

3/09/0631/FP - Change of use of existing buildings from short term residential and holiday lets for use as B1 offices and/or residential lets at Filletts Farm, Stanstead Road, Hunsdon, SG12 8QA for Mr P Findlay

Date of Receipt: 27.04.09

Type: Full

Parish: HUNSDON

Ward: HUNSDON

Reason for report: The requirement for a Section 106 Agreement

RECOMMENDATION

That subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. To prevent the selling off of the development from the farm buildings and farm holding and retain all elements in one ownership,

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three year time limit (1T01)
2. Withdrawal of PD (unspecified) Schedule 2, Part 1, Class A and B and Part 2, Class A
3. Cycle Parking Facilities (2E29)

Directives

1. You are advised that the flexibility to change between office use and residential use is restricted by Class E of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 to a period of 10 years from the date of this decision notice. Beyond this 10 year period, if a change of use is then proposed it would not be allowed as permitted development under the above class in the Town and Country Planning (General Permitted Development) Order 1995, and would require a fresh planning permission from the Local planning Authority.

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 GBC2, GBC3, GBC9, TR7, TR13 and TR14. The

balance of the considerations having regard to those policies 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. It comprises a range of traditional and non-traditional farm buildings and farmhouse. It is accessed via a long private driveway from the B180, south of the village of Hunsdon. The buildings in question are converted traditional farm buildings which form a U shaped courtyard and are currently used for short term and holiday rental accommodation. There are no defined private amenity areas however a communal garden area is provided to the south east of and within the courtyard. Some 42 parking spaces are available on the site.
- 1.2 The current application seeks planning permission to change the use of the buildings to B1 offices and/or residential lets. No physical alterations to the buildings are proposed. The development will be served from the existing access and the existing parking arrangements will remain.
- 1.3 The proposed change of use will enable a more flexible use of the buildings which are currently restricted by condition and legal agreement for use as short term lets with a six month occupancy restriction and holiday lets. The applicant has indicated that it has become impossible to attract tenants who are seeking such a short term period of occupancy and wishes to be able to offer tenancies for longer periods as well as having the ability to use some of the units for business units as and when the demand arises. This greater flexibility will allow the applicants to adapt to changing demands and will help ensure the buildings remain viable financially.

2.0 Site History

- 2.1 Planning permission was granted in 1999 to convert the traditional courtyard farm buildings at Fillets Farm, Hunsdon to 11 self contained units to provide holiday and short term rental accommodation (LPA ref: 3/98/0028/FP). A Section 106 agreement was entered into at the time of granting this application which restricted the use of the accommodation to holiday and short term lets and to retain the accommodation and land within single ownership. This permission has been fully implemented.

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- 2.2 In 2000 a second application (LPA Ref: 3/00/1078/FP) was submitted seeking the change of use of the buildings to provide some 1285 square metres of office space. It was resolved to grant this application subject to a Section 106 agreement which was never signed. This application was withdrawn in May 2008 after discussions with officers.
- 2.3 Members resolved to grant a further planning application in 2000 (LPA Ref: 3/00/2011/FP) which sought the conversion of part of the buildings to allow leisure use including holiday and short term lets or for Class B1 office purposes for the four central units. The legal agreement was not signed and the application was withdrawn in May 2008 after discussions with officers.
- 2.4 In 2001 planning permission was sought (LPA Ref: 01/1776/FP) to convert part of the buildings (five central units and detached office building) to allow leisure use, including holiday and short term lets or for class B1 office purposes. Members resolved to grant planning permission subject to a Section 106 Agreement. The agreement has not been signed and the application remains undetermined.
- 2.5 In 2003 a planning application (LPA Ref: 3/03/0759/FP) was submitted proposing the change of use of units 3 and 9 from holiday lets to offices. This has not been determined.
- 2.6 Finally in 2005 an application was submitted seeking the removal of condition 17 of LPA Ref 3/98/0028/FP which restricted the use of the buildings solely for short term and holiday let accommodation. This has not been determined.

3.0 Consultation Responses

- 3.1 CPRE comments that whilst it does not object to the use of the building for B1 Office use it does not support its use for long term residential use. This would effectively allow a C3: residential use to take place which they consider contrary to both GBC9 and GBC3 of the Local Plan.
- 3.2 County Highways does not raise any objections to the proposals and advises that the existing access to the B180 Stanstead Road junction is adequate.
- 3.3 Environmental Health does not wish to restrict the grant of permission.

4.0 Parish Council Representations

4.1 Hunsdon Parish Council does not raise any objections.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

GBC2	The Rural Area Beyond the Green Belt
GBC3	Appropriate Development in the Rural Area beyond the Green Belt
GBC9	Adaptation and Re-use of Rural Buildings
TR7	Car Parking - Standards
TR13	Cycling – Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Non-Residential)

7.0 Considerations

7.1 The site is located within the Rural Area where there is a presumption against development other than for those purposes listed under Policy GBC3 as being appropriate. This includes the adaption and re-use of rural buildings in accordance with Policies GBC9 for various purposes, including business and residential, which may be appropriate subject to a number of criteria being met. Therefore, in principle the conversion of the buildings is considered to be appropriate.

7.2 Policy GBC9 sets out the criteria which such proposals need to be considered against. In this case, I consider that the proposal meets the objectives set out in part (I) of this policy. The buildings are of a form, bulk, general design and materials in keeping with their surroundings; the buildings are permanent and soundly constructed and the proposed uses are sympathetic to the rural character of the area not requiring any alterations to accommodate the new uses. Furthermore, it would not lead to the dispersal of activities from nearby towns and villages and it would not result in any visually intrusive hardstanding.

- 7.3 Part (II) of Policy GBC9 specifically relates to residential conversions and requires full consideration of other uses that could be facilitated by the buildings, such as business, tourism or community before the principle of a residential scheme could be deemed appropriate. The existing authorised use of the buildings are for C3 residential use albeit restricted to short term and holiday lets. Therefore in my view the principle of residential use has already been established.
- 7.4 Furthermore, the planning history of the site is a material consideration of significant weight. It has already been assessed by the Council, through a number of planning applications, that the use of the buildings for wholly residential, albeit short term, or wholly business use is acceptable. In addition applications proposing a flexible mix of short term residential and B1 business uses have also been also deemed acceptable subject to the provision of an appropriate Section 106 agreement. I therefore consider that the re- use and adaption of the buildings for a flexible mix of residential and business uses has already been established.
- 7.5 Where this application differs is in relation to the use of the buildings for longer term residential purposes. The applicants have outlined the problems they have encountered to date with letting the units for such a restrictive time period as often prospective tenants do not know how long they need to stay. They are therefore seeking the flexibility to be able to increase the rental period on an ad hoc basis if and when required.
- 7.6 In my view a change in the tenancy arrangements would not result in an increase in activity at the site, a need for additional parking, nor would it impact adversely on the character and appearance of the surrounding area. The original premise when planning permission was first granted for the buildings was that the conversion was to assist in the diversification of the farming business and aid its long term retention. The applicants have confirmed that they wish to retain the units for rent and intend to continue to rent the properties initially for 6 months but with the option to extend this period if required on a 2 monthly basis. They have also confirmed their willingness to enter into a legal agreement tying the buildings to the farm land and buildings to ensure that the site will continue to support the enterprise in the future which I consider to be reasonable and appropriate.
- 7.7 I have noted that there are currently no cycle storage facilities available at the site. Policies TR13 and TR14 both seek to ensure that sufficient facilities are provided to help make this sustainable mode of transport a viable and attractive proposition. I am satisfied that there is sufficient space available to provide cycle parking spaces and consider it reasonable and appropriate to require their provision.

- 7.8 In addition, I consider it reasonable and appropriate to remove residential permitted development rights regarding alterations to the buildings and the erection of any fences, walls or other means of enclosures which often inevitably, take place in order to ensure that the character and appearance of both the area and the buildings are properly maintained.
- 7.9 Finally, it should be noted that the flexibility to change between the two different uses proposed would be restricted by Class E of Part 3 of Schedule 2 of General Permitted Development Order 1995 to a period of 10 years after the grant of planning permission. Beyond this time if a change of use was to take place it would require a fresh planning application from the authority. This therefore ensures that the applicant does not have the flexibility to change between the uses specified indefinitely and allows the Council to reassess the situation in the future and retain overall planning control of the use of the site.

8.0 Conclusion

- 8.1 Having regard to the above considerations and the planning history of the site it is considered that the proposed development is acceptable. It is therefore recommended that subject to the applicant entering into a Section 106 obligation with the Council, planning permission should be granted.