

3/09/0379/FP – Retention of dwelling with single storey front extension, rear conservatory & double garage (retrospective) at The Mill House, Woodhouse Lane, Broxbourne, EN10 7QA for Mr. Peter Sampson.

Date of Receipt: 12.03.09

Type: Full

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION

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

1. Three year time limit (1T12)
2. Withdrawal of P.D. (Part 1 Class A) (2E20)
3. There shall be no new pedestrian or vehicular access to the site from Woodhouse Lane.

Reason: To ensure the continued amenity value afforded by the trees and hedgerows fronting Woodhouse Lane, in accordance with policy ENV11 of the East Herts Local Plan Second Review April 2007.

4. The occupancy of the dwelling hereby permitted shall be limited to a person solely or mainly employed in the security and welfare of animals at Paradise Wildlife Park, or a widow or widower of such a person, or to any resident dependants.

Reason: The site lies in the Green Belt where the Local Planning Authority would not otherwise be prepared to grant permission for a new dwelling, in accordance with policies GBC1 and GBC6 of the East Herts Local Plan Second Review April 2007.

5. Within six months of the date of this decision, mobile home 1, identified by an asterisk on plan HS/1 shall be removed from site and the land re-instated to the satisfaction of the Local Planning Authority.

Reason: The site lies in the Green Belt wherein permission would not otherwise be granted for a new dwelling in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC5, GBC6, GBC14, TR2, TR7, ENV1, ENV2, ENV11 and BH1. The balance of the considerations having regard to those policies and other material considerations relevant in this case is that permission should be granted.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises an existing 2 bedroom mobile home on a plot of 0.16ha with front and rear gardens. The site lies in the Metropolitan Green Belt and is located just east of Paradise Wildlife Park with shared vehicular access off Woodhouse Lane.
- 1.2 The application proposes to retain the mobile home granted temporary permission in 2004, with a single storey front extension and detached garage.
- 1.3 The application has been brought to Committee as it constitutes inappropriate development in the Green Belt and is contrary to adopted Local Plan policy.

2.0 Site History

- 2.1 There is an extensive planning history for Paradise Wildlife Park, which has expanded considerably in recent years. However much of this is not directly relevant to this application.
- 2.2 Permission was previously granted for a mobile home on Woodhouse Lane under reference 3/04/1312/FP subject to a five year temporary time limit. Full planning permission was applied for, but only temporary permission granted in order to monitor the need for the dwelling. Permission was granted under very special circumstances to provide on-site accommodation for Mr. Peter Sampson, the owner of Paradise Wildlife Park.

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- 2.3 A previous application for a new dwelling adjacent to Woodhouse was refused in 1988 on the grounds of constituting inappropriate development in the Green Belt with no very special circumstances justified (reference 3/88/0988/FP).
- 2.4 There is no other planning history for residential dwellings on site; however Officers are aware of three other residential units on site, excluding Woodhouse, which is occupied by Mrs. Whitnall, Peter Sampson's daughter. Mobile Home 1 is located to the rear of the Jungle Theatre, and is occupied by Alan Savill, who is on 24-hour maintenance. Mobile Home 3 is located to the rear of the toilet block and is occupied by Peter Hall, who is responsible for the grounds. Paradise Lodge is located to the south of Woodhouse and is occupied by Steve Sampson and family, Peter Sampson's son, who is also employed in the running of the Park. From Council tax records it is understood that all these units have been occupied since the mid-1990s, although no permission or lawful development certificates have ever been granted.
- 2.5 The existence of Paradise Lodge and Mobile Home 3 were known at the time of the previous approval, and no other circumstances have changed since 2004. The existence of Mobile Home 1 was not acknowledged at the time of the previous application, and it is therefore recommended that this unit be removed from site by way of a planning condition.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission. Given the planning history of this site and the fact that this dwelling has been in place for a number of years it is confirmed that the Highway Authority have no objection. The site benefits from ample on-site parking and vehicle turning area and no works are proposed to the existing access.
- 3.2 County Archaeology advise that the proposal is unlikely to have an impact upon significant archaeological deposits, structure or features.
- 3.3 At the time of writing no response has been received from Landscape or Environmental Health.

4.0 Parish Council Representations

- 4.1 Brickendon Liberty Parish Council has no objection 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 At the time of writing no third party representations have been received, although a number of letters of support were submitted with the application.

6.0 Policy

- 6.1 The main policy considerations relevant to this application are East Herts Local Plan Second Review April 2007 policies:-
- GBC1 Appropriate Development in the Green Belt
 - GBC5 Agricultural, Forestry and Other Occupational Dwellings
 - GBC6 Occupancy Conditions
 - GBC14 Landscape Character
 - TR2 Access to New Developments
 - TR7 Car Parking – Standards
 - ENV1 Design and Environmental Quality
 - ENV2 Landscaping
 - ENV11 Protection of Existing Hedgerows and Trees
 - BH1 Archaeology and New Development
- 6.2 Government Guidance is also provided in the following documents:-
- PPS1 Sustainable Development
 - PPG2 Green Belts
 - PPS7 Sustainable Development in Rural Areas

7.0 Considerations

- 7.1 The determining issues in this case relate to the principle of development in the Green Belt, impact on the character and appearance of the surrounding area, neighbouring amenity, and parking provision.
- 7.2 The site lies in the Green Belt wherein permission will not normally be granted for new dwellings. Very special circumstances must therefore be demonstrated to override the harm caused by way of inappropriate development.
- 7.3 Permission was granted for a 2 bedroom mobile home in 2004 subject to a five year time restriction. Regard is had to Government guidance set out in Annex A of PPS7, which sets out the principles for agricultural, forestry and other occupational dwellings. This is also reflected in policy GBC5 of the Local Plan, although this only explicitly relates to the Rural Area Beyond the

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Green Belt, not the Green Belt itself. Very special circumstances must therefore be demonstrated over and above compliance with policy GBC5.

- 7.4 As set out in PPS7 and policy GBC5, permission should only be granted for a permanent dwelling provided there is a clearly established existing functional need, the need relates to a full-time worker, that the business has been established for at least three years and is financially sound, the need could not be fulfilled by any other dwelling on site or in the area, and other planning requirements are satisfied.
- 7.5 An established functional need is considered to exist in this case given that the presence of Mr. Peter Sampson on site 24 hours a day is required for the proper functioning of the business. Paradise Wildlife Park houses a number of dangerous animals including 6 no. African lions, 2 no. Jaguars, 2 no. Snow Leopards, 2 no. Cheetahs, 2 no. Wolves, a female Lynx, and a range of smaller cats, and Peter Sampson is the only one licensed with a gun should any dangerous situation arise. There are also a number of other delicate species on site that require special care and attention.
- 7.6 In accordance with PPS7, the need relates to a full-time worker, and the business is well-established and believed to be financially sound. In terms of alternative dwellings on site or in the area, it is noted that 3 other staff currently live on site; Alan Savill, Terry Hall and Steve Sampson. However, none of these staff are licensed to carry a gun.
- 7.7 It is material to note that the presence of two of these other residential units on site was known at the time of the 2004 permission for The Mill House, and permission was granted regardless. The presence of mobile home 1 was not acknowledged in the previous Officer's report, and Officers do not consider it would be reasonable to allow for 4 no. residential units on site. The presence of 3 units was permitted under the 2004 permission, and as such a condition is recommended to remove mobile home 1 from site within the next 6 months.
- 7.8 Peter Sampson has already confirmed that this mobile home was intended to be removed within the next year in any event, and has now agreed to remove it earlier under this consent. Officers are not aware of any other change in circumstances, and as such considerable weight must be given to this earlier approval.
- 7.9 Letters of support have been submitted from various bodies, including the British & Irish Association of Zoos & Aquariums, the Mayor of Broxbourne, the Zoological Society of London, and Thrigby Hall Wildlife Gardens. They

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all state that having staff on site 24 hours a day 7 days a week is of paramount importance both for the welfare and security of the animal collection at the Park.

- 7.10 Letters of support have also been submitted from neighbours including Mr. and Mrs. Williamson of Regency House, Mrs. Whitnall of Woodhouse, Mr. and Mrs. Barnes of Barnes Hall Manor, Birch Farm, and Mr. and Mrs. Marsh of White Stubbs Manor. Additional letters of support have also been submitted from A. Sampson, and Steve Sampson, who reside on site at Paradise Lodge.
- 7.11 Overall, it is the Officer's view that a functional need exists for a member of staff to reside on site, and that the proposal broadly complies with PPS7 and policy GBC5. This need could be met by other residential units that already exist within the Park without the need for granting permission for a new dwelling in the Green Belt. However, this was also the case when permission was granted in 2004, and given that circumstances do not appear to have changed in this time, the proposal is considered to amount to very special circumstances. The removal of a further mobile home can be required by way of condition.
- 7.12 Consideration has been given to the granting of a further temporary permission. However, PPS7 advises that Authorities should not grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling. On this basis it is the Officer's view that very special circumstances exist in this case to override Green Belt policy. A condition is recommended, however, to restrict the occupancy of the dwelling to those involved in the security and welfare of the animals.
- 7.13 This application also makes provision for extensions to the mobile home, and a double garage, which already exist on site. In terms of extensions, this comprises a front extension and rear conservatory, both of which are considered to be acceptable in scale, style and design. The front extension measures approximately 7.5m in length by 3.8m in width with a low pitched roof to match the existing building. The conservatory to the rear measures only 2.5m by 3.9m and is unobtrusive in its siting and design. The dwelling is set back from the road amongst mature tree screening and as such has no adverse impact on the character or appearance of the surrounding area, or openness of the Green Belt.

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- 7.14 As this dwelling is required as an occupational dwelling, its size must be commensurate with the established functional requirement. Dwellings that are unusually large in relation to the needs of the unit, or unusually expensive to construct in relation to the income of the unit should not be permitted. In this case the structure of the dwelling is still of a mobile home design, therefore not unduly expensive, and its size of 115m² floorspace with 2 no. bedrooms is not considered to be unusually large in relation to the needs of the Park. However, in order to control further expansion in this Green Belt location, it is considered reasonable and necessary to remove Permitted Development rights for future extensions.
- 7.15 The double garage is shared with Woodhouse such that it forms a triple garage overall. It is of a flat roof timber clad design set back from the highway by approximately 70m. This scale and design is considered to be acceptable with limited impact on the surrounding Green Belt. The site is well screened by mature trees to the front and rear of the site, with an access gate providing further screening to Wood House Lane.
- 7.16 Given the scale and siting of the extensions and garage there will be no adverse impact on neighbouring amenity. Further, the retention of this dwelling on a permanent basis is not considered to compromise residential amenity of neighbouring occupiers.
- 7.17 In terms of parking, there is sufficient space on site for off-road parking, and there will be no change to access arrangements. However, it is considered reasonable and necessary to restrict any future vehicular or pedestrian access from Woodhouse Lane given the amenity that is afforded by mature trees and bushes along the Woodhouse Lane boundary. This was also a condition of the previous temporary permission.

8.0 Conclusion

- 8.1 Overall, the need for staff to reside on site is considered to constitute a functional need connected to an established enterprise at Paradise Wildlife Park. Considerable weight must be given to the fact that temporary permission has previously been granted, and that circumstances have not changed since this earlier permission was granted. It is therefore the Officer's view that very special circumstances continue to exist in this case to override Green Belt policy.
- 8.2 The extensions and new garage are also considered to be acceptable in planning terms.
- 8.3 The application is therefore recommended for approval subject to the conditions set out above.