

a) 3/08/1994/FP and b) E/08/0463/A – Construction of single dwelling at Dowsetts Farm, Colliers End for RW Pearman and Son

Date of Receipt: 08.12.08

Type: Full

Parish: STANDON

Ward: THUNDRIDGE & STANDON

RECOMMENDATION

- a) That planning permission be **REFUSED** for the following reasons:-
1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the construction of a new dwelling, which is contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
- 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 secure the removal of the unauthorised development and the removal of the resultant material from the site.

Period for compliance: 28 days

Reason why it is expedient to issue an enforcement notice:

1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the construction of a new dwelling, which is contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

_____ (199408FP.FH)

1.0 Background

- 1.1 The application site is located off Dowsetts Lane, along a private access, to the north east of Colliers End. It is within the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan and is shown on the attached OS extract. The application site is rectangular in shape and is some 0.09 hectares in size.

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- 1.2 The application site forms part of a cluster of farm buildings, of varying styles, ages and size. Directly to the north is Dowsetts Farmhouse, a Grade II Listed Building, to the west are two traditional weather boarded barns and a large utilitarian building and to the east are three large, modern agricultural buildings. There are open fields to the south.
- 1.3 The site itself, until recently, contained a former army barracks hut some 22 metres in length and 6 metres in depth and 4.8 metres in height. Planning permission had been granted for the conversion of this building (see planning history below) but the building was subsequently completely demolished.
- 1.4 The current application seeks permission to construct, in its place, a detached 2/3 bed single storey dwelling in the centre of the site. It is proposed to imitate the form and size of the recently demolished army barracks hut other than the provision of a new open porch. Materials of construction include reclaimed brickwork, feather edge timber boarding and natural slate. The rest of the site is to be laid to gardens and 2 car parking spaces are to be provided.

2.0 Site History

- 2.1 Planning permission and listed building consent were granted in 2006 (LPA Refs: 3/06/0423/FP and 3/05/2189/LB) for the '*Conversion of listed barns into 3 residential units with garages*'. This included the building mentioned in paragraph 1.3 above.
- 2.2 In September 2008 it came to the Councils attention that the building had been demolished and new footings and a concrete plinth were in the process of being built. The owner was advised by the Enforcement Section that the new building under construction was not in accordance with the planning permission which only allowed the conversion of the existing building and any replacement building or new dwelling house would need separate planning permission.
- 2.3 Although the building was located within the curtilage of the listed farmhouse, it is the view of Officers that the building was not located in that position on 1st July 1948 and it is therefore not considered to be curtilage listed. Its demolition did not therefore require consent and there is no apparent breach of Listed Building legislation.

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3.0 Consultation Responses

- 3.1 Natural England objects to the proposal on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse impact on legally protected species.
- 3.2 Hertfordshire Biological Records Centre advises that planning permission should not be granted until a site survey has been carried out to ascertain the presence or otherwise of bats.
- 3.3 Herts and Middlesex Wildlife Trust advises that planning permission should not be granted until a site survey has been carried out to ascertain the presence or otherwise of bats. If planning permission is granted conditions regarding the provision of a bat mitigation scheme, bat boxes and the protection of breed birds are recommended.
- 3.4 Three Valleys Water advises that the site is located within the groundwater source protection zone of Standon pumping station. The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the ground water pollution risk.
- 3.5 County Highways advises that the proposal is acceptable in a highway context.

4.0 Parish Council Representations

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

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification. No letters of representation have been received.

6.0 Policy

- 6.1 The East Herts Local Plan Second Review (April 2007) policies relevant to the consideration of this application are:

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
TR7	Car Parking Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality

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ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Rights
ENV16	Protected species
BH1	Archaeology and New Development
BH2	Archaeological evaluation
BH3	Archaeological conditions and agreements
BH12	Development affecting the setting of a Listed Building

7.0 Considerations

- 7.1 The main determining issue in this case relates to whether the proposal is appropriate within the Rural Area Beyond the Green Belt, where the aims and objectives of policy are placed firmly on growth restraint. Consideration also needs to be given to the design and appearance of the new dwelling, any impact the proposal may have on the setting of the adjacent Grade II Listed Farmhouse and barns, any impact the proposal may have on the neighbouring properties, parking and access.
- 7.2 Within the Rural Area under the provisions of Local Plan Policy GBC3, permission will not normally be given for the construction of new buildings or changes of use, other than for those purposes listed under the policy as appropriate development. The proposal fails to fall within any of these exception categories and so constitutes “inappropriate” development within the rural area. It therefore, needs to be considered whether there are any special circumstances in this case to warrant a decision that overrides Rural Area policy.
- 7.3 The applicant has suggested that the original planning permission to convert an existing building on the site constitutes special circumstances in this case and that, due to the poor structural state of the building, the conversion of the building was unfeasible. It is for this reason that it was demolished and work started on the construction of the dwelling house. In addition, the applicant suggests that the value the original building had to the group of buildings; the creation of a dwelling for open market rental purposes; the creation of a dwelling for rental which is suitable for an elderly or disabled person and the diversification of a well established farming business all contribute towards special circumstances.
- 7.4 It is a material consideration that planning permission was granted for the conversion of the original building into a dwelling. The conversion of *existing* buildings in the countryside is generally supported by both Government policy in PPS7 and in Local Plan policy GBC9 where conversion would meet sustainable development objectives. Conversion for economic development purposes is particularly encouraged but other uses may be appropriate in accordance with Policy GBC9 subject to meeting

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various criteria, including that the building is permanent and is soundly constructed, not requiring complete or substantial reconstruction. It was on this basis that planning permission was granted for the conversion of the existing building.

- 7.5 Government policy in PPS7 in respect of *replacement* buildings in the countryside is however significantly different. It states that the replacement of non-residential buildings for new residential development in the countryside should be treated as new housing development in accordance with the policies in PPS3 – Housing. These policies advise local planning authorities to strictly control new house building (including single dwellings) in the countryside away from established settlements.
- 7.6 Whilst the original building may have been found to be incapable of conversion following the grant of permission, rendering the previous permission to convert it to be unfeasible, I do not consider this justifies a departure from established local and national policy. I acknowledge that the original decision was made on a visual inspection of the building only and no structural survey was submitted. However, had the Council been aware of the poor structural condition of the building it is unlikely that planning permission would have been granted for its conversion. I therefore consider that this alone does not justify departing from Policy GBC3.
- 7.7 Furthermore it is my view that whilst the conversion of the original building would have preserved the setting the listed buildings on the site as they existed at that time, its removal has in fact considerably improved their setting and has resulted in the reinstatement of the original historic group of farm buildings. Limited weight can therefore be given to the applicants suggestion that the re-building of the ‘barn’ would be important to the historic setting of the group of listed buildings.
- 7.8 Turning to the other circumstances forwarded by the applicant; I do not consider that any of these constitute special circumstances to warrant departing from local policy. In these circumstances the construction of a new dwelling, regardless of its layout and design, its tenure and its ownership is contrary to both local and national policy. Therefore I do not consider that any of these arguments justifies departing from Policy GBC3. Moreover, the approval of such a building for any of these reasons, may also set a precedent for similar applications in the future.
- 7.9 Turning to any impact the proposal may have on the amenities of the occupiers of Dowsetts Farmhouse; I am satisfied that due to the juxta position of the new dwelling to and the significant distance between the two buildings that the proposal would not result in any undue loss of privacy or light or have an overbearing impact.

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- 7.10 With regards to access and parking County Highways has advised that the proposal is acceptable in a highway context. Whilst the parking shown is not within the application site, it is on land within the ownership of the applicant and I am confident that its provision could be ensured through a Grampian style condition. I am therefore satisfied that that the proposal would not prejudice highway safety and sufficient car parking facilities can be provided.
- 7.11 Finally, with regards to the objections raised by Natural England and Herts and Middlesex Wildlife Trust; on the basis that the building has already been demolished, which did not itself require planning permission, I do not consider it appropriate or reasonable to refuse the application on these grounds.

8.0 Conclusion

- 8.1 Having considered the above matters, it is my opinion that the proposed development is contrary to both National and Local Plan policy. The application site lies within the Rural Area Beyond the Green Belt and no special circumstances exist to outweigh the presumption against development in this location.
- 8.2 For these reasons I recommend that planning permission be refused for the reason set out at the commencement of this report.
- 8.3 In addition, on the basis that unauthorised works have been carried out in relation to the commencement of the construction of a new dwelling without permission, it is recommended that authorisation be given to issue and serve a Planning Enforcement Notice requiring the removal of the unauthorised footings; concrete plinth and any other unauthorised works in respect of the new dwelling and the removal of any resultant material from the site.