

a) 3/08/1666/FP - Demolition of existing chicken farm buildings and agricultural bungalow and the erection of 4 no. detached houses and 2 no. semi-detached affordable dwellings and b)3/08/1667/LC – Demolition of existing chicken farm buildings and associated agricultural bungalow at Two Acres Farm, Barkway Road, Anstey, Herts, SG9 0BN, for M H Developments

Date of Receipt: 19.09.08

Type: Full &
Conservation Area Consent

Parish: ANSTEY

Ward: BRAUGHING

RECOMMENDATION

a) That planning permission be **REFUSED** in respect of application 3/08/1666/FP for the following reason:-

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The local planning authority is not satisfied that the benefits of the proposed scheme are adequate justification for the provision of new, largely free market, house building in this unsustainable rural location. The development would thereby be contrary to the aims and objectives of policies GBC2 & GBC3 of the East Herts Local Plan Second Review April 2007.

b) That Conservation Area consent be **GRANTED** in respect of application 3/08/1667/LC subject to the following condition:

1. 8L13 – Conservation Area (clearance of site)

_____ (166608FP.CD)

1.0 Background

- 1.1 The application site occupies a parcel of land of some 1.084 hectares situated to the north-west of the village of Anstey adjacent to Barkway Road and is shown on the attached OS extract.
- 1.2 The application site is divided in two parts, east and west. The smaller eastern part of the site accommodates an agricultural workers bungalow fronting Barkway Road. The bungalow is accessed by two separate vehicular accesses, one at the front and the other a short distance along

Barkway Road. The larger, western, part of the site currently accommodates four large disused chicken rearing sheds. The 4 poultry sheds sit in parallel, approximately 5 metres apart. The shed buildings are of timber construction sitting on a low block wall, each with a feed hopper and measuring some 60 metres in length and 10.85 metres wide, amounting to a total of some 672 sq metres in floor area. The buildings are around 4.7m in height and have been cut into the surrounding landscape with bunding to reduce their visual presence. The western part of the site is served by a separate vehicular access onto Barkway Road

- 1.3 Planning permission is sought for the demolition of all existing structures on the site and the erection of 4no. detached open market houses in the western part of the site; and 2 no. semi-detached affordable dwellings in the eastern part of the site. The detailed proposals are shown on the plans and drawings accompanying the application.
- 1.4 The application site is within the Anstey Conservation Area and is shown on the proposals maps as being within the Rural Area Beyond the Green Belt. The land is also subject to designation as an Area of Archaeological Significance.
- 1.5 The planning application is accompanied by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Sustainability Statement
 - Transport Assessment
 - Viability Assessment
 - Structural survey

2.0 Site History

- 2.1 The application site has been in use as a chicken rearing facility since at least January 1963 when planning permission was granted for 6 poultry houses for Watton Poultry Co. Ltd (3/62/2126). Planning permission has been granted for an agricultural workers dwelling (3/70/0467 & 3/70/1593), a caravan (3/70/0468), a rest room and toilet (3/79/0231), feed storage bins (3/76/0043), and a temporary caravan (3/80/1084), all for The Buxted Chicken Co. Ltd.

3.0 Consultation Responses

- 3.1 The Environmental Health Unit has no objections, subject to conditions in respect of construction workers hours or working (plant & machinery), air quality (dust and asbestos), and contaminated land.

- 3.2 The Environment Agency initially objected to the scheme because the application site exceeds 1 hectare and no Flood Risk Assessment (FRA) was submitted. However, an FRA has now been submitted which is acceptable to the EA enabling them to withdraw their objection. The Environment Agency would require a condition in respect of surface water drainage if permission is given.
- 3.3 Hertfordshire Biological Records Centre confirm that there are no known biological records for the site, although there are mature trees and hedgerows which make it very probable that common species of birds nest at the site. To protect flora and fauna all existing hedgerows should be retained and site clearance should only take place between November and February.
- 3.4 The Housing Development Officer notes that the latest Housing Needs Survey (2004/5) identifies a need for a total of 14 affordable homes in the Braughing Ward (9 x 1-bed houses and 5 x 3-bed houses) so the proposal would go some way to meeting the need. She welcomes the fact that the accommodation on offer is family housing and recommends that the units are developed for rent thus making them truly affordable.
- 3.5 The Highways Authority raises no objections subject to conditions in respect of improvement of vehicular accesses; details of materials to be used for hard surfacing of vehicular areas within the site; wheel cleaning facilities; and provision of areas for parking and storage and delivery of construction materials.
- 3.6 The Historic Environment Unit consider that the development is such that it should be regarded as likely to have an impact on significant archaeological remains, and therefore recommend that a programme of archaeological work including a written scheme of investigation be carried out and submitted for approval prior to any demolition works taking place.
- 3.7 The Landscape Officer comments that there is a reasonably sized planting belt that meets the aspirations of PPS9. The choice of hard surfaces, i.e. rolled in shingle on porous asphalt, and granite setts are appropriate for this site. However, the central courtyard and its general arrangement for parking and shrub beds in its current layout fails to meet the minimum benchmark for landscape design. He would prefer to see the courtyard design resolved while there is still scope for adjustment to the setting out of the buildings, rather than post-planning approval under reserved matters. Site levels are lower than the nearest road by a couple of metres which in conjunction with the proposed new planting means the development will have a fairly low visual impact when viewed from the public road. If the design for the central

courtyard can be resolved, then I would have no objections in principal to the proposals on landscape grounds.

3.8 The Arboricultural Officer raises no objections to the proposal.

4.0 Parish Council Representations

4.1 Anstey Parish Council has no objection to the proposal offering the following observations:

1. The existing chicken farm buildings have been vacant for some time and are deteriorating and will soon become unusable and action will need to be taken. Should planning approval be given for this site to be developed, Anstey Parish Council believes that as the site is near to the village centre it would be preferable that well designed residential housing such as this should take preference over any commercial use.
2. The Council was encouraged to see that two units for affordable housing were included in the overall design. As in much of East Hertfordshire, there is growing pressure for purpose designed affordable homes and the provision of these two units would benefit the village greatly. We would wish these homes to be available to Anstey Parish families in perpetuity through a Housing Association or similar.
3. The development of residential homes would lead to some growth in the village population, something not seen for many years and would hopefully help to maintain numbers in the school.
4. Clearly the protection of Anstey as a Conservation Area is important to the Parish Council but it feels that this type of growth, on an existing industrial agricultural site would be beneficial providing the design of the proposed development is in accord with overall village appearance and with the needs of the conservation area.
5. The Parish Council wishes to be re-assured that the hedgerows of the site currently marking the boundary of the site are protected and improved where necessary and that the entrance to the development from Barkway Road is designed to give safety to all road users.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and individual notification letters to neighbours.

5.2 4 letters have been received from local residents and 1 letter from an address in Sawbridgeworth, which raise the following issues:

Community

- greater emphasis should be placed on a greater number of 2 up 2 downs affordable to the young rather than large detached properties otherwise villages will become places without families, the schools will close, young villagers will be forced to the towns, and the community will lack the richness which only young families can provide,
- without children our school may be closed
- there should be more affordable semi-detached houses for people with young families or people born in the village rather than large detached houses,
- It is questionable that the housing will be truly affordable,
- Large detached houses more suited to commuters or old people and thus not sustainable or mixed communities,

Use

the chicken farm has caused no significant problems,

- retaining the existing use in current circumstances may not be feasible,
- residential use more acceptable than commercial use
- commercial use would increase traffic, including large goods vehicles using the village and surrounding lanes,
- existing buildings have been unused for some time and action is needed,

Design and Layout

- the scheme may not be the best use of this large site,
- affordable housing to replace the existing bungalow appears feasible,
- siting of the affordable dwellings forward of existing bungalow at odds with adjoining Elm Cottage. Possible overlooking issues,
- the design of the semi-detached houses appears rather standard. The Conservation Area deserves greater thought in terms of style and detailed design, taking a cue from the adjoining Elm Cottage rather than the rather 'faux cottage' design,

Landscape

- removal of a number of trees along Barkway Road harmful to the character of this part of the village,

Traffic

- the road leading to the chicken farm is very narrow, cars can't pass each other and you are forced into complex manoeuvring when meeting on-coming traffic. This makes it unsuitable for emergency vehicles needing to access the site,
- increase in vehicle traffic

Rural character

- the development must not urbanize through the use of street lighting and security lighting,

6.0 Policy

6.1 The main policies to be considered in determining this application are listed below and expanded upon as appropriate as in the Considerations section of this report:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG3	Affordable Housing
HSG4	Affordable Housing – Criteria
HSG5	Rural Exceptions Affordable Housing
GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC6	Occupancy Conditions
GBC10	Change of use of an Agricultural Building
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
BH6	New Developments in Conservation Areas
BH12	Development Affecting the Setting of a Listed Building

7.0 Considerations

7.1 The main issues in this case relate to:

- the principle of housing development in the Rural Area
- transport and sustainability issues
- loss of employment use
- viability of continued agricultural use;
- the impact of the development upon the Conservation Area;
- affordable housing

Principle

- 7.2 The overall sustainability objective of the Local Plan (Policy SD2) is to concentrate development in the main settlements and only permit development in the villages that is necessary to support local needs and services and is in accordance with Policies OSV1 and OSV2.
- 7.3 The application site is situated in an area designated as Rural Area Beyond the Green Belt wherein inappropriate development will not be permitted in accordance with Policy GBC2. Policy GBC3 is clear that permission will only be given in the Rural Area Beyond the Green Belt for agriculture and forestry and other essential small-scale facilities that are appropriate to a rural area.
- 7.4 The application site is situated at the edge of the village of Anstey, which is designated as a Category 3 Village. Policy OSV3 states that development will not be permitted within Category 3 Villages except for (a) that appropriate in the Green Belt and Rural Area Beyond the Green Belt, and (b) rural exceptions affordable housing required to meet the identified needs of the Village or Parish and in accordance with Policy HSG5.
- 7.5 It can clearly be demonstrated that this proposal is at odds with the above policies. It does not comprise entirely rural affordable housing to meet the needs of the village. The proposal is therefore shown to be inappropriate development in the Rural Area and not in accordance with the Development Plan. Planning permission should therefore not be granted unless there are compelling reasons to warrant a departure from policy. In this respect regard should be given to the Planning and Compulsory Purchase Act 2004 (Section 38(6)) which states: *If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*
- 7.6 The applicant's Planning Statement sets out the basis for the application as follows:

The Statement sets out the justification in planning terms as to why it is appropriate in this instance to allow new dwellings in a rural location when there is a normal presumption against such development. It explains in detailed planning terms why such a scheme, which may be considered beyond local policy considerations, should be permitted in light of the very exceptional circumstances pertaining to the location of the site and its redevelopment.

7.7 The supporting exceptional circumstances are said to be that the development:-

- is more sustainable than re-use of existing buildings;
- would contribute to, rather than detract from the character and appearance of the conservation area;
- will support local facilities;
- will assist the provision of affordable rural housing; and
- is in the best interests of the local community and local environment;

7.8 These considerations should therefore be considered alongside the main issues identified at paragraph 7.1 above, and are discussed further in this report as follows.

Transport and Sustainability

7.9 The submitted Sustainability Statement assesses the merits of the proposal against Policy SD1 and claims the proposal achieves, if not exceeds, the Council's expectations in terms of sustainable development.

7.10 In the Planning Statement it is claimed that the development will (a) enhance the overall community and assist in maintaining existing village facilities (b) create the least traffic generation of any potential use, (c) achieve the most sustainable use of land, (d) improve local character and distinctiveness, and (e) assist in maintaining the facilities within the village and generate benefits to the local economy. In support of these conclusions reference is made to the Planning, Transport, and Design and Access Statements, and to PPS7.

7.11 In terms of transport, the submitted Transport Statement makes comparison between the existing agricultural use of the site and various general industrial, warehouse and self-storage uses. The TRICS database analysis estimates the chicken farm use could be expected to generate between 20 and 40 vehicles movements per day, which compares with 42 vehicles movements per day for the proposed residential development. It is noted that vehicles movements in connection with a residential use would predominantly be private car trips whereas larger vehicles may be expected for agriculture. Other commercial uses may be expected to generate significantly higher level of vehicle movements if the buildings were fully utilised.

7.12 Policy TR20 seeks to avoid development proposals expected to give rise to a significant change in the amount or type of traffic on rural roads, especially where it involves heavy goods vehicles. Given the TRICS database shows little aggregate change in traffic between an agricultural

use and the proposed residential use there is insufficient reason to refuse planning permission on traffic grounds.

7.13 The Transport Statement acknowledges that the development would be poorly served by public transport and there will be no pedestrian footway leading to the site. There is just 1 bus in each direction between Anstey and Buntingford on Mondays, 2 buses in each direction between Anstey and Royston on Wednesdays and 2 buses in each direction between Anstey and Bishops Stortford on Thursdays and Saturdays. It is therefore highly likely future occupants of the development will rely heavily on private car usage, which is at odds with government objectives for reducing car usage as contained in PPS1 and PPG13.

7.14 The planning statement claims that residential development will create opportunities for home working and would have a more powerful impact upon the sustainability of village facilities than an employment use because it could introduce more children to raise the number of pupils at Anstey First School. On balance, however, officers are concerned that the benefits of the proposal do not outweigh the policy presumption against the provision of new housing in an unsustainable location in the countryside.

Affordable housing

7.15 As already stated housing development in Category 3 Villages will not be permitted except for rural exceptions affordable housing required to meet the identified needs of the village or parish and in accordance with Policy HSG5. Therefore the clear policy intention in Category 3 Villages is that only affordable housing is permissible. However the proposal does not reflect this and only 2 of the proposed 6 dwellings are affordable. This falls below even the aspiration in Category 1 and 2 Villages of 40% affordable housing. Although it is noted that the development would go some way to meeting an identified need for affordable particularly for family size units of this type, this is not considered adequate and the proposal in its current form remains contrary to planning policies aimed at growth restraint in the Rural Area without sufficient affordable housing benefits to outweigh the harm caused.

Loss of an agricultural workers dwelling

7.16 The bungalow to be demolished is subject to a condition restricting its occupation to persons employed or last employed locally in agriculture, reflecting the fact that construction of the original dwelling met a particular local need at that time.

- 7.17 Policy GBC6 states that planning applications to remove an occupancy condition will only be granted in exceptional circumstances. Evidence will need to be submitted to prove that (a) there is no agricultural, forestry or other occupational need for the dwelling, having regard to the need in the area as a whole, and (b) a contribution to meeting local affordable housing needs in the area could not be made by the dwelling.
- 7.18 No evidence has been submitted to prove that there is no agricultural need for the dwelling. However, the submitted structural survey shows the bungalow to be in poor structural condition with a number of significant cracks in its outer skin. Due to the costs involved in repairing the dwelling it appears unlikely to attract a genuine agricultural worker. It is not therefore recommended that planning permission be refused on these grounds.

Viability

- 7.19 The site was marketed in 2006 by Bidwells of Cambridge as: 'a strategically located poultry unit with alternative use potential and hope value' with offers invited in excess of £250,000. Although there was considerable interest it is understood that there was no serious interest for agricultural use, although given the significant level of non-agricultural interest and the hope value the sale price might have far exceeded the site's value in agricultural terms. At that time officers received a high volume of enquiries regarding possible residential development of the site. The consistent position has been that residential development would be inappropriate, re-use for business, leisure, tourism or community uses could be considered, and continued agricultural use of the site raises no significant issues.
- 7.20 It is understood that the site was purchased by an individual whose interest was commercial use of the site. Continued poultry use was considered but a viability statement was undertaken and this indicated poultry use was unlikely to be commercially viable. The current owner then bought the site in 2007 initially with a view to seeking consent for a commercial use but decided on a residential scheme following discussions with representatives from Anstey Parish Council.
- 7.21 The submitted Viability Assessment argues that the poultry unit is dated and is in need for investment to return to viable commercial poultry production. Difficulties exist in being able to identify, or create, a direct marketing system for such significant number of birds. The opinion was reached that commercial bird rearing would not likely be viable.
- 7.22 The buildings are not thought to be suitable for conversion to an egg-laying system because there is generally a lack of height in the buildings to set up a tiered, caged system. A free range system is limited by access to

grassland. A barn-egg system, whilst physically possible, is unlikely to be viable due to the costs of conversion and equipment. Similarly use for other livestock systems or machinery or crop storage are thought to be economically unsustainable.

- 7.23 Whilst it is recognised that there are financial difficulties in competing with large-scale modern poultry rearing facilities, it is less certain that a modest scale system for free range or barn laid eggs would not be viable.
- 7.24 It is therefore not accepted that the buildings could not be returned to a viable economic agricultural use.

Commercial uses

- 7.25 Proposals for re-use of rural buildings are considered against Policy GBC9 and supported in PPS7. Under GBC9 re-use for a commercial use would normally be acceptable where the buildings are of a general design and materials of construction in keeping with its surroundings and are permanently constructed. The buildings are considered to meet this aspect of the policy and therefore a commercial use could be supported in principle. It is recognised that the close spacing of the buildings and the low eaves might make access difficult for many users, however little consideration has been given to how access could be improved.

Design and Layout

- 7.26 The submitted Design and Access Statement sets out the design principle of the scheme in respect of (a) the amount of development, (b) layout, (c) scale, (d) appearance, and (e) landscaping.
- 7.27 In respect of the four open market housing units, the development has been designed around a quadrangle with a collection of buildings set out in an informal layout reflecting a farmyard style of development. Dwellings are between 3 and 5 bedrooms ranging between 249 sq metres and 287 sq metres and are part two and part single-storey.
- 7.28 In respect of the two affordable houses, each dwelling will have 3 bedrooms arranged over a floor area of 116 sq metres. The footprint is moved slightly forward of the existing bungalow and it is designed to have an improved visual relationship with adjoining development and greater presence in the Conservation Area. Given the poor appearance of the existing bungalow, the proposed semi detached dwellings are considered to represent an enhancement to this part of the Conservation Area.

- 7.29 Overall, no objections are raised in respect of the amount of development, layout, scale, and appearance of development being proposed.

Conservation Area Impact

- 7.30 The Planning Statement refers to the desirability of preserving or enhancing the character of the Conservation Area, and that this could be viewed as a special circumstance to justify a departure from other policy considerations.
- 7.31 The existing buildings have existed at the site since the designation of the Anstey conservation area in 1981. It is accepted that the existing bungalow and poultry sheds make no positive contribution to the character, appearance or setting of the conservation area, however I do not share the view set out in the Planning Statement that the buildings currently detract from the character and appearance of the Conservation Area. The appearance of the site is entirely acceptable in a rural context, and the buildings themselves are of an unobtrusive nature and benign appearance.
- 7.32 Whilst it is noted that the development would occupy less footprint than the existing buildings and the visual appearance of the residential scheme is in some ways preferable, the existing development does not harm the character, appearance or setting of the Conservation Area, and any benefits of the residential development are minimal and certainly are not seen as being sufficient to warrant a departure from local plan policy.
- 7.33 With regards to the proposed demolition, as the existing structures are considered to make no positive contribution to the character, appearance or setting of the conservation area, subject to acceptable clearance of the site, positive consideration can be given to the demolition under Policy BH4.

Landscape Impact

- 7.34 The Planning Statement states: *the development represents a wholly unnatural and almost industrial appearance of substantial scale, completely out of kilter with the small scale residential development of the village and undulating nature of the surrounding countryside. The boundaries of the site contain some trees and hedging which have little impact in mitigating the overall adverse appearance of the existing development.*
- 7.35 However, this assessment belies the reality of the situation. The existing buildings are only visible from public vantage points to the west and at the site entrance and their appearance is mitigated by the existing landscape along the boundary, as well as the reduced land levels compared to the surrounding area, and the rural appearance and limited height of the buildings themselves. Development of this nature is not out of keeping with

a rural area. Although the site is on the edge of the Conservation Area the existing development is not a prominent feature in the landscape neither does it have any significant impact on the setting of the conservation area. The landscape benefits of the scheme are overstated in my opinion.

8.0 Conclusion

- 8.1 The erection of new dwellings in a rural location is inappropriate development and contrary to the provisions of Policies GBC2 and GBC3.
- 8.2 It is acknowledged that the scheme has potential benefits in terms of supporting local facilities and would also provide two units of affordable accommodation in the village. However, the stated benefits of the scheme would apply equally to a proposal for 100% affordable housing which would then be in accordance with Rural Area policy. As currently submitted, however, the proposal remains contrary to Rural Area policy and officers are not satisfied that the benefits put forward are sufficient justification for permitting this significant departure from policy. Furthermore, It is considered that insufficient justification has been submitted to show that the site cannot be re-used for other more appropriate uses. Accordingly Officers recommend refusal on the grounds given at the head of this report.