

5d 3/11/1636/FP – Change of use from staff room and rest room to two flats for short-stay occupation by guests at Paradise Wildlife Park, White Stubbs Lane, Bayford, Broxbourne, Herts, EN10 7QA for Mr Peter Sampson

Date of Receipt: 27.09.2011

Type: Change of Use

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION:

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

1. Time limit (1T121)
2. Approved plans (1T202; PWP/501/1001, PWP/501/1002, PWP/501/11003 and PWP 501/003A).
3. The occupation of the flats hereby permitted shall be limited to persons solely or mainly studying at Paradise Wildlife Park, White Stubbs Lane, Broxbourne or visiting for leisure purposes. No person shall occupy a flat for more than two weeks in any six month period.

Reason: The proposed accommodation is situated in the Green Belt where the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in recognition of the very special circumstances considered to exist in this case, in accordance with Policy GBC1 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance 2 – Green Belts.

Directive:

1. Other legislation (01OL1)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, GBC1 GBC9, LRC10 and Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies and the previous permission 3/08/1402/FP is that permission should be granted.

1.0 Background:

- 1.1 The application site forms part of Paradise Wildlife Park which lies within the Metropolitan Green Belt and is shown on the attached OS extract.
- 1.2 Some Members may recall that planning permission was granted in November 2008 for the erection of the building the subject of this application, as a two-storey ticket office (ref: 3/08/1402/FP). The building was granted permission as Members considered that it supported the tourism facilities on the site; was relatively unobtrusive, and an improvement upon the buildings existing on site at that time.
- 1.3 The first floor of the building was proposed to include drivers' rest facilities, storage and staff rooms. This application, however, proposes the change of use of the upper floor of the building to two flats for use as overnight accommodation. The building has recently been structurally completed, but the first floor rooms remain vacant with no permanent access from ground level.
- 1.4 The flats would be used by visitors to the park and/or students and other people studying there, and would not be for open tenancy.
- 1.5 The applicant has stated that the main aim of the two proposed apartments is "for visitors and guests who would like to stay over night for many of our wildlife park experiences, such as Meet or Feed the Big Cats". In addition, the Design and Access statement submitted with the application states that:

"Over the past 5 years, and ever increasingly in recent times, Paradise Wildlife Park has provided a unique education facility for people wishing to learn very specifically about many species of wildlife.....These students may be staff members from other wildlife parks or zoos, those studying to be vets or other carers, or those interested in working with animals in the field.....In order to cater for the high number of students now attending the park, who require overnight study facilities, it is now proposed to offer basic accommodation within the park, to allow the students greater flexibility and uninterrupted study time".
- 1.6 The change of use of the building would not require any external alterations other than the addition of the staircase previously approved.

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2.0 Site History:

2.1 There is a lengthy planning history to this site, as Members may be aware. It is not intended to repeat the full history here, but the following applications are considered to be relevant, as they relate either to the building that is the subject of this application, or to the provision of residential accommodation at the site and/or for employees or the owners of the site:

- 3/85/1514/FP – 3 mobile homes for staff – Refused December 1985
- 3/86/0367/FP – Mobile home for zoo keeper – Approved June 1986
- 3/88/0988/OP – Erection of dwelling – Refused October 1988
- 3/89/1824/FN – Continuation of use as mobile home – Approved January 1990
- 3/92/1557/FN – Continuation of use as mobile home – Approved January 1993
- 3/93/2012/ZA – Erection of dwellinghouse – Approved December 1993
- 3/97/0693/FP – Extension to The Lodge to form additional bedrooms and study – Approved July 1997
- 3/04/1312/FP – Single-storey two-bedroom dwelling (temporary permission) – Approved August 2004
- 3/08/1402/FP – Two-storey ticket/office building – Approved November 2008
- 3/09/0379/FP – Permanent retention of dwelling approved under application ref: 3/04/1312/FP with single-storey front extension, rear conservatory and double garage – Approved May 2009.

3.0 Consultation Responses:

3.1 No consultation responses have been received at the time of writing this report.

4.0 Parish Council Representations:

4.1 Brickendon Liberty Parish Council has not commented on the application at the time of writing this report.

5.0 Other Representations:

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

5.2 One letter of support has been received from a neighbouring resident at this time.

6.0 Policy:

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

GBC1 Appropriate Development in the Green Belt
GBC9 Adaptation and Re-use of Rural Buildings
ENV1 Design and Environmental Quality
LRC10 Tourism

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

Planning Policy Guidance 2 – Green Belts.

7.0 Considerations:

Green Belt policy

7.1 Planning Policy Guidance 2 – Green Belts states that permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm.

7.2 The adaptation and re-use of rural buildings is, however, considered to be appropriate in the Green Belt provided that it is in accordance with Local Plan policies GBC9 and 10.

7.3 Policy GBC9 of the Local Plan is relevant in this case and states that proposals for the adaptation and re-use of buildings for business, leisure, community and tourism purposes will be permitted where, inter alia, the building is of a suitable design, sound construction and where the new use would be sympathetic to the character of the surroundings.

7.4 The residential conversion of a building, however, will only be acceptable where the following criteria are met:

- a) The building is worthy of retention and the introduction of a residential use would not detract significantly from the rural character and appearance of the area.
- b) The retention of the building is unable to be facilitated by conversion to a business use or part of a scheme for business re-

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use, leisure, tourism, community or other purposes compatible with the rural area.

- c) A contribution to the local affordable housing needs in the area cannot be made by the building.

7.5 In this case, a residential use is proposed, albeit that it would be associated with the existing tourism use of the site.

7.6 In any event, Officers consider that the building in this case is of an appropriate design, given its location within the Park and it is of sound construction and clearly worthy of retention. The change of use would not materially affect its external appearance or have any wider impact on the character of the surrounding area. There would be no requirements for any additional or separate car parking as the site already has substantial car parking provision available. The development would not involve the creation of a separate residential curtilage, and Officers consider therefore that the use proposed would not have any detrimental impact on the openness, character or appearance of the surrounding Green Belt.

7.7 There is nothing, however, in this case to suggest that the proposed residential use is necessary to retain the building and, of course, the building was only recently provided for an alternative use. On this ground, Officers consider that the development would be contrary to policy GBC9, and also therefore to Metropolitan Green Belt policy in GBC1 of the Local Plan. As such, it would constitute inappropriate development and it is therefore necessary to determine whether 'very special circumstances' exist to justify the granting of permission for the proposed change of use.

Very special circumstances

7.8 The proposed residential use is required for specific purposes that are related to the tourism use of the Wildlife Park. The provision of the accommodation for visiting guests as part of the Parks 'wildlife experiences' would support and enhance the tourism benefits of the site and would be in accordance with policy LRC10 of the Local Plan.

7.9 Similarly, the proposed accommodation would support the Park's education and training programmes and, in particular, allow students to study the animals' at night.

7.10 These matters are considered by officers to be material considerations of some weight in this case and it is felt that these, together with the lack of harm to openness and to the character of the surrounding area,

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provide 'very special circumstances' that clearly outweigh the harm to the Green Belt by reason of inappropriateness.

- 7.11 However, the provision of this accommodation is considered only to be an acceptable use where it is occupied in connection with the tourist use of the Wildlife Park. In order to preserve the flats for use solely in conjunction with the Park, therefore, an occupancy condition is recommended to prevent the flats being used for other purposes, such as occupation by staff.

Other matters

- 7.12 Occupation of the flats is expected to be intermittent and the other uses (storage, costume changing) would be spread throughout the park's other facilities and are not, in themselves, expected to result in a need for separate additional construction.
- 7.13 Given that the residential use proposed is for a specific purpose, Officers consider that it is not appropriate to consider the use of the flats for affordable housing provision (as would normally be required under policy GBC9) and, in any event, given the site's relatively isolated rural location, such accommodation is unlikely to be appropriate here.

8.0 Conclusion:

- 8.1 The residential change of use of the first floor of the approved ticket building to create two flats would not, in Officers view, constitute appropriate development in the Green Belt. However, it is considered that there are very special circumstances in this case which would clearly outweigh the harm caused by inappropriateness. These are that the accommodation would support this established tourism use of the site and would assist in the provision of specialist education and training courses within the Park.
- 8.2 Furthermore, the development proposed would have no adverse impact on the openness, character or appearance of the surrounding Green Belt and in these circumstances, Officer consider that, subject to the conditions outlined above, planning permission can be granted.