) the judicial review of the Councils previous refusal of planning permission is of little weight in the determination of this current planning application, given the reasoning behind the review and resulting judgement.
- 10.20 Having regard to the comments from the Environmental Health unit, Officers are satisfied that conditions in relation to soil decontamination and piling are not necessary. A directive is recommended advising the applicant of the need to contact the Council in the event that any unsuspected contamination becomes evident during the building works and other conditions are recommended to address issues relating to the construction process and hours of work.
- 10.21 Having regard to the comments from the County Council Historic Environment Unit and having regard to the potential impact on heritage assets of archaeological significance, it is considered to be necessary and reasonable to attach a planning condition requiring archaeological work.
- 10.22 The plans submitted indicate trees to be retained and the Landscape Officer recommends that this is secured through a condition. There is also limited information submitted in respect of the hard and soft

landscaping treatment. Having regard to the advice received from the Landscape Officer and in the interests of the appearance of the development, Officers consider that it is necessary and reasonable to require further information in respect of these matters and to secure retention and protection of trees not scheduled for removal in the proposed plans. These matters are all covered in the list of conditions recommended at the end of this report.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies.
- 11.2 However, the NPPF sets out that, where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development, and development should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 The proposal is considered to represent a sustainable form of development with reasonable access to village services and favourable weight should be attached to the way in which the development will support the economy and provide housing. Officers acknowledge that there is likely to be some reliance on private vehicles for access to the main settlements within the District and beyond for shopping, employment and other services and this does weigh against the development proposal.
- 11.4 However, whilst the development would of course have some impact on the surrounding area, an assessment of other relevant material considerations in this case does not identify any significant or demonstrable harm to the character and appearance of the site, the setting of the Conservation Area or listed buildings, or the amenities of neighbouring properties. The impact of the development is also acceptable in highways and landscape terms.
- 11.5 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether any adverse impacts associated with the development would significantly and demonstrably outweigh the benefits.
- 11.6 Officers have undertaken that balancing exercise and have carefully considered the impact of the development against the benefits of the proposal in terms of housing provision. For the reasons set out above, it is not considered that any significant or demonstrable harm would result

from the development such as to outweigh to the benefits of the proposal.

- 11.7 Officers therefore consider that, on the balance of considerations, the development can be considered as sustainable and any adverse impacts associated with the development would not significantly and demonstrably outweigh the benefits. Officers therefore recommend that, in accordance with paragraph 14 of the NPPF, planning permission be granted subject to the following conditions.

Conditions

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Programme of archaeological work (2E02)
4. Hours of working – plant and machinery (6N054)
5. Materials of construction (2E111)
6. Wheel washing (3V25)
7. Hard surfacing (3V21)
8. Landscape design proposals (4P12)
9. Landscape works implementation (4P13)
10. Tree/hedge retention and protection (4P05)

Informatives

1. Other legislation (010L1)
2. Street Naming and Numbering (19SN)
3. Highways works (05FC2)
4. Unsuspected contamination (33UC1)

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 2015. The balance of the considerations having regard to those policies and the Councils deficiency in five year housing land supply is that permission should be granted.

KEY DATA**Residential Development**

Residential density	11.6 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	
	2	
	3	
	4+	1
Total		1

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	
3	2.25	
4+	3.00	3
Total required		3
Proposed provision		3

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	3
Total required		3
Proposed provision		3