

3/09/0187/FP – Retention of dwelling without compliance with condition no 8 (equestrian occupancy) of planning permission ref 3/03/1069/FP at Barnes Hall Manor, White Stubbs Lane, Broxbourne for Mr. & Mrs. Barnes.

Date of Receipt: 09.02.09

Type: Full

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

Reason For report: Major application previously deferred.

RECOMMENDATION

That permission be **GRANTED**.

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1.0 Background

- 1.1 Members may recall the report to Development Control Committee on 6th May this year, attached as Appendix A, when it was resolved to defer the application to enable further information to be provided in relation to the marketing of the site.
- 1.2 The application was previously recommended for refusal on the grounds of insufficient evidence to prove there was no longer a need for this dwelling to be occupied in connection with a rural-based occupational need in the area. Additional information has now been received and will be discussed in detail below.
- 1.3 Members also queried the background to the initial granting of permission for this dwelling. Permission was granted on 3rd December 2003 by Members of the Development Control Committee against Officers' recommendation to refuse the application on the grounds of inappropriate development in the Green Belt without very special circumstances, and detriment to the surrounding Landscape Conservation Area.
- 1.4 However, Members considered that the development met the very special circumstances required for the construction of new buildings in the Green Belt, and was in accordance with government advice contained within PPG2 and policy RA2 of the previous Local Plan. Permission was therefore granted, subject to a condition that the dwelling remained occupied by persons employed in the management or running of the equestrian centre, and dependants of such persons. It is this condition which this application now proposes to remove.

2.0 Consultation Responses

2.1 These are contained within the previous report attached as Appendix A. There have been no subsequent re-consultations.

3.0 Parish Council Representations

3.1 Given that Brickendon Liberty Parish Council supported the original application, they have not been re-consulted on the new information.

4.0 Other Representations

5.1 These are contained within the previous report attached as Appendix A. Two further letters were received as late representations and were verbally reported to Members at Committee. These letters in fact objected to the proposed re-development of the stable buildings on the site, refused under reference 3/09/0190/OP. No subsequent representations have been received.

5.0 Considerations

5.1 Additional information has now been submitted to confirm marketing of the site with Savills since October 2005. At this time, Savills suggested a guide price between the region of £2.8m and £3.25. Sales particulars were then produced in June 2006 and the property was offered to a number of select customers looking for commercial, equestrian and/or private use of the site.

5.2 Apparently between 2006 and 2007 there were only three different viewings, and there have been no further viewings since 2008, with the exception of a professional footballer who was not prepared to enter into negotiations with the occupancy tie in place. No formal offers have ever been received.

5.3 Officers note that Savills is a leading property company who deal with commercial, agricultural and residential sites. Barnes Hall Manor was marketed through their Harpenden office and networked through 17 branches in London. It was also advertised in local newspapers, and on the Savills website.

5.4 The marketing has been described by the agent as 'discreet' rather than 'low-key'. No advertising board was placed on site, which is apparently not uncommon for such a large property. The applicant was also wary of attracting the attention of Council Officers given ongoing concern over compliance with this occupancy condition.

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- 5.5 A second valuation report has also been submitted, undertaken on behalf of Royal Bank of Scotland in January 2008, which confirms an estimated value (taking the occupancy tie into account) of £3.5m. This appears to be broadly in line with the Savills valuation, which was increased to £3.6m-£4m in April 2007. This report has been requested to be kept confidential given the nature of the financial information contained therein.
- 5.6 On the basis of these two valuations, it is my Officer view that the property was marketed at an appropriate guideline price, taking into account the occupancy restriction. Further, given the extent of marketing through Savills estate agents, and a lack of interest from potential purchaser, Officers now consider that sufficient evidence has been submitted to demonstrate a lack of agricultural, forestry or other rural-based occupational need for the dwelling in the surrounding area, in accordance with policy GBC6.

6.0 Conclusion

- 6.1 In summary, Officers consider that the additional submitted information has addressed previous concerns, and the issues raised by Members at Committee on 6th May 2009.
- 6.2 Officers consider that the marketing evidence demonstrates a lack of need for this dwelling to remain tied to an occupational need, also having regard to the area as a whole. While this may be regrettable for a dwelling that was only approved 6 years ago, it is considered that Condition 8 of 3/03/1069/FP has outlived its usefulness, and exceptional circumstances are considered to exist for the removal of this tie in accordance with policy GBC6.
- 6.3 It is therefore recommended that permission be granted.