

Agenda Item 5i

3/10/0908/FP - Conversion of freestanding study/hobby room to a residential annexe at Mayeshull, 3 Cherry Green Barns, Cherry Green, Westmill, SG9 9NQ for Mr John Swain

Date of Receipt: 21.05.2010

Type: Full - Other

Parish: WESTMILL

Ward: MUNDENS AND COTTERED

RECOMMENDATION

That, subject to the proposed unilateral legal agreement being signed and executed in respect of the following matters:-

- Restricting the occupancy of the annexe to one ancillary to 3 Cherry Green Barns
- Not to permit the annexe to be sold, leased or otherwise disposed of separately from 3 Cherry Green Barns.

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

1. Three year time limit (1T121)
2. Restriction of use (domestic premises) (5U031)

Directives

1. Other Legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC2, GBC3, TR7, ENV1 and ENV8, and PPS1 and 7. The balance of the considerations having regard to those policies and the enforcement history and subsequent appeal decisions is that permission should be granted.

_____ (090810FP.JMS)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It is situated on the south side of the lane at Cherry Green, approximately one mile west of Westmill.
- 1.2 The site lies within the Rural Area Beyond the Green Belt and is located

within a complex of converted barns. To the immediate west of this group is the Grade II Listed Cherry Green Farmhouse.

- 1.3 The proposal is for the conversion of the outbuilding into a residential annexe. There will be no material change to the appearance of the building, and a unilateral undertaking has been proposed which will tie the annexe to the main dwelling not allowing it to be sold, leased or otherwise disposed of separately from 3 Cherry Green Barns, Westmill. It will also require that its occupation is restricted to one which is ancillary to the use of the main house. Any occupants would, therefore, need to have some reliance or dependency on the occupants of the main house – such as dependent relatives where an element of care is involved.
- 1.4 The application is being referred to the Development Control Committee as the application is recommended for approval subject to a legal agreement.

2.0 Site History

- 2.1 Permission was granted in June 2003 to convert the barns at the farm into 6 residential units (Ipa: 3/03/0518/FP). The barns have a traditional appearance, being constructed of a mix of red brick, timber frame and timber boarding.
- 2.2 In May 2007 a concern was raised that the outbuilding associated with 3 Cherry Green Barns was being used for independent residential purposes. Formal action was taken which required the removal of unauthorised alterations to the building in the form of the introduction of a door, window and roof lights, in breach of Condition 2 of the original permission which required the development to be undertaken in strict accordance with the approved plans (Notice No.1); and Cessation of use of the outbuilding as habitable accommodation (Notice No.2).
- 2.3 The Enforcement Notices were appealed, and the Inspector quashed the notice relating to alterations, and discharged Condition 2. He was satisfied that, given the siting and design of the alterations, there was no adverse impact on the character or setting of the neighbouring Listed Building. A new condition was imposed requiring the UPVC window *“to be removed and replaced by a window of traditional design and construction and the door painted in a dark colour”* the details of which were to be agreed in writing by the Local Planning Authority, and the works were to be carried out within 3 months.

- 2.4 The Inspector upheld the notice against the material change of use and in coming to this decision he commented that *“The creation of a separate dwelling or commercial activity in part of the outbuilding would encourage similar development in the remaining enclosed area attached to the dwelling on plot 2”* (this being the part of the outbuilding directly behind the proposed annexe). However, he further stated that in his opinion *“use of the facilities for purposes incidental to the enjoyment of the main dwelling such as domestic storage or use as a study or hobby room, would not be in breach of the condition”*.
- 2.5 All the original conditions to 3/03/0518/FP continue to have effect, including Condition 15 which states, “The proposed covered parking/storage building shall be used solely for the purposes as shown on the plan approved hereby, and shall not be used for any additional habitable accommodation or for any commercial activity, nor shall it be altered by the provision of any external doors.” The reason given for the condition is, “To ensure adequate parking provision, and to ensure the retention of a cohesive design approach, suitable to the rural character and location of the area.”
- 2.6 It is the presence of this condition which results in the proposal requiring planning permission. In the absence of such a condition, the outbuilding could be used as an ancillary residential annexe without permission.

3.0 Consultation Responses

- 3.1 No consultation responses have been received

4.0 Parish Council Representations

- 4.1 At the time of writing this report no response has been received from Great Munden Parish Council.

5.0 Other Representations

- 5.1 The application has been advertised by way of a press notice, site notice and neighbour notification.
- 5.2 One letter of representation has been received from a neighbour who objects to the proposal because she considers the building is not suitable for residential use, and also because there could be unacceptable levels of noise. The point is made that the annexe may be a “granny annexe”, but could equally be used again by the applicants teenage son.

6.0 Policy

6.1 The relevant 'saved' 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
TR7	Car Parking - Standards
ENV1	Design and Environmental Quality
ENV8	Residential Annexes

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1: Delivering Sustainable Development;
Planning Policy Statement 7: Sustainable Development in Rural Areas.

7.0 Considerations

7.1 The application, the subject of this report, seeks permission for the variation of Condition 15 of the original planning permission (Ipa: 3/03/0518/FP) to enable the study/hobby room to be used as an annexe to provide additional habitable accommodation for the applicants elderly relatives.

7.2 The site lies in the Rural Area Beyond the Green Belt wherein new developments and changes of use are acceptable in principle provided they are in accordance with GBC3.

7.3 Residential Annexes may be permitted where they are in accordance with policy ENV8. Having considered the proposal against the provisions of this policy, Officers consider that in principle, the development would be acceptable. There are no proposals to change the appearance of the outbuilding; the size of the outbuilding is compatible with the requirements of the annexe; the outbuilding is located close to the main dwelling, linked by a path and would share amenity space with the main dwelling.

7.4 An annexe requires the occupants to have some dependency on the occupants of the main dwelling, such as elderly relatives; occupancy independent of the main dwelling, by the son for example, would not be permitted by this permission as this would result in essentially a separate unit of accommodation. However, this is not sought within the application. The proposal is for elderly relatives who are dependent on the main dwelling and its occupants, and therefore there would be no conflict with the earlier enforcement action or appeal decision.

- 7.5 The purpose of Condition 15 of the original permission (Ipa ref: 3/03/0518/FP) was to ensure adequate parking provision, and the retention of a cohesive design approach suitable to the rural character and location of the area. The proposal would not impact upon parking provision, and no external changes are proposed. Therefore the development would not conflict with the original purposes of Condition 15.
- 7.6 In terms of car parking the Council's SPD Vehicle Parking Provision at New Development sets out that the maximum parking requirement for a 3 bedroom dwelling is 2.25 spaces. There is enough space for 3 cars to be parked on the site and the proposal is therefore considered to be in accordance with the Council's policy.
- 7.7 A unilateral undertaking has been proposed to tie the annexe to the main dwelling not allowing it to be sold, leased or otherwise disposed of separately from 3 Cherry Green Barns, Westmill. The undertaking also requires that the annexe shall not be used or occupied otherwise than for purposes ancillary to the existing dwelling known as 3 Cherry Green Barns. This effectively prevents the annexe being used or sold as a separate residential unit.
- 7.8 There will be no changes to the external appearance of the outbuilding which will help ensure that the rural character and appearance of the central block of outbuildings is retained. This also means that there will be no undue impact upon the setting of the neighbouring Listed Building at Cherry Green Farmhouse.

8.0 Conclusion

- 8.1 Overall, Officers consider the proposal to be acceptable. The unilateral agreement will ensure that the annexe is retained as such and will not become a separate residential unit. There will be no change to the external appearance of the building which means that the rural appearance of the central block of outbuildings remains intact, and that there will be no material impact upon the setting of the neighbouring Listed Building.
- 8.2 The application is therefore recommended for approval subject to conditions, and to the applicant entering into the unilateral agreement as set out above.

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