

5b 3/11/1765/OP – Erection of 2no 3 bed dwellings at Birch Farm Kennels, White Stubbs Lane, EN10 7QA for Mr. M. Ferraro

Date of Receipt: 05.10.2011

Type: Outline – Minor

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

That planning permission be **REFUSED** for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given, except in very special circumstances, for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would involve an extension of built form onto previously undeveloped land within the Green Belt. It would be detrimental to the openness and rural landscape character of the area and be contrary to the requirements of policies GBC1 and GBC14 of the East Herts Local Plan Second Review April 2007 and guidance in national Planning Policy Guidance 2 – Green Belts.

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1.0 Background:

- 1.1 The application site is shown on the attached OS extract and comprises part of the former Enfield Chase hunt kennels building with associated paddock land, totalling some 0.55ha. The site is located in the Metropolitan Green Belt on the south side of White Stubbs Lane and accessed through the former Birch Farm Equestrian Centre. Notice has been served on the owner of this access.
- 1.2 To the north, east and south of the site is the former Birch Farm Equestrian Centre, recently granted planning permission for a residential development of 3 no. units (3/10/0512/OP and 3/11/1899/FO), and to the west lies the neighbouring residential property, Barnes Hall Manor. A separate dwelling – ‘The Cottage’,

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lies to the north of the site. The wider surroundings are characterised by woodland and open agricultural land, nearby to the north-west is the Paradise Wildlife Park.

- 1.3 This application is for outline planning permission (with all matters reserved except for 'access'. It seeks, therefore, to establish the principle of demolishing the existing kennels buildings on the site and replacing them with two three-bedroom dwellings.

2.0 Site History:

- 2.1 The site was originally used as hunt kennels for the Enfield Chase hunt, but has been used as stabling in connection with The Cottage following cessation of the hunt in 2004. A planning application to convert the existing building to a live/work unit was refused in March 2010 (reference 3/09/1995/FP) on the grounds that insufficient information had been submitted to prove that the building was capable of conversion without substantial reconstruction, and that a residential use was not considered to be the only possible means to secure retention of the building contrary to policies GBC1 and GBC9. An earlier application had also been withdrawn (3/08/1882/FP).
- 2.2 Full planning permission for the change of use of the land and the extension and alteration of the existing buildings to provide 30 kennels, an isolation block and parking was refused in March of 2011 (ref: 3/10/2154/FP). A subsequent appeal against this refusal was dismissed in October 2011.
- 2.3 Members may recall that permission has been granted for a residential development of 3 no. units on the neighbouring Birch Farm Equestrian Centre site (3/10/0512/OP and 3/11/1899/FO). The kennels land had originally been linked with the Equestrian Centre site in earlier proposals but was removed from the site area following discussions between the relevant landowners.

3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission, subject to a condition requiring the submission of details relating to parking and vehicle manoeuvring.
- 3.2 The County Archaeologist states that the proposal is unlikely to have an impact upon significant heritage assets.
- 3.3 The Hertfordshire Biological Records Centre have no records for the

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site, so have chosen not to comment.

3.4 Environmental Health raise no objection, subject to conditions relating to the investigation and management of any land contamination and/or groundwater contamination on the site.

3.5 No response has been received from Environmental Services.

4.0 Parish Council Representations:

4.1 Brickendon Liberty Parish Council have no objection to the application.

5.0 Other Representations:

5.1 The application has been advertised by way of site notice and neighbour notification.

5.2 The Campaign for the Preservation of Rural England have objected to the application as inappropriate development in the Green Belt. They have noted the permission granted for the adjoining former Equestrian Centre and have expressed a concern that this sets a precedent for the redevelopment of the wider site as the two are linked.

5.3 The Broxbourne and Wormley Woods Area Conservation Society has objected to the application as inappropriate development in the Green Belt. They have expressed concern for the potential of setting a further precedent for the redevelopment of similar sites in the area, and the impact on local infrastructure and the rural character of the general area.

5.3 One letter of objection has been received from Barnes Hall Manor which can be summarised as follows:

- The residents do not object to the residential development of the site in principle provided that it would accord with the requirements established for their development of the neighbouring Birch Farm site
- The erecting of a house on presently open land would reduce openness and destroy rural character
- The application would result in a significant increase in footprint and floor space over the existing
- Discrepancies and inaccuracies in the information provided

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- Application fails to address existing problems of contamination and how waste will be handled.

6.0 Policy:

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

- GBC1 Appropriate Development in the Green Belt
- GBC14 Landscape Character
- TR2 Access to New Developments
- TR7 Car Parking – Standards
- TR20 Development Generating Traffic on Rural Roads
- ENV1 Design and Environmental Quality
- ENV2 Landscaping
- ENV23 Light Pollution and Floodlighting
- ENV24 Noise Generating Development
- BH1 Archaeology and New Development
- HSG1 Assessment of sites not allocated in this Plan
- HSG3 Affordable Housing
- HSG4 Affordable Housing Criteria
- HSG5 Rural Exceptions Affordable Housing

6.2 In addition to the above it is considered that the following planning guidance notes are also considerations in determining this application:

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPS3 Housing
- PPS7 Sustainable Development in Rural Areas
- PPG13 Transport
- PPS23 Planning and Pollution Control
- PPG24 Planning and Noise

7.0 Considerations:

7.1 As the site lies within the Green Belt, the principle consideration is whether the proposal comprises appropriate development in the Green Belt and, if not, whether there are 'very special circumstances' that have been shown to exist that would clearly outweigh any harm caused to the Green Belt by inappropriateness, and any other harm. In addition, the suitability of the access to the proposed development falls to be considered at this stage.

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7.2 Matters relating to land contamination and any errors and inaccuracies within the application are also addressed below.

Principle of the development

7.3 The site lies in the Metropolitan Green Belt wherein inappropriate development will not be permitted except in 'very special circumstances'. Policy GCB1 sets out the forms of development and uses that are considered to be appropriate in the Green Belt, as does Government guidance in PPG2. However, residential development does not fall within any those criteria and this proposal therefore constitutes inappropriate development which, by definition, is harmful to the Green Belt.

7.4 It is therefore necessary to determine whether, in this case, there are any material planning considerations which constitute 'very special circumstances' that would clearly outweigh the harm caused by inappropriateness, and any other harm.

7.5 The applicant has submitted a number of material considerations which they contend constitute such 'very special circumstances' and would justify the development of the land for residential purposes. These are:

- that the impact on the openness of the site would be broadly neutral in comparison to the existing extent of built form;
- that, if not redeveloped, the condition of the site would continue to deteriorate;
- that the development would not contribute to the merging of neighbouring settlements;
- that the site constitutes previously developed land, and is therefore suitable for redevelopment;
- that the removal of the existing commercial use would result in a reduction in traffic along White Stubbs Lane.

7.6 Officers comments on these considerations are addressed as follows:

Comparison of existing and proposed built form

7.7 As a matter of principle, it should firstly be noted that there is no support in Green Belt policy for residential development to be granted on this basis. However, the existence of buildings on the site is capable of being a material consideration although that does not of course necessarily mean that it constitutes a 'very special

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circumstance' that would clearly outweigh any harm caused to the Green Belt.

- 7.8 In this case, the applicant's calculations of the existing built form on the site have included a substantial area of dog runs. These are fenced areas of otherwise open land and, in Officers opinion, cannot be counted as buildings for the purpose of establishing a built footprint for the site. In addition, the size of other buildings, such as the main kennel building, appears to have been overstated in the design and access statement. Finally, at least three of the structures (a shed, a refrigerator and a kennel building) appear to have already been removed from the site.
- 7.9 The actual area of buildings on site would therefore appear to be substantially less – approximately 200-250m², a significant proportion of which are low-level structures of modest footprint. All of the buildings are single-storey structures.
- 7.10 The proposed houses would, by contrast, have a footprint of approximately 290m², with one of the houses being a two-storey building, and the other being a 1.5 storey building. Both buildings would have a ridgeline of 7.4m. This would be taller than the maximum ridgelines set for the rearmost buildings on the adjacent Birch Farm site. It would also be more than 3m taller than the ridgeline of the main kennels building that is the largest structure presently on site. The dwelling proposed to the south is in an area away from existing buildings and the spread of buildings across the site in this way would have a material and adverse impact on the openness of the site.
- 7.11 Officers cannot agree therefore that the existence of some limited, low height buildings on the site is a material consideration of any significant weight in this case.

Improvement to condition of land

- 7.12 The land at present is the site of a former hunt kennels and various associated ancillary structures. Since the site closed for business in the early part of the last decade, the condition of the buildings has deteriorated as the applicant has sought alternative uses for the land.
- 7.13 However, the site could be substantially improved through the clearing of the buildings, hardstandings and other structures from the site. This would not require the further redevelopment of the

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land, and would be of the greatest benefit to the openness of the Green Belt.

- 7.14 In dismissing the recent appeal against the Council's decision (ref: 3/10/2154/FP) to refuse permission for an extension to the kennels, the Planning Inspector commented that 'it is not necessary to grant planning permission for the proposal in order to improve the appearance of the land. The existing structures and hard standing could be cleared without planning permission. These considerations are therefore of minimal weight in favour of the proposal.'
- 7.15 Officers do not therefore consider that significant weight can be given to this consideration within this current application.

No impact on merging of neighbouring settlements

- 7.16 The development would involve the extension and further urbanisation of the character of the site, with the proposed and approved houses and the existing Cottage and Barnes Hall Manor contributing to an expanding residential enclave in the middle of this Green Belt location.
- 7.17 In addition, there are intermittent residential clusters between the site and Hoddesdon, approximately 1 mile to the east. Further residential development in the area would consolidate the amount of built form, thereby diminishing its open, rural character. While merging of settlements may not occur, there would be a clear encroachment of the countryside which is contrary to the purposes of designating land in the Green Belt.
- 7.18 It is noted that the development lies to the south of the site and therefore would not be expanded in the direction of Hoddesdon. However, it would result in further expansion into the Green Belt, and officers do not consider that this would be appropriate for the site.

That the site is previously developed land

- 7.19 The site includes a substantial kennels building, various ancillary structures and extensive fenced areas used for the running of the dogs housed there. Officers consider that the fenced runs cannot be considered as being previously developed land for the purposes of this application as there are no substantial structures present.
- 7.20 In determining the appeal relating to the extension of the kennels, the Inspector commented that 'One of the purposes of including land in the Green Belt is to encourage the regeneration of urban land

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rather than allow new development in the countryside. However, the appeal site is in a rural area within the Green Belt and so would not assist with achieving this objective’.

- 7.21 The proposed development would result in a substantial increase in the extent of built footprint on the site. In addition, the siting of House B towards the south of the site would see the extent of buildings on the site intruding further into the Green Belt. Although the submitted plan is only indicative, development would involve construction on a particularly open area of land within the Green Belt that is not presently developed, and the applicant has failed to provide any justification for this.

Reduction in traffic

- 7.22 The kennels use ceased several years ago, and since that time there does not appear to have been any formal commercial activity at the site. The applicant contends that the site cannot be brought back into commercial use in its current state.
- 7.23 The likelihood of any commercial use existing on site is therefore judged to be slim. At present, the site generates little or no traffic movement, and this does not appear likely to change. Any change in use would therefore be likely to result in an increase in actual traffic from the site. Officers consider that very limited weight should be given to any reduction in traffic as a result.

Conclusion on ‘very special circumstances’

- 7.24 Overall, Officers consider that the circumstances put forward by the applicant in this case are not of sufficient importance to constitute ‘very special circumstances’ that would outweigh the harm caused to the Green Belt by inappropriateness and the wider harm to the character and appearance of the surrounding area. The particular harm to the landscape character of the surroundings is discussed later in this report.

Access

- 7.25 The proposed access to the site also falls to be considered at this outline application stage. The Highway Authority has no objection to the proposal and comments that vehicular access to the plots would be via an existing access and would utilise an established right of way through the adjoining site. There would be sufficient areas for parking and turning and traffic generation is unlikely to be significant.

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- 7.26 Officers therefore consider that the proposal would not result in any harm to highway safety in the area.

Landscape Character

- 7.27 The site falls within a designated area of Landscape Character (Area 57 Thunderfield Ridges). The East Herts Landscape Character Assessment Supplementary Planning Document September 2007 recognises the character of the area as “Very rural area dominated by wave-like landform and opportunity for extensive long-range views”. Key characteristics are that the area is “small scale and very rural”, and that there has been an “impact of built development on southern part of area”, which includes the application site.
- 7.28 The proposed development would further intrude into the open area to the south of the site. This would cause additional impact beyond that which has already been noted in the Assessment. That impact would be harmful to the character of the area, and contrary to the requirements of Local Plan policies GBC1, GBC14 and guidance in PPG2.

Land Contamination

- 7.29 Concerns have been raised over land contamination at the site, notwithstanding the applicant’s contention that the land is not contaminated. Officers are given to understand that the land has experienced significant contamination arising from the previous hunt kennels use, and that this has not been adequately remediated. Environmental Health officers are understood to be investigating this matter separately.
- 7.30 Environmental Health have recommended a condition designed to fully identify any contamination at the site. The contamination would have to be adequately addressed and the land restored to habitable condition prior to any construction work beginning on site. Overall, officers therefore consider that the matter of land contamination could be addressed, if the Council were minded to approve this application.

Other matters

- 7.31 The occupiers of an adjoining property have employed a planning agent to review the application on their behalf. The agent has noted a number of errors and omissions in the application which are

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detailed at length in their letter of representation.

- 7.32 The key considerations, relating to the extent of the buildings on site and the status of the site as previously developed land, are addressed above. Other matters, such as the applicant's citing of policies not relevant to the application, are not considered to be of relevance to the assessment of the application and have not of course be taken into consideration in this case.

8.0 Conclusion:

- 8.1 Overall, officers are not satisfied that 'very special circumstances' exist in this case which would clearly outweigh the harm caused to the Green Belt by inappropriateness and the additional harm resulting from its impact on the rural landscape character of the area. The proposal represents inappropriate development in the Green Belt, and the indicative drawings suggest that the proposal would extend development further into the Green Belt than is presently the case, further harming its openness and the rural character and appearance of the site and surroundings.
- 8.2 The proposed development would therefore be contrary to Local Plan policies GBC1 and GBC14 and national guidance in PPG2.
- 8.3 The application is accordingly recommended for refusal for the reasons set out above.